



Forest Tenure Reform

Considerations for design and implementation

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Outline

1. What is forest tenure reform?
2. Complexities and Considerations
3. Design: Process and Participation
4. Implementation: Contestation and Challenge
5. Some examples to learn from

Tenure Reform

A legal process changing the rights related to the use, management and ownership natural resources

Not a revolution

Rationale for Reform

- Economics
- Morals
- Law
- Environment
- Peace

Political Opportunity

Complexities and Considerations

What is being reformed? Forest have multiple tenures:

- Forest land tenure
- Tree tenure
- Sub-soil resource tenure

What laws? Forest, land, other?

Who has an interest?

- Government and customary authorities
- Citizens
- Special interest groups: women's associations, etc
- Private sector
- Right-holders

Complexities and Considerations

What is the objective of reform?

- Recognize rights gained through historic occupation?
- Realign production systems?
- Reflect reality?
- Change reality?
- Tenure security for the poor?

How to achieve tenure security?

- Effective internal institutions
- Legal recognition and support of rights
- Presence of independent judicial arbitration systems
- Effective regulatory mechanisms and institutions
- Supporting political constituency

Complexities and Considerations

What tenure system is most relevant for forests?

Forests have multiple users, patterns and social uses.

Customary and statutory interface – not just about codifying the customary

Overlapping claims

Seasonal uses and secondary rights often invisible

Accountability and power of customary authority structures

“Are we asking the right questions”

Design

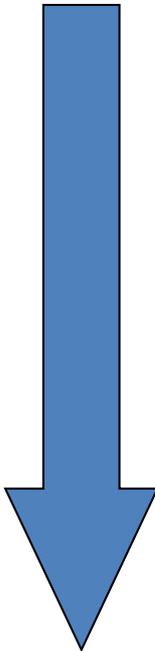
- Process is key: Policy and lawmaking
- Reform implies political will
- Multiple sectors and institutions
- Plan for a long road – iterative, learning process
- Dialogue, consultations, and negotiation

Implementation

- Awareness raising of new or changed rights
- Training of service providers and judiciary
- Costs vary depending on precision, location, surface area (individual plots versus territories)
- Mobilization of non-governmental actors
- Contestation, clarification, negotiation are part of the process

Timeline of Mozambique tenure reform process

1992



2010

- Peace Agreement (1992)
- Elections (1994)
- Return process (1993-1994 onwards)
- Ad hoc Land Commission (1993)
- Research (1992 – 2004)
- **Land policy (1995)**
- Inter-Ministerial Land Commission (1996 - 2003)
- Participatory development process - **Land Law (1996 - 1997)**
- Land Campaign and land law dissemination (1998 -1999)
- **Regulations to the Land Law (1998)**
- **Technical Annex for community land registration (1998 -1999)**
- Community land registration (1999 onwards)
- Provincial support to land policy implementation (Zambézia, Nampula, Sofala)
- Cadastral reform and decentralisation (2000 onwards)
- Training judiciary (2001 onwards)
- Multi-donor Community Land Use Fund (development from 2003 onwards), MCC support to land administration from 2008.
- 10% of the land is registered

Some examples to learn from

- Tanzania: *Presumption of ownership*
- Mozambique/Angola: *Community territories under pressure*
- Brazil: *Rationalizing public domain*
- South Africa: *Customary authorities and power*
- China: *Choice*

THANK YOU