

## Executive Summary

The *Fiji National Reducing Emissions from Deforestation and Degradation (REDD+) Programme* was established in 2009. In 2010, the Fiji Cabinet endorsed the *Fiji National REDD+ Policy*<sup>1</sup> and the Fiji Permanent Secretary of Fisheries and Forests officially launched the Policy in March 2011. The REDD+ Policy, alongside the *Fiji National Climate Change Policy* (2012), guides the REDD+ Program's implementation. The REDD+ Policy provides the framework for the planning, coordination, and implementation of REDD+ activities across Fiji. Through its dedicated REDD+ Unit, the Ministry of Forests (MoF) serves as the lead national implementation agency for REDD+ and is responsible for administering, managing, and overseeing the program. The implementation of the program is guided by the National REDD+ Steering Committee (RSC) composed of 19 representative members from various sectors and agencies and is coordinated through the REDD+ Secretariat. The Ministry of Economy (MoE) is the national focal point for the United Nations Framework Convention on Climate Change (UNFCCC) and acts as lead negotiator at international climate change meetings, as well as the lead finance agency. The MoE supports lobbying for Fiji's REDD+ agenda at international meetings and provides relevant policy support with other countries. The MoE houses the Climate Change Unit and engages with REDD+ financing and technical development partners. REDD+ readiness in Fiji follows a hybrid approach; REDD+ will start from the subnational-level through pilot projects that will later be nested into a national program. The first nationally approved REDD+ pilot project is underway in Emalu, Navosa province on Viti Levu. Additionally, Conservation International in Viti Levu, Ra province, is implementing a community reforestation project and Live & Learn (a nongovernmental organization) is implementing a community forest management and carbon-offsetting project in Drawa, Vanua Levu. These on-going activities and Policy are expected to inform the development of the Fiji National REDD+ Strategy.

In May 2015, Fiji became a recipient of the Forest Carbon Partnership Facility's (FCPF) REDD+ readiness grant amounting to United States Dollar (USD) 3.8 million. Under this grant, and overseen by the REDD+ Steering Committee, several readiness assessments are currently being undertaken in support of the National REDD+ Strategy that define and detail social and environmental safeguards; monitoring, reporting, and verification (MRV) of carbon emissions reductions; and identify drivers of deforestation in Fiji. With a focus on compliance and donor requirements and with a respect to the agreements of the UNFCCC, an assessment of modes and means of grievance redress mechanisms (GRM) and institutions are also necessary with respect to national and donor requirements. The development of a feedback and grievances redress mechanism (FGRM) specific to REDD+ activities will incorporate existing GRM's as appropriate and outline how to receive and respond to concerns, complaints, disputes, and any other contentious issues arising during readiness and implementation phases of REDD+ programming.

This study is the first part of the development of a FGRM that (1) identifies and analyzes legislation and policy that impacts REDD+, (2) analyzes Fiji's existing institutional capacity and mechanisms used to respond to and resolve conflict, and (3) identifies existing and potential

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<sup>1</sup> The Fiji National REDD+ Policy is implemented within the framework of the National Forest Policy 2007 and is aligned to the objectives of the Fiji Sustainable Economic and Empowerment Development Strategy (SEEDS).

grievances and conflicts that may arise as a result of REDD+. The findings in this study are derived from desktop research, key informational interviews, focus group consultations, and workshops with current and potential REDD+ beneficiaries and relevant stakeholders. A summary of general findings from the institutional and risk assessments is included below; followed by considerations to inform the design of the Fiji REDD+ FGRM.

## General Findings of this Study

**1. Institutional Assessment:** There are significant gaps in grievance redress processes within formal systems, where grievances are currently determined for conservation and land use and land management activities by three primary institutions (*iTaukei Land Trust Board, iTaukei Land and Fisheries Commission, and the Land Bank*, under the Ministry of Lands and Mineral Resources), if they are not resolved at the informal-level. These prevailing formal institutions, with GRM processes that are of most relevance for REDD+, are either poorly established or inconsistent with how they process, manage, and address grievances. Each institution evaluated was relatively weak across all seven FCPF guiding principles<sup>2</sup> (see *Table 1*) and free, prior, and informed consent (FPIC) was not well executed. A disconnect exists between non-legal or traditional structures, where most land and related disputes are resolved within communities (following FCPF guiding principles), and formalized legal structures. Existing mechanisms at the formal-level are inadequate to support REDD+ and informal systems do not have the legal clout, resources, or technical capacity to address grievances fully at the community-level. Alternative dispute resolution (ADR) approaches have been used in conservation areas with more success to assist with conflict resolution, but they are neither consistently applied nor well-communicated to communities as viable options and lack enforcement abilities because of their semi-formal status.

