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?