Tenure Rights & Reforms around the World: Status and Opportunities

Next Generation of Forest Agency Leaders

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What do we mean by forest tenure?
A Bundle of Rights

- Access
- Withdrawal – NTFPs & Timber
  - Subsistence & Commercial
- Management – Independent & Joint
- Exclusion
- Due Process and Compensation
- Duration
- Alienation (Lease, Sale, Collateral, Inheritance)
Why do tenure rights matter?

• Insecure land rights trigger widespread poverty, gender disparity, and lack of economic growth. Also leads to social unrest, conflicts and investment risks.

• Essential to tackle deforestation: lack of clear tenure recognized as a driver of deforestation and forest degradation.

• IPs and local communities with secure rights offer some of the most promising solutions to climate change.

• The “tenure transition” has already started.
Continued progress...

Global forest tenure transition - 2002-2013

Shift from centralized state control to communities: from 11.3% to 15.5%
… Even more visible in developing countries

Forest tenure transition in LMICs - 2002-2013

A very significant increase: from 21% of forested lands to more than 30%

80% in 5 countries
Uneven progress between regions (2002, 2013)

Africa
- 2002: 4.2% (Violet), 0.3% (Blue), 0.0% (Dark Green)
- 2013: 5.9% (Violet), 0.3% (Blue), 0.0% (Dark Green)

Asia
- 2002: 26.9% (Green), 3.5% (Blue), 2.2% (Red)
- 2013: 30.6% (Green), 6.0% (Blue), 2.5% (Red)

Latin America
- 2002: 22.4% (Green), 2.0% (Blue), 14.5% (Red)
- 2013: 32.9% (Green), 6.2% (Blue), 17.9% (Red)

Comparisons:
- 4.5% > 6.2% (Africa)
- 30.4% > 36.6% (Asia)
- 24.4% > 39% (Latin America)
Weaker tenure frameworks created

Tenure frameworks created since 2002, by region and category

Fewer AND weaker laws since 2008
18 frameworks vs. 6 and 0 conferred ownership
2015 – a pivotal year

- Tenure reform processes in key countries - e.g. Indonesia, DRC, Cameroon
- Climate agreement - UNFCCC COP 21 in Paris
- Donors and multilaterals increasingly recognizing the central role of land rights
- Increased awareness and commitment from private sector companies > recognition of the “tenure risk”
More awareness that communities have been an unrecognized counterparty to investments

- **31% of industrial concessions** in emerging market economies **overlaps with local land rights.** TMP, 2013

- **93 to 99%** of concession areas inhabited; no such thing as a “**clean concession.**” The Munden Project, 2014

- The financial costs of failing to account for the rights of communities can be **significant;** up to **29x** baseline operating costs to **abandonment** of operations.

- Incentives for companies to secure community land rights to reduce their financial and reputational risks and find new areas for future supply.
1. Interlaken Group – a “safe space”

• A unique multi-stakeholder forum composed of individuals from leading companies, financial institutions, NGOs committed to expanding and leveraging private sector action in securing community land rights – committed to a “race to the top”

• First product: *Operational guidance for companies committed to the Voluntary Guidelines on the Responsible Governance of Tenure*

• Three “asks” of companies and investors:
  1. Clean up own operation/supply chain/investment, past and future;
  2. Help get “laggards” to follow;
  3. Help encourage governments to act.
2. The Tenure Facility

Objectives: 1. Provide funding and technical support for strategic tenure reform projects. 2. Create a convening space to coordinate commitments and develop shared strategies on tenure reform (public, community, private).

What Makes it Different:

1. Focused on securing collective rights to land and forests
2. Independent, strategic, responsive, mid-size
3. Direct funding to IPs and local CSOs
4. Multi-stakeholder governance: rights-holders, governments, civil society, and investors (public and private)
THANK YOU!

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