**Table 1. Institutional assessment**

Institutional Assessment of Existing GRMs								
FCPF Guiding Principle	Availability, credibility, and capabilities	Customary	Formal			Semi-Formal (alternative)		
			TLTB	TLFC	Land Bank	Sugar Cane Tribunal	Sawmillers Association	NGO (Live & Learn)
	<b>Legitimate</b>	X	X	X	X		X	X
	<b>Accessible</b>	X	X	X	X	X	X	X
	<b>Predictable</b>	X		X		X	X	X
	<b>Equitable</b>	X		X				X
<b>Transparent</b>	X					X	X	

<sup>2</sup> Derived from the UN Human Rights Council, 2011. Report of the UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie: Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. A/HRC/17/31, 21 March.

Institutional Assessment of Existing GRMs								
FCPF Guiding Principle	Availability, credibility, and capabilities	Customary	Formal			Semi-Formal (alternative)		
			TLTB	TLFC	Land Bank	Sugar Cane Tribunal	Sawmillers Association	NGO (Live & Learn)
	Rights compatible	X	X	X	X		X	X
Enabling continuous learning					X	X	X	

\* "X"s in grey are expressed thusly because they narrowly met the guidance and are very weak in their current state.

**2. Potential for Grievances and Conflicts:** Risks were assessed at current REDD+ sites (national and project-driven) and potential REDD+ sites identified during other REDD+ readiness activities. Existing risks are connected to disputes involving land tenure, relationships between investors, and land administration that drive forest and land conflict. At REDD+ pilot sites disputes involving the aforementioned risks were evident, but were surpassed by far greater concerns tied to benefit-sharing, resource rights, and a lack of overall understanding and FPIC regarding REDD+ activities (see *Table 2*). The highest rated risks come from the absence of legislation and policy on carbon-ownership and clarity on management and use of forests and forest products in conservation areas.

**Table 2. Areas of potential conflict for REDD+**

Possible Grievance Outcomes		
Existing Forest and Land Conflict	Existing REDD+ Grievance	Potential REDD+ Grievance Drivers
Tenure Rights	Benefit-sharing	Socio-Economic (e.g., benefit-sharing)
Boundary Disputes	REDD+/Conservation Lease Terms and Enforcement	Legal (e.g., lack of REDD+ legislation)
Administration of Customary Land	Awareness of Rights and Access to Resources	Environmental (e.g., land loss)
Landowning Units and Investor Relations	Boundary Disputes	REDD+ Programme (e.g., ownership)
Awareness of Rights and Access to Resources	Sustainability and Ownership	Political (e.g., insecurity of tenure)
		Cultural (e.g., forest-dependent peoples)

Potential risks that are specific to REDD+ activities involving benefit-sharing and land use will be unresolved without the employment of REDD+ legislation, greater specificity in current legislation regarding carbon ownership, and the design of a national land use plan for Fiji. The pending Forest Bill (2016) inadequately addresses issues regarding ownership, resource rights, or third party claims on forest-sequestered carbon, which will incubate disputes in the future. Overall Fiji's existing REDD+ Policy provides guidance for the facilitation of REDD+, but the absence of law means that enforcement will be problematic. The absence of a proper national

land use plan also offers fundamental challenges to implement REDD+ and other resource allocation activities at the local-level given the lack of comprehensive overview. This undoubtedly will become an issue for REDD+ project sites, where land use planning is needed to aid communities in proper management of their land for conservation, agriculture, and plantation.

**3. Approaches, strategies, and recommendations:** The results of the institutional and risk assessments, coupled with data collected from various stakeholder groups, resulted in the identification of gaps and issues in existing GRMs, challenges for setting up a FGRM Framework, and a series of lessons learned. The following high-level summary of findings (expanded on in Section 5.3) recognizes the challenges of current GRM structures and provides three key areas for improvement.

