

TFDReview



Key Lessons for Community Engagement in Forest Landscapes

Learning from
17 Years of
TFD's Initiatives

The Forests Dialogue

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TFD Review

The purpose of this TFD Review is to inform stakeholders about the initiatives sponsored by TFD. For more information on topics covered in this publication, visit our website at www.theforestsdialogue.org.

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Learning from
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TFD's Initiatives

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Executive Summary

Forest landscapes are the target of commercial operations, management interventions, land use planning, infrastructure projects, conservation initiatives, and policy objectives by companies, organizations, and governments. In almost all cases, such activities take place in forests that are owned, used, or managed by local people (smallholders, pastoralists, indigenous peoples, etc.) holding prior rights to lands and resources, and have impacts on surrounding forest-dependent communities. Whether interested in valuable forest resources, sustainable forest management, or the land itself, diverse stakeholders from the private, public, and non-profit sectors must, in the interests of ensuring the success of projects and policies, negotiate with these communities to obtain consent and the social license to operate on their lands within a forest landscape.

Community engagement refers to the process through which this negotiation occurs, in which companies, organizations, and governments work to involve community stakeholder groups in forest policy, planning, and management decisions or project design and implementation. Intended to address and rectify the marginalization of forest-dependent communities, rights-holders, and forest users from decisions which affect their rights, livelihoods and well-being, community engagement is critical to the ability of non-community stakeholders to operate legitimately and effectively within a forest landscape.

Engagement can take many forms and can employ many strategies, from top-down approaches to joint management with communities; while it should begin at the outset of projects or policy design, the diversity of local contexts in forests precludes the creation of rigid frameworks or generalizable solutions. Moreover, stakeholder experiences of community engagement are not widely shared and are often unique to a particular context. Together, these difficulties constrain the relevance and comprehensiveness of guides for best practice.



Participants posing for a group photo outside of Ruca San Pedro.

To begin to fill this gap, this *Review from The Forests Dialogue* (TFD) seeks to share and synthesize the experiences of TFD dialogue participants, thought leaders, and partner organizations with community engagement in forest landscapes. By mining TFD publications and case studies from the varied geographies in which TFD has conducted multi-stakeholder dialogues, and consolidating insights and experiences into ‘key lessons learned,’ **this review aims to ground recommendations on community engagement - whether actionable or conceptual - based on the learning and discussions from TFD’s initiatives over the past two decades.**

Following an overview of the origins and intent of this publication, the review outlines the definitions of ‘community’ and ‘community engagement’ which provide a crucial background to understanding lessons learned, as well as highlighting TFD’s relationship to community engagement. A series of seven key lessons learned are discussed in depth, grounded in specific TFD dialogues and publications. Each lesson includes a dialogue experience in which the learning took place, recommendations for stakeholder action and/or conceptual shift, as well as a case study relevant to the lesson in community engagement at hand.

These lessons are summarized in the conclusion as well as briefly here. While by no means an exhaustive list, community engagement involves, together or in combination, all of the lessons discussed. Since a community engagement process is best shaped on a case-specific basis by those affected by a proposed activity, the following elements are not directives but rather overarching approaches that are vital to effective engagement:

1. **Supporting the recognition of rights:** community engagement involves promoting the clarification and recognition of secure land and use rights, which stakeholders will respect.

2. **Understanding community stakeholder diversity:** community engagement is equitable only when stakeholders develop an in-depth knowledge of leadership and social dynamics in a landscape and correctly identify affected community stakeholder groups
3. **Creating equal and sustained partnerships:** community engagement is strongest when community stakeholder groups are seen as proactive partners in decision-making rather than obstacles or beneficiaries
4. **Implementing Free, Prior, and Informed Consent:** community engagement requires the implementation of the right to Free, Prior, and Informed consent or withholding of consent by community stakeholder groups
5. **Considering third-party mediation:** community engagement in contested forest landscapes benefits from impartial mediation between community stakeholder groups and non-community stakeholders
6. **Including women:** community engagement involves including and assessing gender-specific impacts using strategies that respect local gender norms
7. **Resolving conflicts:** community engagement for the long-term necessitates well-communicated and dedicated grievance procedures



Stakeholders gather for opening presentations around Sustainable Wood Biomass for Energy in Montpellier, France.

These lessons are most effective when incorporated into community engagement during the initial stage of projects, initiatives, or interventions by companies, governments, and organizations. While the relevance of each lesson to specific geographies and contexts will vary, the above list creates a flexible framework of key points, from on-the-ground experiences, which can inform community engagement strategies and approaches by TFD's partners and dialogue participants.



Introduction

Forest landscapes feature competing land use interests¹ from industrial, commercial and subsistence agriculture, forestry, mining and energy. Because of their immense environmental services, these landscapes are often also the target of multiple and ongoing local, national, and international terrestrial conservation efforts.

At the same time, forests are home to local people and communities for whom land and forest resources have material and cultural significance.² While some communities have secure rights to forest lands and resources, more often tenure and resource rights are not recognized, ill-defined, and contested.³ Even where customary rights are recognized in national constitutions or ratified through international human rights instruments, rights may not be effectively recognized and protected by states. In many cases, local people and communities are politically marginalized and excluded from decision-making related to the management of the resources on which they depend. Conflict arising from the failure to include community voices and experiences and to address local needs can have negative consequences on the success and longevity of projects or policies in sustainable forest management, as well as their social and environmental outcomes.

In order to comply with national and international laws and obligations,⁴ achieve policy objectives, as well as to ensure the



Plantings on the hillside of Treng Treng Elicura

1 World Business Council for Sustainable Development. 2016. "Sustainability beyond fence-lines: brief paper". <http://www.wbcsd.org/Clusters/Natural-Capital-and-Ecosystems/Resources/Sustainability-beyond-fence-lines-brief-paper>

2 Chao, Sophie. 2012. "Forest Peoples: Numbers Across the World." Forest Peoples Programme.

3 White, Andy and Alejandra Martin. 2002. "Who Own's the World's Forests? Forest Tenure and Public Forests in Transition." Forest Trends.

4 See the United Nations Declaration on the Rights of Indigenous Peoples; the Nagoya Protocol of the Convention on Biological Diversity;



Participants listen to presentations at Treng Treng Elicura

sustainability of projects and operations, companies, governments, and organizations involved in the use and protection of forests must equitably engage⁵ with community stakeholder groups who have or claim statutory or customary rights within forest landscapes. Because the forms and strategies of engagement necessarily vary with the geographic, political, and sociocultural context of a landscape, however, determining what community engagement should look like is less clear than the imperative to engage.

ABOUT THIS REPORT

Origins

Many companies, organizations, and governments have on-the-ground experience working with communities to involve them in decision-making and partnership around forest management. Even as these forest sector stakeholders face common challenges and opportunities, knowledge and lessons learned are diffuse and not widely shared.

Community land and resource rights are being affirmed or contested in widespread geographies. It is crucial that communities, companies, organizations, and governments with interests in forest landscapes share lessons learned in order to better understand where to focus engagement efforts, what strategies to employ, and how to partner and negotiate with community stakeholder groups in ways that respect their legal and customary rights, even and especially when these stakeholders' objectives differ.

In order to contribute to the thinking on how to put careful, informed, and participatory community engagement into practice, TFD has reviewed learning and documentation from its dialogues and initiatives to develop a set of key lessons learned.

and the United Nations Sustainable Development Goals among others.

⁵ Hite, Kristen. 2014. "Towards Consent: Case Studies and Insights on Company-Community Agreements in Forest Landscapes." The Forests Dialogue.

Intent and use

Based on insights from nearly two decades of multi-stakeholder dialogue and case studies from more than 20 initiatives,⁶ this review synthesizes key lessons by TFD, partner organizations, and dialogue participants for community engagement in forest landscapes. The lessons detailed here provide the context for how each became a key learning; the challenge it addresses; an illustrative case study stemming from a dialogue hosted by TFD and its partner organizations or a TFD publication; and how the lesson can help further stakeholders' goals for community engagement.

The review is intended for use by TFD, its partner organizations, and dialogue participants as a tool to synthesize knowledge on community engagement gathered from on-the-ground experience and documented in TFD's dialogue summaries, background papers, and publications. This initial synthesis aims to advance thinking and set the stage for further, urgently needed dialogues on the subject of just and effective ways for stakeholders from the forest sector to engage with local forest users, owners, and rights-holders in forest landscapes around the world.



A dialogue field visit explored a tree plantation in Chile during June 2016.

