



The Forests Dialogue

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Scoping Dialogue on Land and Forest Tenure Reform

Concept Note

Land and forest tenure security has been recognized globally as a catalyser for stronger governance, improved livelihoods and increased conservation of natural resources. In the previous decades, governments have gradually recognized local peoples' rights to forests and land. However, tenure rights remain unclear and with wide gaps across many countries. Uncertain land and forest tenure represent a great risk to sustainable landscape initiatives. Therefore, it is crucial to address current tenure problems for local and indigenous communities by learning from previous experiences to accelerate recognition in countries where processes are underway.

TFD's previous dialogues on: Intensively Managed Planted Forests; Free, Prior and Informed Consent; Poverty and Forests; Investing in Locally-Controlled Forests and; Understanding Deforestation Free, have all highlighted the importance of secure tenure for farmers, local communities and indigenous peoples as required conditions for sustainable forest and land management. Unfortunately, in some countries, forestry and plantation laws continue to limit or extinguish local communities' and indigenous peoples' rights. There is also growing empirical evidence, including research by Nobel prize laureate Elinor Ostrom, that community-managed lands and forests contribute significantly to forest restoration and avoided deforestation. There is extensive literature documenting land tenure insecurity as a driver of deforestation, for example when landless farmers move into forests for lack of alternatives or through the purposive policies of government.

The need for land and forest tenure reforms to provide a more secure basis for forest and land management has been widely acknowledged, notably through the decisions of the Inter-Governmental Panel on Forests, the UN Forum on Forests, and the FAO's Voluntary Guidelines on the Good Governance of Tenure of Lands, Fisheries and Forests, as well as international development agencies like the World Bank. At the global level, there are several initiatives advocating or researching such reforms, such as those being undertaken by PROFOR, FAO, CIFOR and the Global Call for Action.

Other international processes, such as reports of the UN Special Rapporteurs on the Right to Food and on Indigenous Peoples, as well as the Recommendations of the UN human rights treaty bodies, the Decisions of the Parties to the Convention on Biological Diversity, the UNFCCC and UNREDD, have also noted the importance of

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land security for rights protection, food security, better livelihoods, environmental sustainability, climate change mitigation, wood mobilisation and conservation. In the same way most commodity certification schemes require businesses to respect the rights of local communities and indigenous peoples even where national laws and government policies do not.

Through the actions of global consortia such as the Rights and Resources Initiative and the Interlaken Process, donor funding is now being increasingly mobilised to help secure local communities' and indigenous peoples' rights to lands and forests, notably through the setting up of the Land Tenure Facility. There are also some encouraging signs of growing political commitment to reform. In Indonesia, the President has announced a land and forest tenure reform process that promises to reallocate 12.7 m hectares of forests to local communities and indigenous peoples and 9 m hectares of degraded lands outside forests for agrarian reforms.



In Liberia, discussions are underway of a new Land Rights Act which would prioritise recognition of the rights of rural people. In Guyana, the new government is engaged in a process of recognising the claims of indigenous peoples, who make up the majority population in the interior of the country. In Cameroon, land reform is being discussed although not much is yet known about how proposed reforms will address local communities' and indigenous peoples' rights. Some civil society organizations and international NGOs under the RRI coalition and through the IIED programme, have been advocating for the legal recognition of farmers', local community (including women's) and indigenous peoples' lands. The recommendations were submitted to the Cameroonian Ministry of Land for consideration.



Despite this progress at the policy level, actual transfers of lands and forests to local communities or recognition of the customary rights of indigenous peoples are very slow and, some reports suggest, may even be slowing down. Using its tried and tested approach of learning lessons on the ground through field dialogues in target countries, TFD will explore the following questions. What are the main obstacles to devolving tenure to local communities and indigenous peoples? What governance failures or vested interests are blocking land transfers and the recognition of rights? What can be done to break the deadlocks? Once lands are transferred what institutional and technical incentives are needed to encourage sustainable land use? What are the outcomes for community livelihoods and welfare?



TFD plans a scoping dialogue, to be hosted by the Yale Environmental Dialogue Initiative on the 27th and 28th of February 2018, in New Haven. The dialogue's objective is to understand these 'fracture lines', identify where reforms are needed and explore ways of speeding up implementation of agreed reform programmes that are already underway, by learning lessons from the ground and making recommendations for either legal reform or more effective implementation. The series of dialogues will also invest in efforts to review national level progress in the weeks and months following the field dialogues to assess progress and learn further lessons.