- **Synergy between systems and improved governance.** Building on the policy recommendations listed above, there must be a mechanism that supports good governance and rule of law that complements existing structures. The FGRM for REDD+ will need to create synergy between customary and formal means of grievance redress, whilst facilitating third party interventions to provide an independent review and audit of grievances under the Program. It was determined, through consultations and research that the best placement for a FGRM is at the semi-formal level; improving dispute resolution processes at the community-level prior to engaging in an ADR mechanism. Opting for resolution where possible in the communities first, and then providing additional support (e.g., information on legal rights and additional resources) and technical skills through the intervention of third parties (e.g., CSO, NGO) to help facilitate resolution with inputs from the RSC (in an advisory capacity) before resorting to judicial means. The FGRM for REDD+ should be seen as the “in-between” step for stakeholders when informal disputes fail, where access to information and technical capacity is needed, and to avoid more costly, time consuming, and less effective resolutions at the formal-level. This intervening step is crucial given the high potential for conflict, the unpredictability and inequity of decision-making, and the non-transparent processes currently experienced in the land use and land management sector.

It is also recommended that a more institutionalized approach for REDD+ would support a semi-formal mechanism that adds legitimacy and legal standing whilst encouraging resolution in the more traditional system. This would require REDD+ legislation crafting the legal provisions necessary in contracts for leased lands that acknowledge and support a FGRM that is impartial and acceptable for both iTaukei and government parties and is representative of other vulnerable, marginalized, disadvantaged, and minority groups that will be impacted by REDD+ programming.

- **Improved awareness and capacity building for all stakeholders on REDD+ programming and benefits.** The goal and function of existing GRMs are confusing and unclear to the majority of the stakeholders consulted, most visibly at the village and community-level, where the potential for REDD+ conflicts will likely arise. Landowning units and surrounding communities with strong REDD+ potential must be engaged through a combined education and communications campaign that delivers *consistent* messaging on REDD+ programming (e.g., ecosystems management, benefit-sharing) from all multiple actors (e.g., ministries, RSC, NGOs) that also alleviates confusion

regarding policies, rights, and benefits for stakeholders. This can be provided through NGOs, Government and funding bodies, and CSOs that are already playing a role as local facilitators in conservation and REDD+ activities, in the vernacular language, on all facets of the proposal under guidance from the RSC – again to ensure consistent messaging.

Capacity training must also be augmented through the strengthening of national networks at provincial and district-levels, which distils down to the village-level, regarding information sharing. Key messages must be basic and simple vis-à-vis the rights of landowners. This entails current rights enjoyed and those that are likely to be affected, payment systems, and equitable compensation sharing mechanisms including fair representative entities that are more appropriate to existing traditional structures.

- **Accountability and free prior and informed consent.** In order to render a trustworthy mechanism that is intended to guarantee fair, objective, and impartial treatment thorough consideration of all the parties involved will be required. Given that the proper governance mechanism for all native land is largely entrenched within the TLTB ambit, with ancillary working support from TLFC (same Ministry), the development of a FGRM must consider coordination, development, and codification of current TLTB procedures; adding necessary missing elements such as FPIC requirements and its universal applicability. REDD+ is a “new product” and as such there will need to be a reworking of exiting structures through institutional strengthening of matters concerning FPIC, substantiating of rights, and proper understanding leading on to its valuation.