BACKGROUND

Defining community

The first challenge in community engagement is to understand how community stakeholder groups are markedly different from other stakeholders in forest landscapes. Unlike other private or public sector stakeholders, community stakeholder groups consist of local people who hold statutory or customary ownership or use rights to forest lands and resources and derive monetary or non-monetary benefits from them. Community stakeholders, in other words, are heterogeneous groups of local forest users and rights-holders, whose rights may or may not be legally recognized.⁷

⁶ See case studies from past TFD initiatives and meetings here: <http://theforestdialogue.org/publications>

⁷ As noted in TFD's report *Investment in Community-Managed Forestry in Nepal: Scoping Opportunities for Poverty Reduction and Environmental*



Presentations at Parque del Trenes

In most cases, there is a great deal of diversity within and between communities or groups of rights-holders, who can have inherently different interests, goals, preferences, and challenges within the landscape. TFD's Investing in Locally Controlled Forestry initiative clearly illustrates⁸ these differences: indigenous peoples, community forestry associations, and smallholder forestland owners, for example, are all rights-holders and yet have very different perspectives on forest use and management. Together, these three community stakeholder groups own, manage, and use the majority of the world's forest resources, but cannot be viewed or understood collectively.

When identifying community stakeholder groups, it is therefore important to pay attention to the salient ways in which rights-holders are distinct and in need of their own representatives, usually related to the following:

8. Geography and location
9. Land tenure and ownership patterns
10. Security of tenure and usufruct rights
11. Type of forest dependence (monetary and non-monetary)
12. Governance structures and internal decision-making processes
13. Gender
14. Degree of political and socioeconomic marginalization

Recognizing what constitutes a community stakeholder group and wide-ranging community interests is a critical first step

Sustainability, "[t]he debate and discourse of decentralisation have at times blurred political rights of local communities by creating confusions between "stakeholders" and "rights-holders." While communities as rights-holders cannot be equated with stakeholders, like donors and NGOs, communities are both stakeholders and rights-holders.

⁸ Degawan, M., P. Gardiner and S. Maginnis, 2009. "Co-Chairs' Summary Report: Scoping Dialogue on Investing in Locally Controlled Forestry." The Forests Dialogue.

in community engagement. Each group cannot be expected to speak for all forest-dependent peoples, but can represent one of many community-level voices to other forest stakeholders. While community stakeholder groups may represent themselves through the participation of particular community members and leaders, they may also be represented by civic associations, local or extra-local NGOs, or advocacy organizations.



Participants from the Tree Plantations in the Landscape Dialogue in June 2016.

The case for community engagement

Companies, organizations, and governments are accountable for their social and environmental impacts in forest landscapes. Community engagement (CE) refers to the process and forms⁹ through which a company, organization, or government (1) incorporates the needs and concerns of community stakeholder groups – defined here as local groups of forest users and rights-holders – into policy, planning, decision-making, and evaluation of projects involving the use and protection of forest land and resources, and (2) obtains consent, negotiates, partners, with or maintains an ongoing relationship with community stakeholder groups to assess the impacts of forest use and management and to adapt practices to local needs and contexts.¹⁰

⁹ Generally, engagement takes three overarching forms: investment, involvement, and integration. See Bowen F, Newenham-Kahindi A, Herremans I. 2010. When suits meet roots: The antecedents and consequences of community engagement strategy. *Journal of Business Ethics*, 95(2): 297–318.

¹⁰ Sectors and industries have various definitions of community

CE is critical not just to community stakeholder groups themselves, but to all stakeholders involved in and affected by projects and policies in forest landscapes. Grounded in the reflections of TFD's dialogue participants and partner organizations, below are the interrelated ways in which CE is central to the sustainability of forest management.



Dialogue stakeholders participating in a breakout session.

- ➔ **Building legitimacy:** CE requires stakeholders to recognize the legitimacy of community stakeholder groups and to develop relationships with community representatives. Furthermore, understanding the local context, respecting communities' rights and building social partnerships through CE allows companies, organizations, and governments to maintain a "social license to operate"¹¹ in forests. As business representatives in TFD's initiative on Advancing Poverty Reduction & Rural Livelihoods Through Sustainable Commercial Forestry¹² noted, their pro-poor forest practices in the difficult socioeconomic conditions of KwaZulu-Natal province – the cornerstone of their community engagement strategy – were key to their ability to operate in the region.

engagement. This TFD Review takes a definition of community engagement adapted from the 2005 Brisbane Declaration on Community Engagement, which states that community engagement is the process "by which the aspirations, concerns, needs and values of citizens and communities are incorporated at all levels and in all sectors in policy development, planning, decision-making, service delivery and assessment" and "by which governments and other business and civil society organisations involve citizens, clients, communities and other stakeholders in these processes."

11 The social license to operate is a key element of the concept of corporate social responsibility (CSR) and implies that a company has secured broad acceptance of its activities from society, particularly the local communities or Indigenous Peoples whose lives intersect with the resource base for business. See Nelsen, J.L. 2006. Social license to operate. *International Journal of Mining, Reclamation, and Environment*, 20(3): 161-162.

12 Street, William V and Price, Sarah. 2009. "TFD Review: Advancing Poverty Reduction & Rural Livelihoods Through Sustainable Commercial Forestry". The Forests Dialogue.

- ➔ **Reducing conflict:** Open lines of communication and respect for the rights of community stakeholder groups increases transparency and builds trust and credibility around stakeholder motivations and goals. As a result, CE reduces conflict and the potential for conflict to arise with community stakeholder groups in situations where stakeholders' objectives in forest landscapes strongly differ. Strong community relations reduces lawsuits and other forms of protest against non-community stakeholders, lessens the likelihood of animosity, and Participants in TFD's Tree Plantations in the Landscape¹³ dialogue in Chile learned the importance of CE firsthand through listening to Mapuche community members reflect on the history of violent land conflicts between Mapuche communities and forest plantation companies.
- ➔ **Mitigating and sharing risk:** In high-risk landscapes with greater social conflict, for example where rights and land tenure are contested, CE can mitigate risk related to political and economic instability, and can spread costs, benefits and risks more equitably amongst non-community and community stakeholder groups who depend on forest resources. TFD dialogue participants noted¹⁴ that in Bolivia, while the government's constitutional review threatened private land tenure, companies that had partnerships with communities had more secure access to forest resources. Communities provided commercial forest products firms with access to additional timber, while firms provided communities with access to markets, new technologies, and new knowledge, skills, and abilities.
- ➔ **Fulfilling legal obligations:** Businesses, governments and NGOs have national and international legal obligations that can be met through engagement. CE is a requirement to obtaining the Free, Prior, and Informed Consent of



Sharing site-specific knowledge with dialogue participants is an important component of the field visits.

¹³ Alcoreza, C et al. 2016. "Co-Chairs' Summary Report: Field Dialogue on Tree Plantation in the Landscape in (TPL) in Chile". The Forests Dialogue.

¹⁴ Street and Price 2009



Stakeholders share inputs during the field visit of the Land Use Dialogue's Irigna, Tanzania dialogue.

indigenous peoples who have customary rights to forests. CE also fulfills legal obligations external stakeholders may have in securing concessions for forest resources. Consultations are, for instance, included as part of the mandatory Environmental Impact Assessment (EIA) process in many countries. Engaging community stakeholder groups reduces liability for non-community stakeholders and ensures compliance with these obligations, which are often prerequisites for certification schemes and key to market access.

- ➔ **Sharing benefits:** Community stakeholder groups have stakes in the potential future benefits that can be derived from forest management, in many cases partly by virtue of community knowledge and management decisions that have shaped a forest landscape itself. Because communities have a range of interests and rights in relation to forest resources, CE is useful in helping stakeholders to make lasting agreements about benefit sharing, both monetary and non-monetary, that can ensure the effective and non-coercive cooperation and support of community stakeholders. Dialogue participants in TFD's Field Dialogue on REDD+ Benefit Sharing¹⁵ remarked that in cases where rights and beneficiaries are unclear and complex, CE can help guide identification of beneficiaries at sub-national levels and encourage participatory approaches for communities to define beneficiaries themselves.

Several challenges persist in community engagement. The following obstacles are reflected in the experiences of dialogue participants.

- ➔ **Objectives:** Community engagement is both difficult and necessary because in many cases, project or policy objectives of non-community stakeholders may be hugely divergent from a community stakeholder group's objectives. Companies, organizations or governments may view a community's goals or decisions negatively; similarly,

15 Buss, C. et al. 2013. "Co-Chairs' Summary Report: Field Dialogue on REDD+ Benefit Sharing".

communities may view the priorities and motivations of these stakeholders with skepticism. In these situations, where conflict often arises, CE might be marginalized due to these differing perspectives. In these cases of conflict, however, CE is crucial to reaching agreements equitably and can play an important role in reconciling opposing viewpoints.

- ➔ **Transparency:** A common problem in community engagement is unclear expectations, benefits, and tradeoffs by both community stakeholder groups and non-community stakeholders. Effective CE is, in other words, often limited by a lack of information and transparency. This was a key discussion point in TFD's Land Use Dialogue¹⁶ in Tanzania, where community stakeholders feel a lack of ownership in the land use planning process. Unless community stakeholders are clearly informed of the CE process, its benefits, and drawbacks from the very beginning, they may feel unable to make informed decisions and to engage equitably with non-community stakeholders.
- ➔ **Capacity:** Oftentimes a precursor to successful engagement requires interventions that can support the capacity of stakeholders – whether government agencies, companies, or communities – to participate effectively in CE processes. Participants in TFD's dialogue on Free, Prior, and Informed Consent in Indonesia¹⁷ concluded that all parties require further capacity building to allow them to engage with each other in well-prepared and informed ways. Substantial resources may need to be directed towards capacity building within community stakeholder groups, and resources may also be required to improve the capacity of non-community stakeholder groups to reflect upon and incorporate community concerns into their work in order to sustain engagement over time.



