

A photograph of a person in a red shirt and blue cap climbing a large tree trunk in a lush forest. The person is using a rope and a wooden pole. The forest is dense with green foliage and large trees.

Securing Tenure Rights for Forest-Dependent Communities: A global comparative study of design and implementation of tenure reform

Anne M. Larson, EGT Team Leader, CIFOR-ICRAF

Iliana Monterroso, Scientist, Co-coordinator of gender and social inclusion research, CIFOR-ICRAF

IFAD-CGIAR Partnership Webinar Series #3

9 March 2021





What is a “forest tenure reform”?

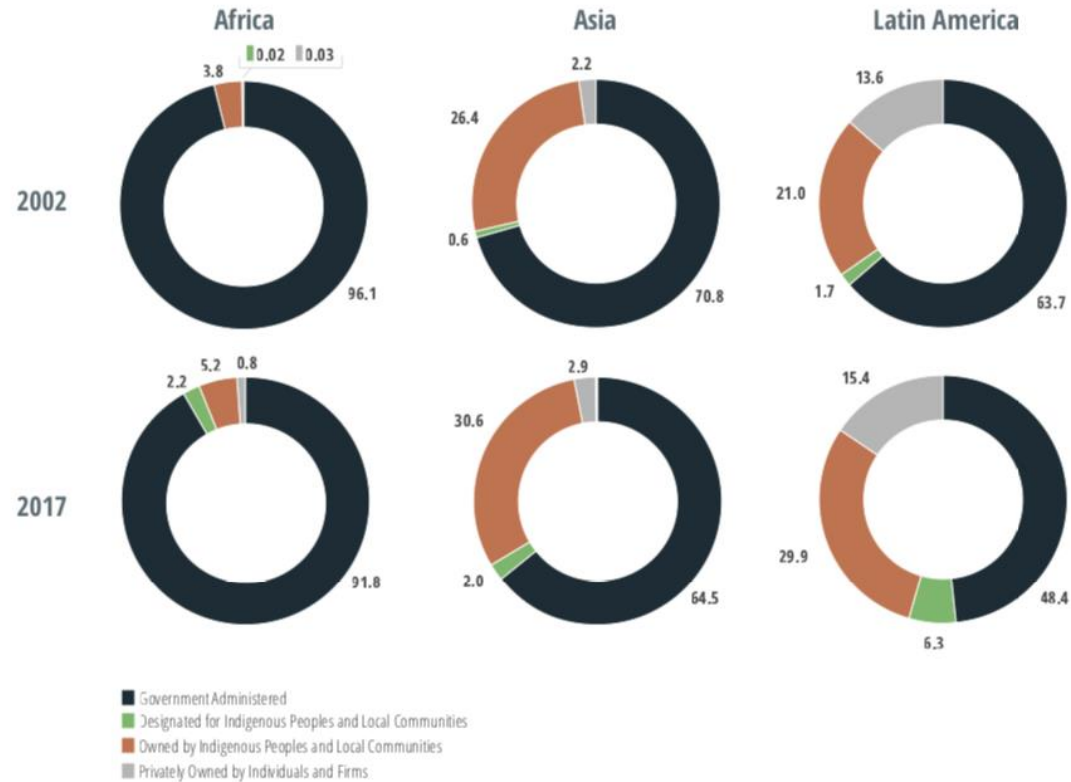
- A change in the set of rights and responsibilities to use, manage or control forest or forest land
- For which right holder: (our specific interest) Communities, indigenous people, smallholders