## ATTACHMENT 2: PREVIOUS STUDY FINDINGS

### Gaps/Issues Identified in Related/Existing GRMs in Fiji

#### KEY FINDINGS

- There currently exists a bifurcation between customary and legally supported GRMs, but there is a desire to utilize both systems by all interested parties in the resolution of conflicts.
- Traditional customary mediation processes at the village-level are currently the main channels of resolving grievances and/or disputes. Almost all issues arising out of any contestation regarding traditional boundaries and ownership issues can be solved at village level.
- There will need to be clearly mandated support and encouragement from the formal sector for the informal system to address conflicts prior to the use of ADR or formal intervention.
- Institutions should encourage dispute resolution at the informal-level as a first step because it facilitates faster resolution of issues and helps maintain peace at the village-levels, which may otherwise be strained if left to the perceived adversarial formal systems which are non-transparent, expensive, and can be divisive in the end.
- Existing GRMs are not comprehensive enough to support REDD+ programming at the informal or formal-level and semi-formal systems are not institutionalized. This will create inconsistency and accountability problems in the handling of grievances and in the management of processes and outcomes when dealing with enforcement.
- It is necessary to create a complementary route to the existing formal structure because of its weak institutional ranking. The proposed FGRM for REDD+ should be designed for intervention at semi-formal level of grievance redress, so as to build upon customary approaches and to compliment instead of replacing current legal/formal redress systems. The use of outside mediation support either by an NGO, Legal Association, or REDD+ Unit to help support communities throughout the design, leasing, and implementation process will create a more legitimate and accountable system that is trust-building and sustainable.
- Formal systems are based on current law and do not focus on preserving future relationship between disputants.
- Formal systems are slow and unpredictable in resolution processes. This has resulted in the creation of new tensions, loss of trust, and exacerbated conflict because of the lapse timeline and poor data management.
- The formal system is mostly inaccessible to forest users because they require a substantial amount of financial resources to file a case, hire a lawyer, travel to court, etc. There is also a legal literacy gap, poor understanding of complicated contracts, and a fear of going to court because of lack of knowledge and perceived bias.
- There is a gap in understanding how grievances are currently addressed by the formal sector. There must be a better communication, outreach, and awareness campaign employed in order

for iTaukei to understand their rights and the processes and procedures for how grievances will be addressed.<sup>13</sup>

- Decision-making on REDD+ grievances must include multiple stakeholders' perspectives and allow for the complaint to be well informed of the process. There is a need for an independent review board to provide auditory services.
- The FGRM should be designed to accommodate different communities/individuals at different levels appropriately.
- There should be a designated Grievance Officer(s) (or a clearly mandated responsibility) to handle REDD+ grievances and to ensure that the Secretariat and Steering Committee are aware of the grievances from the public and the necessary actions to improve them.

## **WEAKNESSES AND CHALLENGES**

- There are currently inadequate regulatory contexts to support REDD+ programming either through legislation directly for REDD+ or contextually through the Draft Forest Bill that address key issues such as the definition of carbon property rights and benefit sharing.
- Although there are GRMs in existence (at varying levels of development) under the several government agencies and institutions that currently deal with resources and land management issues, it would be proleptic to assume that existing mechanisms are “fit for purpose”. As such, there is no current FGRM in place specifically capable of addressing the intended grievances and conflicts for REDD+. Given that REDD+ is a new product it will require substantial reworking of existing structures through institutional strengthening of matters concerning FPIC, substantiating of rights, and its proper understanding leading on to its valuation.
- There is disconnect between formal and informal sectors and this will create problems for enforcement.
- There is a gap in active distribution or information sharing between sectors and government on REDD+ issues.
- Inadequate funding, human resources, and equipment required for handling grievances within the public sector, resulting in poor monitoring and implementation.
- Lack in relevant skills and knowledge of how to handle and address grievances at the provincial and national-level (e.g., no specific rules written or they are in process, no training, low technical capacity).
- Convergences between jurisdictional mandates due to lack of clear legislation or regulatory guidance on grievance redress with REDD+.

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<sup>13</sup> Although noted in previous sections that the focus of this assessment is on iTaukei as landowners, the same applies for non-iTaukei who mostly lease land or own freehold land. Their grievances are still yet to be addressed by the formal sector for example; expired land leases for those who lease land, and poor farm road conditions caused by logging trucks for those who own freehold land.

- Absence of a national land use plan has resulted in conflicts of jurisdiction between competing sectors within the same land area and over the same resources, which will inevitably also affect the implementation of REDD+ program and any proposed FGRM in the future.
- There is a concerning lack of awareness on REDD+ program, incentives, and rules by the communities involved.
- There are inadequate or absent dispute resolution clauses in leasing contracts.