A feast prepared by local Mapuche women during the field visit

¹⁶ See the “Co:Chairs’ Summary Report: Tanzania Land Use Dialogue (LUD) in the SAGCOT Ihemi Cluster”. Land Use Dialogue. 2016.

¹⁷ Colchester, M. 2010. “Co-Chairs’ Summary Report: Field Dialogue on Free, Prior and Informed Consent in Indonesia”. The Forests Dialogue.

- ➔ **Representation:** CE may require efforts to develop and encourage strong, representative institutions and community leadership. Community stakeholder groups sometimes lack the social and political organization to ensure that their representatives reflect a diversity of community experiences and perspectives, particularly in relation to gender. Elite capture and the dominance of particular perspectives within a rights-holder group may marginalize people such as women or minority group members. Dialogue participants remarked¹⁸ that communities sometimes have difficulties representing themselves through their own institutions. TFD field visits have brought out the fact that sometimes the representatives who serve in these imposed institutions are manipulated by outsiders either through bribery or other inducements, or by manipulations of local elections. In these situations, CE requires avenues through which marginalized and underrepresented voices can be heard, such as field visits to communities themselves, as well as a deeper understanding of community power structures, social dynamics, and leadership.
- ➔ **Mistrust:** CE is challenging in cases where community stakeholders are mistrustful of non-community forest stakeholders, usually due to recent or historical experiences with the impacts of policies and management interventions. During TFD's dialogue on Genetically Modified Trees,¹⁹ participants discussed how local communities' rights to intellectual and physical property (such as germ-plasm) and ongoing exclusion from modern scientific knowledge contributes to mistrust between stakeholders on genetically modified tree technologies. In situations where mistrust is prevalent, stakeholders may need to take part in long-term relationship building, knowledge sharing and exchange, and/or neutral mediation in order to build trust and lay the groundwork for successful CE.

¹⁸ Ibid.

¹⁹ Buss, C. 2012. "Co-Chairs' Summary Report: Scoping Dialogue on Genetically-Modified Trees".



The Land Use Dialogue convened stakeholders in Brazil in April 2016.

TFD and community engagement

The Forests Dialogue (TFD)²⁰ is a multi-stakeholder platform focused on developing mutual trust, a shared understanding, and collaborative solutions to challenges in achieving sustainable forest management and forest conservation globally. By convening diverse stakeholders in inclusive, neutral, on-going and international dialogues around the use and protection of forests, TFD aims to reduce conflict among stakeholders, to collectively define and explore key forest issues, and to identify challenges and opportunities for partnership in sustainable forest management. Since its founding in 2000, TFD has taken the lead on bringing together diverse stakeholders²¹ to address issues in sustainable forestry. Modeled on the Seventh American Forest Congress (7AFC),²² a national multi-stakeholder process that was the

²⁰ The Forests Dialogue (TFD) was created in 1998 to provide international leaders in the forest sector with an ongoing, multi-stakeholder dialogue (MSD) platform and process focused on developing mutual trust, a shared understanding, and collaborative solutions to challenges in achieving sustainable forest management and forest conservation around the world.

²¹ A key underpinning for TFD was the World Business Council for Sustainable Development (WBCSD) commissioned study by the International Institute for Environment and Development (IIED) "Towards a Sustainable Paper Cycle," which notes that local and community stakeholder participation is key to land use and investment decisions for the pulp industry.

²² For further information see Langbein, William. (Ed.) 1996. "Seventh American Forest Congress: Final Report." Yale School of Forestry &

largest and most inclusive process on forest policy of its time, TFD initially focused on developing a dialogue platform to build trust between two major groups at odds regarding forest certification:²³ environmental NGOs and the private sector. Over time, dialogues grew to include a broader set of perspectives from NGO, industry, government, academia, and community stakeholder groups.²⁴ Steering committee members representing the public, private, and non-profit sectors from around the world together developed dialogue initiatives focusing on critical themes in forest management.



Participants gather to hear from local stakeholders at the Land Use Dialogue in Tanzania.

As TFD evolved, dialogue participants increasingly emphasized the social outcomes of forest policy and management interventions on local communities as key issues to address in sustainable forest management. TFD and partner organizations began convening dialogues directly related to these concerns, including Poverty

Environmental Studies.

23 Wallinger, S. and Sizer, N. 2004. "Co-Chairs' Summary Report: 2nd international stakeholder dialogue on Forest Certification". The Forests Dialogue.

24 TFD's initial dialogues, such as the dialogue on Intensively Managed Planted Forests in China, often included stakeholders from the forest products industry, NGO community, academia and government. Learning from these dialogues led to broader inclusion in the second dialogue within this initiative in Indonesia, which included representatives from local rural and indigenous communities and associations.

Reduction Through Commercial Forestry, Investing in Locally Controlled Forestry²⁵, and Forests and Rural Livelihoods.²⁶ Through these dialogues, TFD was able to bring participants together in recognizing the importance of defining community stakeholder groups²⁷ and creating processes through which stakeholders can engage these groups and build coalitions with and between them.



A farm near Trovolhue.

The 2007 United Nations Declaration on the Rights of Indigenous Peoples and the 2015 adoption of the Sustainable Development Goals cemented dialogue participants' commitment to community engagement and informed TFD's later initiatives. As a result of growing recognition of the inextricable links²⁸ between sustainable forests and the well-being of local communities, TFD organized

²⁵ Street, B. and Griffiths, J. 2007. "Co-Chairs' Summary Report: Dialogue on Pro-Poor Commercial Forestry in Bolivia". The Forests Dialogue.

²⁶ Gardiner, P. et al. 2008. "Co-Chairs' Summary Report: Dialogue on Forests and Rural Livelihoods". The Forests Dialogue.

²⁷ As part of its Investing in Locally Controlled Forestry initiative, TFD brought together investors and communities in order to increase understanding. The scoping dialogue brought to light the significant differences in interests and goals that exist between three different groups of forest rightsholders - indigenous peoples, family forest owners, and community forestry associations- despite their shared status as local community stakeholders.

²⁸ Gardiner et al 2008.

dialogues on Intensively Managed Planted Forests,²⁹ REDD+,³⁰ Free, Prior and Informed Consent,³¹ and the Land Use Dialogue³² with specific attention on building relationships between community stakeholder groups and public or private sector interests in forests. These initiatives moved conversations from the impact on forest communities to the rights of forest community stakeholders.



A field visit during the REDD+ Benefit Sharing dialogue in 2014.

As a result of these experiences, TFD has developed a bank of perspectives and insights contributed by dialogue participants, partner organizations, and thought leaders on community engagement. With its unique convening capacity and long-term commitment to particular geographies and initiatives, TFD is well placed to contribute to current thinking on how stakeholders can collectively build pathways towards equitable participation by community stakeholder groups in forest management decisions.

29 Kanoqski, P. and Murray H. 2008. “TFD Review: Intensively Managed Planted Forests. Towards best practice”. The Forests Dialogue.

30 2012. “TFD Mini-Dialogue on REDD+ Benefit Sharing”. The Forests Dialogue.

31 Colchester, M. 2010. “Free, Prior and Informed Consent: Making FPIC work for forests and peoples”. The Forests Dialogue.

32 The Land Use Dialogue (LUD) Initiative, a multi-country engagement platform coordinated by The Forests Dialogue along with a variety of local and global partners, seeks to gather knowledge and lead processes enabling responsible business, improved governance and inclusive development in landscapes at risk of deforestation.

Key Lessons



Dialogue participants in Indonesia for the Understanding Deforestation-Free dialogue in 2015.

1. SUPPORT THE RECOGNITION OF RIGHTS

The rights of communities and indigenous peoples should form the foundation for engagement, its principles, and goals

Lack of clarity around community stakeholder groups and what kind of rights they hold leads to conflict between community and non-community stakeholders in forest landscapes and is a common obstacle to forest policy, forest management projects and benefit sharing arrangements.³³ Diverse stakeholders in multiple TFD dialogues³⁴ have collectively concluded that “recognizing and securing land tenure and resource rights in forests is central to sustainable forest management”³⁵ and to the success of initiatives in forest landscapes.

³³ Wilson, E. 2009. “Company-Led Approaches to Conflict Resolution in the Forest Sector.” The Forests Dialogue.

³⁴ See TFD’s Co-Chairs’ Summaries on Investing in Locally Controlled Forestry in Panama or Macedonia, Tree Plantations in the Landscape in Chile, or Free, Prior, and Informed Consent in Indonesia among others.

³⁵ Degawan 2009.



An intervention during the Indonesia dialogue on Understanding Deforestation Free.