Forest Tenure Reforms

Figure 6

REGIONAL TRENDS ACROSS COMPLETE CASE LMICS BY PERCENT, 2002-2017

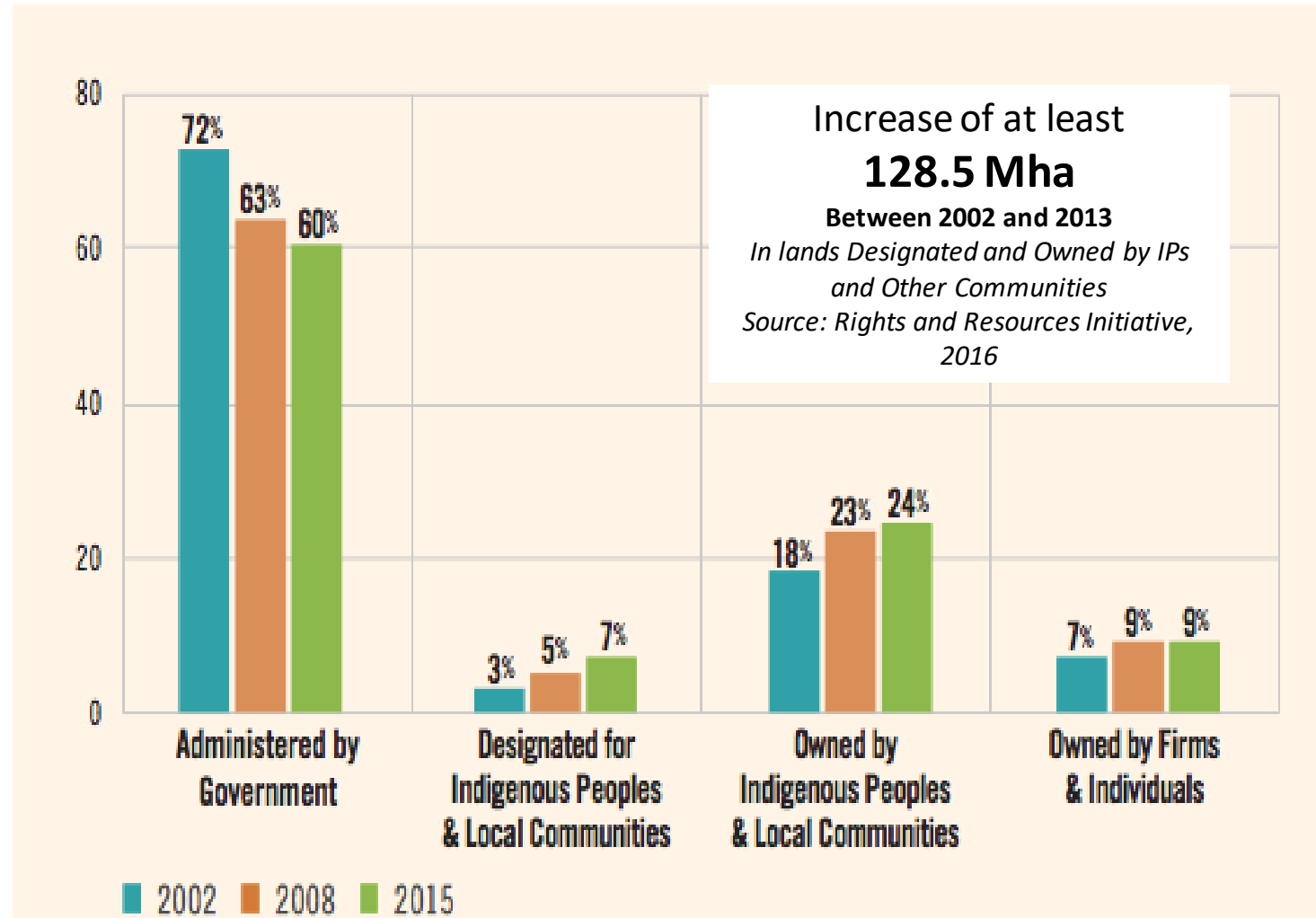


Most forest lands are owned and administered by the state

