

Co-Chairs Summary – Day 1

Scoping dialogue on Land and Forest Tenure Reform

Reminder of the Objectives of the Scoping Dialogue

- Share an understanding of the background on land tenure reform among various stakeholders
- Examine and learn lessons from concrete situations where land tenure reforms have been/are being used
- Identify key fracture lines within land tenure reform with opportunity for improvement and collaboration across stakeholders
- Emerging priority – role of private sector, expectations and realities



Scoping paper – key points

- Land tenure is a common theme across all social and environmental aspects of land use/forest management
- Insecure tenure results in multiple negative outcomes for people and forests
- Multiple international processes recommend or support land tenure reform to improve social and environmental outcomes
- Land rights align with property rights and international human rights framework
- Secure local tenure is frequently denied by national laws, legislative process, and a vested interest in the status quo – and “iron triangle” between industry interests, forestry bureaucracies and the legislature.
- Many initiatives and best practice alternatives exist but have been very slow to take root and spread

Break out groups – key themes

- Diversity of views and complexity of issues – need an understanding of the different scales at which decisions are made (local to national)
- The alignment between the needs of communities, national economic development priorities and investor interests is unclear
- Definitions – “bundle of rights” / tenure / titling and relationship between legal and traditional concepts of rights
- Multiple challenges in challenging vested interests, particularly in corrupt or undemocratic contexts.
- Need to make the business case for land tenure reform, how can companies compete and invest?

Communities

- Pay more attention to community governance, institutional needs, capacity building, incentives and awareness: ‘agency not just rights’
- Clarify tenurial options and bundles of rights and properties
- Avoid essentialising communities ; not homogeneous and identities constantly being reforged
- Admit communities seek development, “alternative livelihood” options often less alluring
- Pay more attention to gender and potential exclusion of weaker sections
- Address elite capture

Companies

- Be more frank about current role of companies in upholding or accepting unfair tenures
- Differentiate between “champions” and “spoilers”
- Seek examples of best practice, innovation in a competitive environment
- Address corporate capture, collusion, rent-seeking
- Recognise limitations of private sector in promoting system change
- Explore business models that can accept JVs with communities as landowners
- Consider needs of SMEs

Governments

- Clarify governments' roles, policies, development priorities and planning processes including land use planning
- Ensure their direct involvement in field dialogues
- Create more transparency and accountability in resource allocation to lessen impunity and collusion
- Distinguish between interests of State and personal interests of politicians and bureaucrats but need to address both
- Reforms require revised laws (legislature), policies, enhanced government institutional capacity, awareness and budgets

Questions for the Breakout Groups

1. How can land tenure reform contribute to a secure environment for business investment and long term supply? - Christopher
 2. Once local land rights are secured, what institutional and technical incentives are needed to encourage sustainable land use? – Jo-Ann
 3. How can communities and company “decision-making cycles” be made more compatible? - Marcus
 4. What are the opportunities for companies and communities to work together on land reform? - Amity
- How can the Dialogue help to advance the solutions you are discussing?