This issue first came to the fore in TFD's Intensively Management Planted Forests initiative, which found that in geographies as diverse as Indonesia, China, and Brazil plantation forests often expand onto the customary and ancestral lands of indigenous peoples and local communities without obtaining their consent.³⁶

Due to a lack of statutory recognition of these rights, serious land conflicts have become common. Furthermore, as evidenced through a TFD dialogue in the Democratic Republic of the Congo on REDD and Free, Prior, and Informed Consent,³⁷ clear rights are necessary to provide a framework in which benefits are fairly allocated to communities impacted by external projects and forest management policies and interventions in the landscapes on whose resources they depend.

As discussed in detail in TFD's dialogue on Free, Prior, and Informed Consent in Riau, Indonesia,³⁸ one of the root problems preventing non-community stakeholders from respecting communities' rights is often a lack of clarity in national law.³⁹ If the local legal framework does not provide means by which stakeholders can agree upon communities' statutory and customary rights, an essential element of community engagement may be to voluntarily identify and recognize land tenure and

³⁶ Colchester 2010.

³⁷ Colchester, M. et al. 2012. "Co-Chairs' Summary Report: Field Dialogue on Free, Prior and Informed Consent". The Forests Dialogue.

³⁸ Ibid

³⁹ As Dominic Elson notes in the TFD background paper Investing in Locally Controlled Forestry: Reviewing the Issues from a Financial Investment Perspective, "In many cases, governments see the state as the most appropriate freeholder for the forest estate, and thus often resist granting tenure to local rights-holders. Not all NGOs resist this tendency, partly because they fear that 'if you give the local people secure tenure then they will cut down the forest.' As the Brussels dialogue explained: 'Forest use by local communities is not recognized as an economic activity, but instead it is at times seen romantically as a means of subsistence in line with forest conservation or at other times as a threat to the sustainability of forests itself.' (Elson, 2010: 29).

rights and to support community stakeholder groups' efforts to clarify and secure these rights.⁴⁰

Community members in Indonesia, for example, suggested that the burden of proof be shifted away from an assumption that communities have no rights in land unless they can prove otherwise, to the assumption that they do have rights in land unless others can prove they do not. The Panama dialogue on Investing in Locally Controlled Forestry (ILCF) called for⁴¹ 'performance indicators which focus not only on economic efficiency but also in results to achieve indigenous rights...and other indicators identified as significant by the community.' These dialogue participants argue that non-community stakeholders in forest landscapes serve their own interests by supporting communities in securing rights and tenure in order to build legitimacy, contribute to a decrease in conflict and contestation, and attract investment. In CE, this support might take the form of advocating for land titling and rights recognition to national governments; the creation of dialogues or forums through which community stakeholder groups can give voice to their concerns and articulate their rights to policy-makers, NGOs, and government stakeholders; and the voluntary recognition and respect for land and resource rights claimed by community stakeholder groups in the forest landscape of interest.

Any CE strategy which includes promoting secure rights must take into account common missteps. The first is the creation of a "hierarchy of rights claimants" whereby different community



Surveying the landscape during a field visit in Tanzania.

⁴⁰ As detailed in TFD's report, *Company-Led Approaches to Conflict Resolution in the Forest Sector*, "[v]arious stakeholders have different perspectives in relation to rights. Industry stakeholders argue that only governments should be involved in determining rights. On the other hand, NGOs and other stakeholders point out that once countries become parties to international human rights treaties, their governments have the obligation to respect and protect the human rights set out in these instruments and these same governments should require that companies also respect such rights." (Wilson, 2009: 23).

⁴¹ Castro Diaz, E. et al. 2009. "Co-Chairs' Summary Report: Field Dialogue on Investing in Locally Controlled Forestry". The Forests Dialogue.

stakeholder groups (often indigenous communities or smallholder farmers) are able to obtain support for their rights in forest landscapes at the expense of marginalized stakeholder groups (such as migrants, landless peasants, or swidden agriculturalists).⁴² Non-community stakeholders must take note of competing rights claims, and in situations of high conflict, must engage these competing claims in multi-stakeholder dialogues as part of CE.

In TFD's dialogue on ILCF, the need for greater mutual understanding of rights, their sources and the ways in which rights-holders may use them was described⁴³ as a source of conflict between stakeholders. In order to promote secure rights as part of CE, stakeholders may initially need to identify not only who the rights-holders within a forest landscape are (see Section 2 of this review), but what kinds of rights and tenure each community stakeholder group holds. Engagement should prioritize understanding whether communities claim land or usufruct rights or both; which of the rights-holders' rights are inalienable and which are transferable; and the procedures for the transfer of those rights which are transferable. In the case of tenure, stakeholders should be attuned to the differences in land which is commonly held and that which is privately owned; as stakeholders in the Macedonian ICLF dialogue warned⁴⁴, the fragmentation of forest ownership is a challenge to the optimization of production, the sustainability of resource management and maintenance of public benefits.

Finally, even where local people do have secure rights, they do not necessarily have influence over how forest land or resources are managed. While securing rights should be a cornerstone of any CE strategy, sustained engagement with communities is important to ensure that community stakeholder groups gain decision-making power as well as rights over forest lands and resources.

⁴² See Elson, 2010:18.

⁴³ See Elson, 2010:25.

⁴⁴ Ooft, M. et al. 2009. "Co-Chairs' Summary Report: Field Dialogue on Investing in Locally Controlled Forestry". The Forests Dialogue.

CASE STUDY: Land rights and locally-controlled forestry in Indonesia⁴⁵

CASE STUDY 1

Community forestry is of increasing importance to the Indonesian timber industry, which has a widening gap in raw material supply. In the face of declining productivity in the industrial wood processing sector, locally-controlled forestry (LCF) presents significant potential for revenue generation and employment. A major barrier to LCF is the incomplete delineation of land tenure and private or customary claims in forest lands and resources, which weakens the security of community forestry enterprises and prevents access to financial tools and capital.

The country's 120 million hectares of state-controlled forests are known as the "State Forest Area" yet only about 70% of this area is forested. More than 30,000 villages of forest-dependent peoples live within these state forests, and much of the land area consists of grasslands, community-planted agroforests, or agricultural lands. The majority of the forest lands are legally controlled by government and companies; less than 2 million hectares are formally allocated for the use of rural and indigenous communities or privately owned forest management.

TFD convened dialogues bringing together diverse stakeholders, including local rural and indigenous communities, to participate in field visits with companies and cooperatives creating businesses based on sustainable community-managed forest management in Indonesia.

The outcomes of the dialogues included recognizing the urgent need to formalize locally controlled forestry rights and devolve landscape management in Indonesia. Not only can this help reduce social conflicts, but can ensure that LCF fully realize its potential. External stakeholders should support community members in advocating for and protecting their own rights; lobby the government to execute relevant policy reforms; and form partnerships with other stakeholders, including communities, the private sector, NGOs, and AID agencies to influence the Indonesian government to develop forest policies which offer greater security in communities' rights to land and resources. Recently, the Indonesia President announced an initiative to recognize a further 12.7 m ha as social forestry areas.

⁴⁵ This case study draws from TFD's 2012 Dialogue on Investing in Locally Controlled Forestry in Indonesia and its 2010 Indonesia Dialogue on Free, Prior, and Informed Consent.

2. UNDERSTAND COMMUNITY STAKEHOLDER DIVERSITY

A clear understanding of the local social context, leadership, and diversity of communities should inform engagement



Participants agree to key discussion points to report back to plenary.

In any forest landscape, multiple community stakeholder groups claiming rights to forest resources may be present; these can include indigenous peoples, rural communities, nomadic tribes, migrant laborers, landless peasants, private forest owners, community forestry associations, smallholder farmers, ranchers, labor unions, or any combination thereof. Community stakeholders can be in conflict with each other; they can also differ in their dependence on, use of and interest in forest resources, and therefore their goals for forest management. Different groups often also have varying types and levels of social organization and forms of representation.

The challenge of ensuring the participation of multiple community stakeholders was first distinctly identified in TFD's dialogue on Free, Prior, and Informed Consent (FPIC) in Indonesia. While companies and other non-community stakeholders engaged with local indigenous communities, certain community stakeholder groups with strong claims to forest lands and resources – transmigrants and settlers – were left out of CE processes. It is these settlers, who enjoy political support and rights to land in contrast to local communities, who blocked legal acceptance of an agreement between a local indigenous community and APRIL, a pulp and paper company. In order to be effective, CE must also understand and take into consideration the rights of other community stakeholder groups which claim rights in forest landscapes.

CE should address the complexity of communities in forest landscapes in order to ensure that all possible community stakeholders are given the opportunity to voice their needs and concerns and to clarify the local context for projects, management interventions and policy implementation. Building this strong local knowledge and background information

helps non-community stakeholders to identify appropriate local partners in a particular part of the world. Understanding the complex roles and dependences of each community stakeholder group is key to engaging community stakeholders in ways that accurately reflect their needs and goals, as well as to identifying potential areas of cooperation between them.