## Lessons Learned and Recommendations

### AWARENESS AND CAPACITY

- Potential REDD+ sites (i.e., Serua) are aware of REDD+'s *existence* through an initial consultation by the REDD+ Unit, but there was no follow-up or clarity around objectives, rules, and policies and procedures. The low level of awareness is a serious concern for implementation and will be cause for missed expectations and understanding of the purpose of forest driven investment by communities. If REDD+ is implemented without boosting the awareness level of local users, there will be an overflow of awareness-related grievances that may express themselves through more sensitive issues of benefit sharing. Therefore, as explained previously, the design of the FGRM will allow wide enough accessibility for local users so they can have a channel of communication to talk and learn about REDD+.
- Poor understanding of ecosystem services by communities, which has resulted in several not being interested in participating in conservation/REDD+ programming. A possible solution is to educate communities during site selection and compare ecosystem services to their supermarket needs, showing the cost for loss of these services up front.
- Permit NGOs and CSOs, with relevant government departments, to conduct village awareness on REDD+ through workshops and training in conflict management in the Western, Northern, Central and Easter Divisions. Priority should be given to those villages that have potential REDD+ sites. The use of effective educational media, such as videos, in both vernacular languages and English is imperative.
- Fiji's REDD+ Program launched a website in which policies, procedures, strategies and related documents are available (although not current). In the present situation, remote local people, especially women, poor, and marginalized groups are unaware of the specifics of the program and lack access to this information. If the REDD+ program is implemented in the current state, it will suffer from lack of support of the local peoples/communities without better communication and outreach. Therefore, disclosure of the policies, procedures, and safeguard documents at local/community level are necessary for smooth implementation of the REDD+ program in the future. These aspects must be taken into consideration in the FGRM design by building it to the local level and opening possibilities for information transfer.
- Fiji has chosen to take a 'hybrid' model for REDD+ implementation, which includes payments flowing at the national, programmatic, and project-scale as specified in the



National REDD+ Policy (R-PP.). However, in practice there have been challenges with implementation and recognition of project-scale activities. For example, the Drawa site is still not being recognized (formally approved by the government, meaning that offsetting cannot be done until the government has endorsed the project), complicating future programming that is inconsistent with current policy.

- Participation is viewed differently with the national and project-based REDD+ activities. There is perceived preference for nationally managed programs that has manifested in a concern that project-based interventions are not being integrated into the current REDD+ scheme. Common questions posted by local participants in Drawa Block show a level of distrust towards the Government as a result. It is therefore imperative that the FGRM opens communication between local level users and creates possibilities for information sharing that leads to an improved understanding of the intentions of the Government that align with all (hybrid) REDD+ projects.
- The goals and functions of GRMs are unclear to the majority of stakeholders in REDD+. A few knowledgeable people on GRM functions (forest officers, certain NGOs and interest-based organizations like FELA) were also highly educated on REDD+. It will be important to provide a full explanation of the GRM design process and subsequent roles and responsibilities for beneficiaries, government entities, and supporting mediators in the design of the FGRM to steer REDD+ towards success.
- Public awareness of the presence of GRMs within the institution, its procedural process, timelines and options of other avenues, if required for further redress need to be instituted.
- According to FCPF/UNREDD guidelines the GRM should operate independently of all interested parties in order to guarantee fair, objective, and impartial treatment to each case. Making decisions by entities having a stake in the process is thus unacceptable (this includes also the government in some specific cases) so third party mediation is recommended.
- Need for trained GRM staff that can be responsible for handling and management of REDD+ related grievances, similar to TLTB and Land Bank Units. Additional staff to pursue completion complaints, training and awareness on internal procedures, and the development materials to raise awareness for grievances and redress.
- Local users do not understand REDD+'s performance-based system. Communities are concerned that they will be barred from gathering forest products. There is a concern about whether communities will be able to comply with a new trade system for generating alternative income.

## **GOVERNANCE**

- Boundary distinction is critical and needs to be part of any REDD+ process during readiness for site selection. Emalu still needs its boundary to be mapped out on the ground by physical markings as neighboring provinces are encroaching into the protected area. Various LoUs also noted this in Serua under the River Fiji Conservation Project where there is not proper demarcation of ownership, which causes boundary disputes and where Fiji Pine and Harwood surpassing agreed (surveyed) plantation areas.