One way to develop this understanding is by integrating ‘maps’ or visualizations of complex and interlinked communities into CE. Mapping community stakeholders is a tool through which stakeholders can establish a basic understanding of local social realities by identifying the number and types of communities present in a landscape, their rights and ownership, representatives and leadership, needs and goals, and social and environmental assets. Because local realities are complex and require time and investment to understand fully, it may be useful to work or partner with local NGOs and long-term community members with in depth and long-term knowledge of a forest landscape and the various community stakeholder groups within it.

This exercise addresses and can mitigate a major challenge in CE: engaging with representatives or representative groups. An important principle is that indigenous peoples and local communities, workers and smallholders, should be allowed to choose how they represent themselves and to engage in collective negotiations. In many cases, communities find themselves represented by one or more institutions which may or may not have the trust of, or mandate from, the community they claim to represent. In the case of representation from within the community, marginalized voices within a community stakeholder group or within a landscape may be missed. A strong grasp of the social landscape that is made possible by mapping communities can partially help to make sure that an engagement strategy includes fair and representative protocols for community representation and decision-making.



The opportunity to pose questions from field visits are an important piece of the learning experience.

CASE STUDY: Veracel and mapping communities in Brazil⁴⁶**CASE STUDY 2**

In the state of Bahia, in northeastern Brazil, eucalyptus plantations for pulp and paper occupy a land area equivalent to the state of Trinidad and Tobago. These plantations are adjacent to the territories or lands of rural and indigenous communities. Local communities and civil society organizations have at times opposed eucalyptus plantations, arguing that they impeded the expansion of indigenous territories and compatible with family farming, displacing farmers from their lands and causing negative impacts on ecosystems and activities in the region.

Veracel Cellulose, a joint venture between Fibria and Stora Enso, has 190,000 hectares of land in ten municipalities in the southern state of Bahia. Of this total area, the company has 83 thousand hectares of eucalyptus plantation and 96 thousand hectares are destined to the preservation of native forest. In 2004 the company faced strong opposition from local members of the Pataxó community who argued that Veracel was impeding the expansion of its territories and did not benefit the local populations present on the land and dependent on forest resources.

In 2007, Veracel developed a structured approach to meeting its social commitments in order to reduce conflict. A fundamental part of this approach was the realization of a “social inventory” carried out by the company to better understand the local context, its potentials, social assets, fragilities and to better communicate the stakeholders and leaders of the communities in its area of direct influence. involved the mapping of 150 communities in the 10 municipalities, including 32 villages. This inventory details the communities’ assets, their social structure and needs, as well as environmental and economic resources available in their surroundings.

Based on these social inventories, Veracel began to better define its relationship and dialogue strategies, optimizes its investments and support the projects and initiatives of local communities, including traditional communities (indigenous and fishermen), expand institutional arrangements, always associating own investments, when it is possible, with public policies, especially in the areas of socio-productive inclusion and income increase.

External stakeholders, whether businesses, NGOs or governments, can use community mapping as a strategy for understanding the social landscape in the context of the Atlantic Forest biome in harmony with commercial eucalyptus plantations. Developing this understanding can help stakeholders identify areas of conflict as well as identify opportunities for collaboration for the well-being of local communities.

⁴⁶ Wilson, 2009, Company-Led Approaches.

3. CREATE EQUAL AND SUSTAINED PARTNERSHIPS

Engagement should encourage the role of communities as proactive partners rather than reactive beneficiaries

Partnership is a key component of CE in forest landscapes. Within different local contexts, different efforts and types of partnership may be necessary; within communities to create community leadership; between communities to scale up rights-holders' voices and influence (e.g. associations); between community stakeholders and NGOs for capacity building; between rights-holders and industries or between community stakeholders and governments.⁴⁷

In order to engage communities in a meaningful and lasting way, non-community stakeholders should focus on partnering with communities on an equal basis and with a long-term commitment to engagement. This kind of partnership is possible only when community stakeholder groups are seen as – and encouraged to be – contributors to, rather than solely recipients of, the success and benefits of activities and policy objectives in forests. Non-community stakeholders' explicit recognition of communities' and user groups' underlying rights to lands and/or forest resources also helps to balance out relations between parties.

There is a widespread perception by non-community stakeholders of communities as beneficiaries of projects or policies for forest management, and of CE as simply a process through which they can come to agreements with community stakeholder groups for the use or protection of forest resources. However, as multiple TFD initiatives have demonstrated, rights-holders and forest users play complex roles in the conservation and management of forest resources. Furthermore, community stakeholders receiving benefits often have not been involved in determining what form of benefit they were to receive or how it was to be delivered.⁴⁸



A woman in Nepal during the ILCF initiative.

⁴⁷ See TFD's Co-Chairs' Summary: Ackzell, L., Buss, C., and Cisse JK. 2012. "Field Dialogue on Investing in Locally Controlled Forestry, Sweden." The Forests Dialogue.

⁴⁸ Street and Price 2009

The ILCF initiative in Nepal provides insight⁴⁹ into how understanding communities as protagonists can be part of CE. Within this initiative, the role of communities was not just that of forest user or owner, but that of investor. One-third of Nepal's population is organized in Community Forestry User Groups, which manage more than 25% of the country's forest area. More than two thirds of these groups received no outer investments but they were nonetheless highly successful in forest stewardship and revenue generation, due to the investments made locally by forest rights-holders themselves. As the dialogue report summarized, communities' involvement in defining priorities for investments created a local sense of ownership of the process and sharing of benefits.

In this way, real partnership requires all stakeholders to acknowledge that communities are protagonists with important roles to play in defining and ensuring policy or project success. Effective CE should aim to **recognize the proactive, as well as the reactive, role that communities play in projects for the conservation and management of forest resources and to incorporate community-defined needs, methods, and proposals into project or policy design, objectives and benefit-sharing arrangements**. As outlined in TFD's summary of the Panama dialogue on ILCF, CE should take as a central imperative the need to elaborate innovative partnerships with the private sector, NGOs, and governments in which communities are "co-partners" as well as "beneficiaries" and as catalysts as well as participants.

Approaches and tools for CE include creating opportunities for community stakeholder groups to put forth proposals for project or policy goals and methods; define benefits and have a say in the form and delivery of benefits; prioritizing this input in the design and implementation of interventions in forest landscapes; adapting timeframes and funding to community proposals; and developing performance indicators that include

⁴⁹ Degawan, M. et al. 2009. "Co-Chairs' Summary Report: Field Dialogue on Investing in Locally Controlled Forestry". The Forests Dialogue.



Dialogue participants in Chile.

community needs i.e. rights, sociocultural strengthening, use of traditional ecological knowledge.⁵⁰

Challenges to creating equal and sustained partnerships often stem from weak organizational capacity and a lack of cohesion within communities, which can prevent community stakeholder groups from being proactive partners. CE strategies should, in these situations, consider supporting efforts to build community capacity to engage with and catalyze initiatives through workshops and forums where community stakeholders can articulate their knowledge of and vision for the use of forest resources.

Non-community stakeholders can increase the effectiveness of CE by making a best effort to work with communities on an equal basis in the long-term. Doing so can not only lead to better project or policy outcomes, but can achieve the major goals of CE: to reduce conflict, build trust, and respect communities' rights within their landscapes.

⁵⁰ See TFD's Co-Chairs' Summary: Diaz, EC. deMarsh, P., Pandey, GS. 2009. "Investing in Locally Controlled Forestry" Panama. The Forests Dialogue.

CASE STUDY: Smallholders and private forest owners in Sweden⁵¹**CASE STUDY 3**

Private family forest owners are a key community stakeholder group in Sweden, where they hold 50% of all forest land. As a result of historical processes of land reform and privatization over the past 100 years, these forest owners, almost half of whom are women, have strong local control. Their decision-making power over forest lands and resources makes these stakeholders key partners and drivers of forest management, rather than beneficiaries of government programs.

While the majority of these forest owners were farmers, today one third live outside of their holdings in urban areas. The government requires forest owners to allow public access such as picking berries, pursue outdoor activities, and in the case of the indigenous Sami people to herd and graze their reindeer, but overall family enterprises experience light government control or regulation of forest lands on their properties. Today, around 110,000 family enterprises (roughly half of all family enterprise forests), belong to four regional family forest cooperatives covering all of Sweden.

4. IMPLEMENT FREE, PRIOR, AND INFORMED CONSENT**Engagement should be grounded in clear and binding policies on consultation and consent**

Any CE effort must respect the rights of community stakeholder groups in forests. Where these groups are indigenous peoples or minority communities with a strong or long-standing attachment to land, CE should include respecting communities' right to Free, Prior, and Informed Consent.⁵² As affirmed by international human

⁵¹ Drawn from TFD's Background Paper and Co-Chairs' Summary on Investing in Locally-Controlled Forestry in Sweden.

⁵² The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes FPIC as a right of indigenous peoples, and while applicable to all countries, is a non-legally binding instrument. FPIC is a legal requirement specifically in relation to indigenous peoples in States which have ratified ILO C.169.

rights law, indigenous peoples have the right to be consulted in a meaningful way; to give or withhold their consent freely, without coercion; in advance of project or policy implementation; and with transparent and culturally-accessible information about social and environmental impacts. While this is clear in the case of indigenous and tribal communities, it is also increasingly the best practice in engaging with any local community with deep-seated interests or cultural ties to specific lands and resources.

Free, Prior, and Informed Consent (FPIC) emerged from the recognition of indigenous peoples' right to self-determination, and upholds "consultation and decision-making processes based on the understanding that long-standing communities rooted in traditional cultures, and particularly indigenous peoples, have rights to determine their development pathways, own and access lands and resources, maintain their cultures, and live free from discrimination—and therefore require that others seek their consent in decisions that could infringe upon these rights."⁵³

The State duty to consult and to seek and in some cases obtain FPIC is a central principle of international human rights law, and is definitively affirmed in the UN Declaration on the Rights of Indigenous Peoples.⁵⁴ To adhere to best practice⁵⁵ in the forest sector, consent is required where there are substantial administrative, legislative, or biophysical impacts to the lands, resources, or livelihoods of indigenous and tribal peoples.⁵⁶ FPIC is also a core element of corporate best practice as found in a TFD-commissioned study⁵⁷ on conflict resolution. Unlike



A participant looks on during a field visit in Indonesia.

⁵³ Hite 2014:6.

⁵⁴ Colchester 2010.

⁵⁵ As examples, the Principles and Criteria of the Forest Stewardship Council (FSC) adopted in 1993 required companies to obtain the free and informed consent of indigenous peoples before logging on indigenous territories; and reference to FPIC is made explicit in the FAO's Voluntary Guidelines for the Responsible Management of Planted Forests. See Colchester, Free, Prior, and Informed Consent, 2010.

⁵⁶ Hite 2014: 20.

⁵⁷ Wilson 2009.



Logging operations seen firsthand.

CE, the principle of FPIC moves beyond engagement to consent: community stakeholders have the right to “say no” - to withhold consent to non-community stakeholders implementing projects or policies in the forests on which they depend.

Previous TFD dialogue streams on Intensively Managed Planted Forests, REDD Readiness, Implementation and Benefit Sharing, Forests and Poverty Reduction and Investing in Locally Controlled Forests, have all attested to the need for companies, governments, and NGOs to respect FPIC as a best practice, a moral and ethical obligation, and in some cases as a legal requirement. Dialogues on FPIC in the Democratic Republic of the Congo and in Indonesia developed practical actions through which non-community stakeholders can engage with communities through the principles of FPIC. These stakeholders should develop clear and binding policies on consultation and consent based in these principles as part of any CE strategy where indigenous, tribal, or minority communities hold statutory or customary rights to forest land and resources.

One of the points reiterated in these dialogues is the difficulty of implementing FPIC given that the Declaration on the Rights of Indigenous Peoples has limited legal standing, and given that some governments have either not agreed to the Declaration or have agreed with reservations. Because no entity or legal guidance exists to define and regulate the definitions of “free” “prior” “informed” or “consent”, non-community stakeholders may find it necessary to establish FPIC policies in a context of legal and political uncertainty.

Where applicable, such FPIC policies should include:

- ➔ A pre-consultation phase of engagement⁵⁸ where stakeholders jointly determine a clear process, based on early conversations with communities to identify and understand their preferred decision-making process and representative institutions. Pre-consultation should allow for multiple forms of representation and special provisions to include marginalized voices - such as women, youth, the elderly,

⁵⁸ Ibid.:18.

or subordinate groups. This satisfies the FPIC principle of bottom up engagement in decision-making through self-chosen representatives and self-chosen processes.

- ➔ Clarification of the extent of the land and resources over which community stakeholders claim rights or an entitlement to be consulted in accordance with the principles of FPIC. Participatory mapping has been shown to be a vital tool in clarifying the current and historical extent of rights.⁵⁹
- ➔ A community-developed mechanism through which the community will ascertain whether consent has been given and which all parties agree to honor.⁶⁰
- ➔ Protocols for a two-way flow of information, wherein complete and unbiased information on environmental and social impacts will be communicated in easily understandable and culturally-appropriate ways to community stakeholder groups and where communities can share information, knowledge, and perspectives with non-community stakeholders.
- ➔ Agreement upon timeframes which do not apply undue pressure on communities, particularly when community stakeholder groups are not involved at the outset in decision-making processes.
- ➔ That CE will be an iterative, continuous, and evolving process in which all parties act in good faith and in which communities are free to leave, decline, or withdraw at any time.

⁵⁹ A relevant example comes from TFD's dialogue on Understanding-Deforestation Free in Indonesia. One participant pointed out that the conflict between a company and community could have been avoided if participatory mapping had been completed to ensure that consent was sought from the proper sources.

⁶⁰ Ideally, such mechanisms are made legally binding; however, in countries where indigenous peoples' institutions lack legal personality in national law, or where indigenous groups are marginalized, non-community stakeholders may need to develop alternative systems for making and honoring agreements which respect customary laws. See Colchester 2010.

Including these policies and FPIC principles into engagement is key to successful CE; it reduces conflict, helps non-community stakeholders to ensure fair representation of community voices, builds trust and legitimacy on both sides, and satisfies international legal obligations or best practice.

CASE STUDY: FPIC and reducing emissions from deforestation and forest degradation in the Luki Biosphere Reserve, Democratic Republic of the Congo⁶¹

CASE STUDY 4

The Democratic Republic of the Congo (DRC) features the second largest extent of tropical forests in the world. Inhabited by some 40 million people, these forests form the basis for the implementation of Reducing Emissions from Deforestation and Forest Degradation (REDD), an international program to conjoin sustainable forest management, climate change mitigation and development. While the DRC has ratified African and international human rights instruments which require respect for communities' customary rights to land and resources, as well as to Free, Prior, and Informed Consent (FPIC), the country has done little to revise its laws and policies to ensure those rights are respected thus, the right of communities to FPIC is not secured. Although many pilot projects for REDD are being implemented, field research by TFD partner organization the Forest Peoples Programme shows that most communities in pilot project areas are uninformed and uninvolved.

TFD conducted a dialogue and field visits with two communities in the Luki Biosphere Reserve, a target area for REDD implementation, in order to inform a multi-stakeholder conversation about ensuring synchronicity between REDD and FPIC. Members of the two communities within the reserve, Kiobo and Kifalu, noted that because of historical processes through which their lands and customary rights have been taken away, they feel powerless in relation to the Reserve and to projects within it even as they wish to have a positive relationship with forest management in the Reserve. Both communities had not been consulted in the process (a key part of FPIC) for conceptualizing the proposed REDD project in the Reserve.

⁶¹ Drawn from Colchester, M., Monteils, F., Ngongo, R., Mola, G. 2012. "Co-chairs' Summary, Field Dialogue on Free, Prior, and Informed Consent in the Democratic Republic of the Congo." The Forests Dialogue

CASE STUDY 4 (CONT'D)

A key recommendation of the dialogue suggested that the requirement be made for FPIC in the approval process for REDD projects, in the same way as 'cahiers de charges' provisions are required for the authorization of timber concessions in the DRC.

Discussions between community stakeholders, government representatives, NGOs, development agencies, and civil society groups on REDD and FPIC resulted in the proposition of an 8-stage process for FPIC: first identify the area; then identify the actors and build their capacities for dialogue and representation; continually share information (positive and negative) linked to project; find out if communities are amenable or opposed to the project; negotiate based on community protocols and through community decision-making processes; develop an implementation agreement; formally validate the agreements for the majority of the community in line with customary ways and rituals and; put in place mechanisms for monitoring and grievance procedures.

5. CONSIDER THIRD PARTY MEDIATION**Neutral mediation should be considered when engaging with communities in highly contested landscapes**

In some cases, conflict with community stakeholder groups in a forest landscape is so long-lasting or intense that third party mediation for CE may be considered necessary. This can stem from historical experiences a community stakeholder group has had, a lack of well-defined rights, weak relationships between communities and governments, or conflict between communities or community representatives. In these situations, (re-)building trust can require the involvement of impartial intermediaries who can support a CE process, help build awareness and capacity, and make connections between the various stakeholders.

The utility of mediation has come up and been debated in several TFD dialogues, and revolves around the question of agreeing upon a neutral intermediary. In the ILCF dialogue in Panama, participants noted that the role of intermediaries can be positive, but is often unclear to community stakeholder

groups and can reduce the sense of ownership and empowerment felt by communities. There may be suspicion within communities that intermediaries with only a token understanding of community needs, complaints, or demands have come to previous agreements with non-community stakeholders. This mistrust emerges in part because in most cases, it is non-community stakeholders rather than community stakeholder groups who initiate mediation and pay for intermediaries. At the same time, non-community stakeholders may feel that third party intermediaries - particularly facilitators such as NGOs or advocacy organizations, who may not claim to be impartial - are biased towards communities.