- Without REDD+ legislation in place and adequate laws to support benefit-sharing, GRM enforcement will be difficult if not impossible and accountability non-existent.
- There is a need for a national land use plan because of issues with competing jurisdictions and management. Even if a site is marked as a conservation site, timber is still being logged, unlawfully. Different authorities also have different rules (what is “harvesting” according to the timber companies vs. the forestry officials) and overlaps in jurisdiction can lead to community disputes
- As part of REDD+ readiness in site planning, a community land use plan should be designed (with support from the REDD+ Unit, NGOs, relevant ministries and boards, etc.) to provide communities that are participating in REDD+ means to allow for multi-sector land use that aligns with REDD+ policies whilst promoting alternative livelihood options, allowing for agriculture and timber space as needed, and for human settlements (this was done in Drawa).
- Re-examine endangered species legislation, which protects native trees that are still being logged. Conservation efforts may foster greater buy-in by communities if there is greater awareness of protected species.
- Sustainable alternative livelihood sources to support the loss of land for purposes of agriculture or timber should be sought immediately for the landowners (e.g., *yaqona*, ecotourism, bee-keeping). This must be supported with technical expertise offered as part of the readiness process through engagement with NGOs that can assist in the development of proposals to secure funding and to provide implementation support for communities to become self sufficient.
- Benefit-sharing structures need to be supported through registered legal entities account set-up and management for disbursement of funds for access to all members of LoUs; having a system in place to check that funds are being accessed.
- Distribution needs to be equitable amongst the landowners where there are differences in the membership size of LoUs, acreage, and even forest density where timber stocking will have an impact. The conflicts will come once there is actual distribution of funds.
- Updated resource inventories are needed. For example, in Drawa 18,800 tons were evaluated 10 years ago for the Block’s conservation site. It would be better to assess carbon every 5 years with the renegotiation of the lease and based on the “Project Monitoring Reports” that contain assertions of the quantified ecosystem services benefits delivered by the project during the relevant (3-yearly) monitoring period. This quantitative assertion is the basis for issuing payment for ecosystem service units (e.g. carbon offsets) to the project.
- Use of different forms of management will need to be assessed in order to secure the most appropriate for communities (e.g., cooperative or trust). The number of LoUs involved is also contributory to the multitudes of interest that needs to be negotiated through TLTB. Benefit sharing expectations will also be subjected to similar tensions.
- Forest users favor submitting grievances at the local-level. Whenever this system is insufficient, stakeholders should be able to propose an alternative locally operating grievance redress system in which all parties are represented. Stakeholders agree that the most

important reason for choosing a collaborative model is because REDD+ beneficiaries should maintain ownership of the decision and, as a result, it will have greater chance of success.

## **ACCOUNTABILITY**

- Nothing is recorded at the community-level GRM. There is a need and desire for a written record to offer legitimacy to the process as well as a recording of grievance and response to encourage continued learning.
- Recognition of a hybrid system to cater for western and customary structures. A need for the formal system to respect the traditional in a far more legitimate way to give weight to the GRM. This can be done through encouragement by institutions to resolve issues at the informal-level in contracts and in support of the outcomes proffered.

## **FPIC**

- FPIC needs to be integrated and adjusted to reflect REDD+ parameters so communities are better informed on programming and expectations.
- Consultations with key stakeholders and beneficiaries revealed a positive perception about REDD+, once they had been more informed about the process and benefits of the program – predominantly provided by members of district networks, CSOs, and NGOs active involvement in REDD+ activities. However, potential sites revealed that very few of the community level forest users have received the opportunity to participate in a REDD+ yet, so there is an information gap that needs to be addressed.
- From stakeholder consultations, the study team collected a variety of perspectives on rights, policies, and procedures under REDD+ program, but it was consistently unclear where or how grievances need to be resolved for REDD+ or who responds to them. Currently, all grievances are handled through TLTB (formal) or through intermediaries of ADR (e.g. Live & Learn). This process needs to be specific and clear and resourced appropriately to respond to a variety of risks and for different forest users as appropriate.
- Perception and transparency about timeframes need to be explicit with communities made with FPIC. Communities need to be informed of the timeline for all phases of REDD+ with quarterly reports and disbursement of information. There must be an expectation set early on regarding when funds may actually be disbursed and the steps in the process that must be met before.
- Communities need support in the negotiation of conservation lease terms, grievance redress for REDD+ because of technical competencies, and in understanding their rights. NGOs, CSOs, and Legal Association (FELA) can be tasked to support REDD+ in providing these services to the communities to help minimize misunderstandings and conflicts and to remove bias.
- Leases must be fit for purpose and allow for the incorporation of alternative dispute resolution in clauses.

- Terms of leases need to be consistent with how distribution is offered, expectations for management (government vs. landowners) of sites, and regulations for land use so that there is not perceived favoritism.