In cases where there is a breakdown in relationships between communities and other stakeholders, where an activity has stalled or is facing strong opposition from community stakeholder groups, the **integration of third party mediation into an engagement process** may be the only way to move forward with CE. To maximize transparency and neutrality, **the decision for third party mediation must be arrived at by both parties**. Non-community stakeholders and communities **should use impartial intermediaries unaffiliated with specific interests or organizations such as ombudsmen(women), who must be agreed to by both parties, and efforts should be made to clearly communicate the mediation process to all members of the community stakeholder groups involved**. Where possible, **the costs of intermediaries should be shared by all parties involved in mediation**; even in cases where the costs are covered by a non-community stakeholder, it is important that the community stakeholder group have an equal say in the selection of and terms of reference for intermediaries to lessen mistrust.

Third party mediation as an option in CE can help all stakeholders to better understand their perspectives, needs, and goals, as well as shared interests and areas of cooperation that may otherwise be precluded by conflict and bias. Building trusting and long-lasting relationships and partnerships with community stakeholders is predicated on this understanding and a demonstrated willingness to engage even in situations of high conflict.

CASE STUDY 5

APRIL, a private pulp and paper company, received a forest concession from the Indonesian government for acacia plantations within a forest area where local communities claimed rights on the island of Pulau Padang, in Riau Province. When the government grants forest concession, the license specifies that the company is responsible for solving problems that arise where community rights are identified or contested. Conflict emerged when 2 out of 14 villages opposed to the project challenged APRIL's concession.

In order to resolve the situation, APRIL undertook 60 rounds of consultations on its land use and forest management plans with the 14 villages and government officials, NGOs, and academics over two years. Regardless, tensions escalated and the local government and Ministry of Forestry established a joint commission of community representatives, local government officials and APRIL representatives to help address the conflict. Heads of the villages that participated signed voluntary community agreements with APRIL expressing their support of APRIL's plantation activities in exchange for specific "shared-value initiatives" to improve the living standards and meet local community development goals.

When protests continued, APRIL suspended its activities and the Ministry of Forestry created a new, independent multi-stakeholder mediation team consisting of NGOs, community chamber, and Ministry of Forestry representatives as well as an independent monitoring and evaluation team to ensure the integrity of concession boundaries, community consultation, and participatory mapping. The mediation process included participatory rural appraisal with each village and processes within communities to appoint their own representatives to engage in the process. Each village head endorsed the appointments with a "decision letter." New dialogues with each village (not just the designated representatives), were carried out over three months and were carefully documented.

Once land boundaries were set, each community's land claims were presented to the mediation team and resulted in delineated maps which all parties, including community stakeholders, would have to endorse and sign. 2 villages out of the 14 refused to engage in the demarcation process and remained opposed to APRIL's concession activities.



A local stakeholder offers insights during the Tanzania Land Use Dialogue.

6. INCLUDE WOMEN

Avenues for women's participation which respect local contexts should inform engagement

Women's roles, needs, and rights as forest users and within forest management are often sidelined by forest managers and policymakers. In many cases, women's forest activities revolve around subsistence – the use of forest resources for fuel, fiber, medicine and food – and participation in non-timber forest product markets, both of which are less visible than the use of forests for timber. Women's rights to forest resources are often not property rights, but use rights. For these and other reasons, engagement with and assessment of the impacts of forest management on women in forest landscapes is usually thin.⁶³

The participation of women in forest management and forest policy has been the focus of a TFD initiative⁶⁴ on the Exclusion and Inclusion of Women in the Forest Sector. Forest policy and

⁶³ 2012. "Background Paper for the Scoping Dialogue on the Exclusion and Inclusion of Women in the Forestry Sector". The Forests Dialogue.

⁶⁴ Gurung, J. et al. 2012. "Co-Chairs' Summary Report: Scoping Dialogue on the Exclusion & Inclusion of Women in the Forest Sector". The Forests Dialogue.

management decisions still utilize a gender-neutral framework created by men which ignores the specific needs and interests of women. The dialogue held in Nepal suggested that CE should recognize the differentiated needs and views of women as part of engagement processes.⁶⁵

Incorporating women's particular perspectives in CE is crucial to ensuring inclusive representation and engagement, yet can be a challenge in practice. In many communities, traditional governance and decision-making structures are dominated by men, while in others there may be formidable socio-cultural barriers to women's participation. As a result, while women may have some degree of social, cultural, and economic power in families and communities, it is often difficult to include them in decision-making involving outsiders in ways which are acceptable to local dominant groups.



Participants in Ghana discussing REDD+ benefit sharing.

While communities often struggle to include women, so, too, do most other stakeholders. A background paper on women's inclusion in forest management prepared by TFD cites a World Bank study that found forestry-related decision making to be

⁶⁵ Among other dialogues, TFD's scoping dialogue Food, Fuel, Fiber and Forests (4Fs) initiative also raised the issue of recognizing women stakeholders in communities and forests. One participant, Women Organizing for Change in Agriculture and Natural Resource Management (WOCAN), emphasized the importance of the recognition of women stakeholders, awareness of their rights, and integration of their perspectives in discussion of the 4Fs.

dominated by male actors and lacking in discussions of gender differences at the investor level. As another example, REDD+ roadmap planners have also been seen to neglect the gender aspects of policy implementation.



Steering Committee members are often active in dialogue visits.

In order to mainstream gender in CE, stakeholders must take action to develop engagement processes and platforms through which the contributions and experiences of women within community stakeholder groups can be understood, valued, and integrated into forest management. These actions must carefully navigate local contexts and gender norms, in which there may be strong resistance to women's inclusion. To integrate women and as a first step, CE should consider **raising awareness among both men and women of women's exclusion and of the benefits of women's inclusion**. When engaging with communities, non-community stakeholders should consider using both women-only and mixed-group approaches to support gender balance in community perspectives. Furthermore, CE should include **assessing gender-specific impacts of forest management projects and policies**.

As participants in Nepal mention, these approaches – particularly women-only approaches – might create tensions and divides within households and communities. Working with local women's organizations and associations or NGOs supporting women and building capacity for women's representation and leadership is vital to promote respectful and successful women's inclusion in CE.

CASE STUDY: Women's Shea Butter Cooperatives in Burkina Faso⁶⁶**CASE STUDY 6**

As part of its initiative on Investing in Locally Controlled Forestry, TFD convened a dialogue in Burkina Faso that illuminates the inclusion of women in the forest sector. Land rights in Burkina Faso, as in much of West Africa, are ambiguous because of overlapping and contradictory national law and customary rights. In this country, where 87% of women are involved in agriculture and provide food for their families, it is women who benefit most from forest resources for both food and through the collection of NTFPs, particularly the collection of shea nuts for the production of shea butter.

Field visits conducted during the dialogue included a visit with women's groups and with the Union of Women Producers of Shea Products of Sissily and Ziro (now Federation NUNUNA). Started as a union among 18 women's groups, it has grown to include 101 groups representing 4,596 women. Within the groups and cooperative, women play two roles: as nut harvesters, who gather, sort, wash, and dry the nuts of shea trees, or butter producers, who harvest the nuts or buy them from harvesters in order to create shea butter. In 2009, the cooperative's revenue from shea butter sales was 380,000 USD (135 tons of butter);

Because this production is an economic activity that is culturally the province of women, these forest-dependent women's groups face gender-specific challenges and have particular interests in forest conservation and management. One of these is access: shea trees are sparse and collection is competitive, so women must often travel far for quality nuts. They have need of transportation or resources to develop shea plantations locally. Women's groups lack the equipment and techniques that would allow them to scale up and improve the consistency of quality shea butter production. Finally, the proceeds from production are mostly used for household and education expenses, leaving women with high-interest loans to pay off.

As evidenced by the dialogue, forest policy and management interventions in Burkina Faso to invest in locally controlled forestry should attend to these specific concerns of women involved in a forest-based and sustainable economic activity. Technical support in particular is an area identified where external stakeholder can partner with women community stakeholders in Burkina Faso to encourage sustainability.

⁶⁶ Drawn from TFD's dialogue on Investing in Locally Controlled Forestry in Burkina Faso.



Group breakout sessions are intimate discussions that are reported back to the main plenary.

7. STAY WITH CONFLICT

Coherent and well-communicated grievance procedures and conflict resolution protocols should be developed as part of engagement

Non-community stakeholders in forest landscapes who come to agreements with communities and build trust through CE do not necessarily – and should not expect to – see an end to conflicts and disputes with community stakeholder groups. If agreements are reached through engagement, a vital part of continuing CE is the establishment of procedures through which community stakeholders can channel and resolve their concerns or grievances about forest management activities or practices without fear of reprisal.⁶⁷ This is true not just of private sector projects by companies⁶⁸ but also forest management and conservation policies and interventions by NGOs, governments, or international organizations.

⁶⁷ As the Forest Peoples Programme's 2017 report *Protecting Forest Defenders* notes, the need for anonymity and protection of complainants is now recognized as a major challenge, with death threats and criminalization of complainants and human rights defenders being common and widely reported.

⁶⁸ Articles 2.3 and 4.5 of the Forest Stewardship Certification require appropriate mechanisms for resolving land tenure disputes and other grievances. The ISO 14001 environmental management system standard, which is implemented by many companies, has a requirement for companies to have some form of public grievance mechanism.

This issue has been mentioned in several of TFD's initiatives and dialogues. Participants during a field visit within the FPIC and Intensively Managed Planted Forests (IMPF) dialogues in Indonesia noted that there were unclear grievance mechanisms and arrangements for conflict resolution in place between the plantation forestry company PT RAPP and members of the local Teluk Meranti community. Both companies and communities agreed⁶⁹ on the need to develop a protocol for conflict resolution in Indonesia's IMPF sector. The TFD commissioned study company-led conflict resolution similarly concluded that grievance procedures are an important element of conflict resolution, a major target of CE.

Non-community stakeholders should, as part of CE, **provide community stakeholder groups with appropriate, anonymous and accessible channels of communication to make their concerns and issues known as they arise**. These grievance procedures should be **made actionable and accountable through a formalized internal process within the non-community stakeholders' organization for addressing community concerns**.

Finally, these **procedures should be clearly defined and communicated in local languages and through local platforms** or channels to community stakeholders and their representatives in order that information on how to have complaints addressed is easily available. While it is important for CE to include the development of clear and actionable grievance procedures, these **procedures should be separate from other CE processes and procedures** by a non-community stakeholder and/or its partner organizations. Community stakeholders should be able to air their grievances without bringing these grievances directly to those responsible for the sources of their grievances, as fear of personal consequences might limit their ability to make their complaints and ensure that they are resolved.

⁶⁹ Dieterle, G. 2007. "Co-Chairs' Summary Report: Dialogue on Intensively Managed Planted Forests in Indonesia". The Forests Dialogue.

Examples from companies show that grievance procedures tend to take the form of telephone hotlines, networks of community liaison officers who live in the communities, or a dedicated staff member charged with dealing with complaints. There is often a stated time frame that the company pledges to resolve the concerns submitted. There may be a special committee or third party mediator to deal with particularly complex issues.⁷⁰ Depending on the local context, these and other strategies can strengthen CE and create the conditions for long-term engagement and trust-building between non-community and community stakeholders.

CASE STUDY: Aracruz Cellulose and Indigenous Land Rights in Brazil⁷¹

CASE STUDY 7

Aracruz Cellulose has faced long-standing opposition to its plantation operations in Espírito Santo, Brazil, where indigenous communities claim rights within its forested land. In 1998 and 2005, after Aracruz ceded parts of its land holdings to an adjoining indigenous reservation, the communities occupied Aracruz' privately held land to protest at the amount of land ceded and call for an expansion of the ceded area. The conflict became violent, prompting a formal conflict resolution process involving the indigenous communities, the Brazilian government's department of indigenous affairs, and the federal Public Attorney's Office. The latest agreement was signed in 2007.

Nonetheless, these conflicts have made Aracruz withdraw from its efforts to get FSC certification, which faced sustained opposition from indigenous and civil society groups. Learning from the conflict, Aracruz put into place new strategies for community stakeholder engagement and strengthened its grievance procedures. It enlarged its system of community liaison representatives and established dialogues and committees to address specific issues which emerge.

⁷⁰ Wilson 2009.

⁷¹ Ibid



Dialogue participants in Finland in 2014.

Conclusion

SUMMARY

The dialogues and case studies from which the lessons in this review derive suggest that stakeholders can take tangible actions and internalize important principles in order to build legitimacy, reduce conflict, mitigate risks, share benefits, and confront challenges of capacity, representation, and mistrust in forest landscapes. CE strategies informed by these lessons should be implemented at the initial stage of forest management activities by non-community stakeholders in order to effectively and equitably bring community stakeholder groups into decision-making about forest lands and resources at the outset.

1. **Supporting the rights of community stakeholders is key to effective CE.** Non-community stakeholders should use multiple avenues and strategies appropriate to the local social context to support community efforts to defend or claim rights. When supporting rights, it is important that stakeholders work together to clarify the

types and intricacies of the rights they hold in relation to both tenure and use rights. Rights themselves do not guarantee equal participation in decision-making around land and resource use; continued CE is therefore necessary even once rights are recognized.

2. **Successful CE depends on a thorough knowledge of the local social context by both non-community and community stakeholders.** Mapping communities is an important tool in identifying competing or shared interests, assets, and representatives of community stakeholder groups. Self-representation is a key principle. Working with local NGOs and long-term community members can expedite the learning process and ensure that local expertise informs the background research for CE. Because local NGOs may be biased towards those they have already worked with or groups who have been willing to engage in the past, communicating directly with community stakeholder groups is critical to ensuring robust outreach and including groups that may otherwise be left out of engagement processes.
3. **A key route to successful CE by non-community stakeholders in forest landscapes is building and sustaining equal partnerships with community stakeholder groups.** Communities are not just beneficiaries, but autonomous actors seeking engagement and partnership with other stakeholders as well as particular goals for forest management. Non-community stakeholders should incorporate and prioritize community stakeholders' goals and vision for land and resource use and identify shared interests. Where community capacity is lacking, stakeholders should consider capacity building in order to foster the conditions for equal partnership and the possibility for joint decision-making.
4. **CE must respect the right to FPIC and its underlying principles.** In forest landscapes where indigenous or tribal communities, and in some cases local communities,

have rights to, or are dependent on, forest resources, stakeholders should collaboratively develop clear and binding policies grounded in the principles of FPIC. Policies should include multiple stages of engagement through which community stakeholders are able to determine their representation and engagement processes in advance, are informed, and develop an agreed-upon mechanism to give or withhold consent. Integrating FPIC into CE requires continuous and sustained engagement with community stakeholders.

5. In highly-contested landscapes, CE strategies should consider incorporating third party mediation through which to build or re-build trust amongst stakeholders.

While mediation can build trust, an open and transparent retention of third party intermediaries and the equal involvement of community stakeholders in their selection is necessary to give legitimacy to the process. Impartial intermediaries such as ombudsmen (women) should be retained in order to ensure neutrality.

6. Women's inclusion in CE is critical but must be sensitive to local sociocultural contexts and gender norms.

Where possible, stakeholders should develop women-only and mixed-group platforms and processes with their CE strategy in order to engage women's perspectives and assess impacts affecting women. Working with local women's associations and NGOs supporting women's rights can ensure more equitable outcomes, smooth the process of engagement with community stakeholder groups and optimizing their representation given the local situation.

7. The establishment of well-defined and actionable grievance procedures is an integral part of a continuing CE strategy.

At the same time, grievance procedures should be separated from other CE processes in order to enable community stakeholder groups to honestly state their concerns and issues. Grievance procedures

should be clearly communicated through local channels in order to inform communities at large on the process and timeframe for resolution. Provisions are needed to ensure anonymity of complainants and protection of human rights defenders. In complex cases and disputes, third party mediation (see above) may be necessary to achieve satisfactory conflict resolution.

CONTINUING DIALOGUE

The key lessons and case studies discussed here have emerged from some of the main themes and challenges faced by participants in TFD's dialogues and initiatives in the last decade of engaging with communities around forest management, on a wide range of issues. While by no means comprehensive, they detail a range of lessons and experiences from which stakeholders might draw inspiration and guidance in engaging with communities in diverse forest landscapes, and which may be problematized, deepened, or reconsidered by on-the-ground situations and experiences.

A number of ideas may emerge from this document about how non-community stakeholders in forests successfully engage communities. Applying these lessons is not about implementing a set of activities that when applied will lead to the best outcomes, but about building an understanding of specific local contexts and making a best effort to respect the rights of communities within these local forest landscapes. This review has aimed to show the importance of both best practice and contextual knowledge and awareness on the part of stakeholders with interest in the use and protection of forest resources.

Intended to catalyze conversation on community engagement and elicit further case studies and input from diverse stakeholders, partner organizations, and dialogue participants on this crucial issue, this TFD review is hopefully the beginning of a larger set of conversations, bringing together diverse voices, about CE in forest landscapes.

The Forests Dialogue (TFD) was created in 1998 to provide international leaders in the forest sector with an ongoing, multi-stakeholder dialogue (MSD) platform and process focused on developing mutual trust, a shared understanding, and collaborative solutions to challenges in achieving sustainable forest management and forest conservation around the world.

The goal of TFD is to reduce conflict among stakeholders over the use and protection of vital forest resources. Over the past seventeen years, TFD has brought together more than 2,500 diverse leaders to work through compelling forest issues in what we call Initiatives. TFD utilizes the multi-stakeholder dialogue (MSD) model to progress from building trust among participants to achieving substantive, tangible outcomes. A primary reason for TFD's success is that participants are committed to advocate for and work to implement those consensus-based outcomes. TFD is governed by a steering committee composed of a diverse group of individuals representing key stakeholder perspectives from around the world.



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TFD's Mission

To pursue our purpose through constructive dialogue processes among all key stakeholders, based on mutual trust, enhanced understanding and commitment to change. Our dialogues are designed to build relationships and to spur collaborative action on the highest priority issues facing the world's forests.