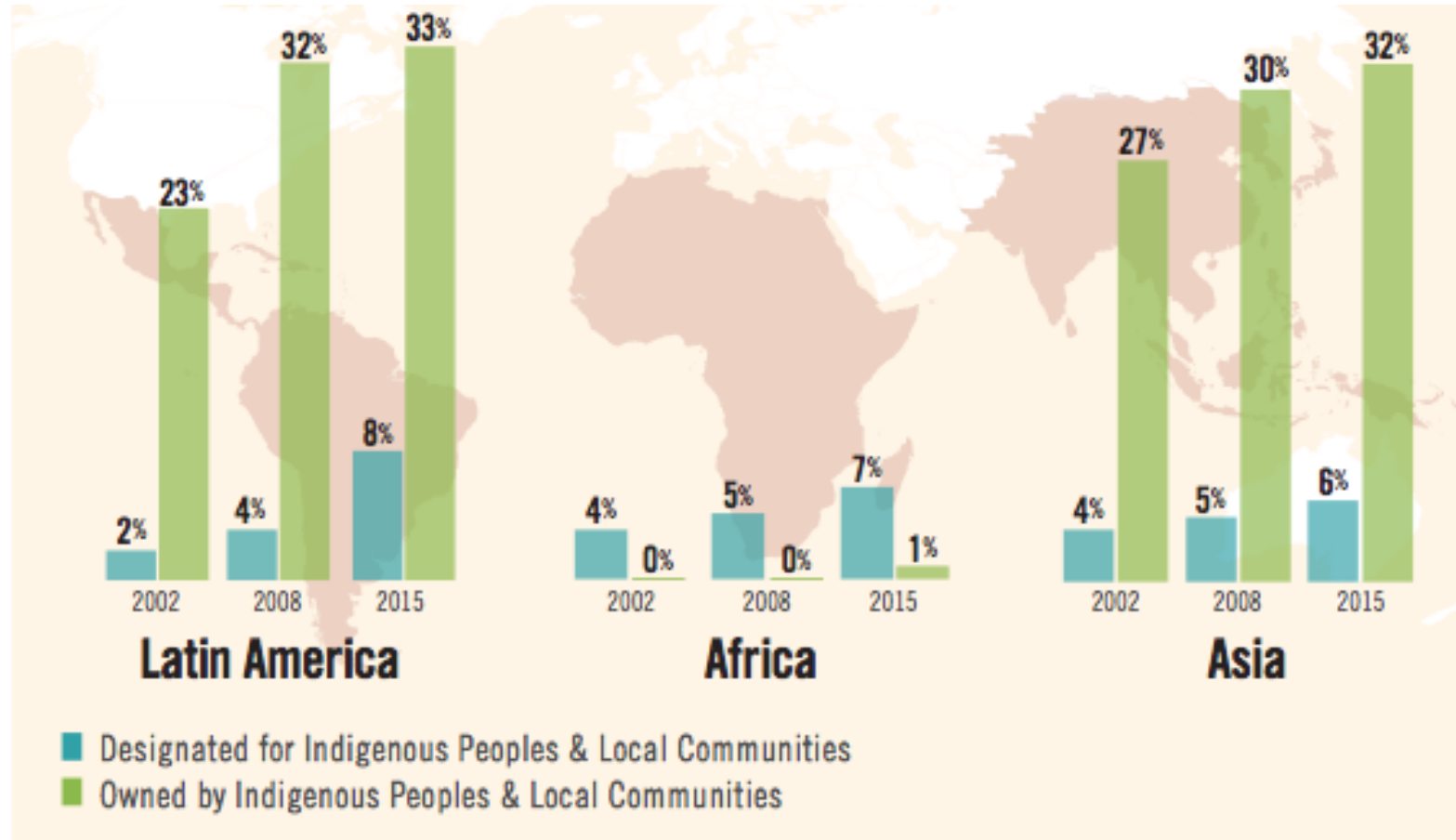
- Latin America - 48%
- Africa 92%
- Asia 65%

Source: RRI, 2018:18

Forest tenure reforms: Global change in forest land tenure

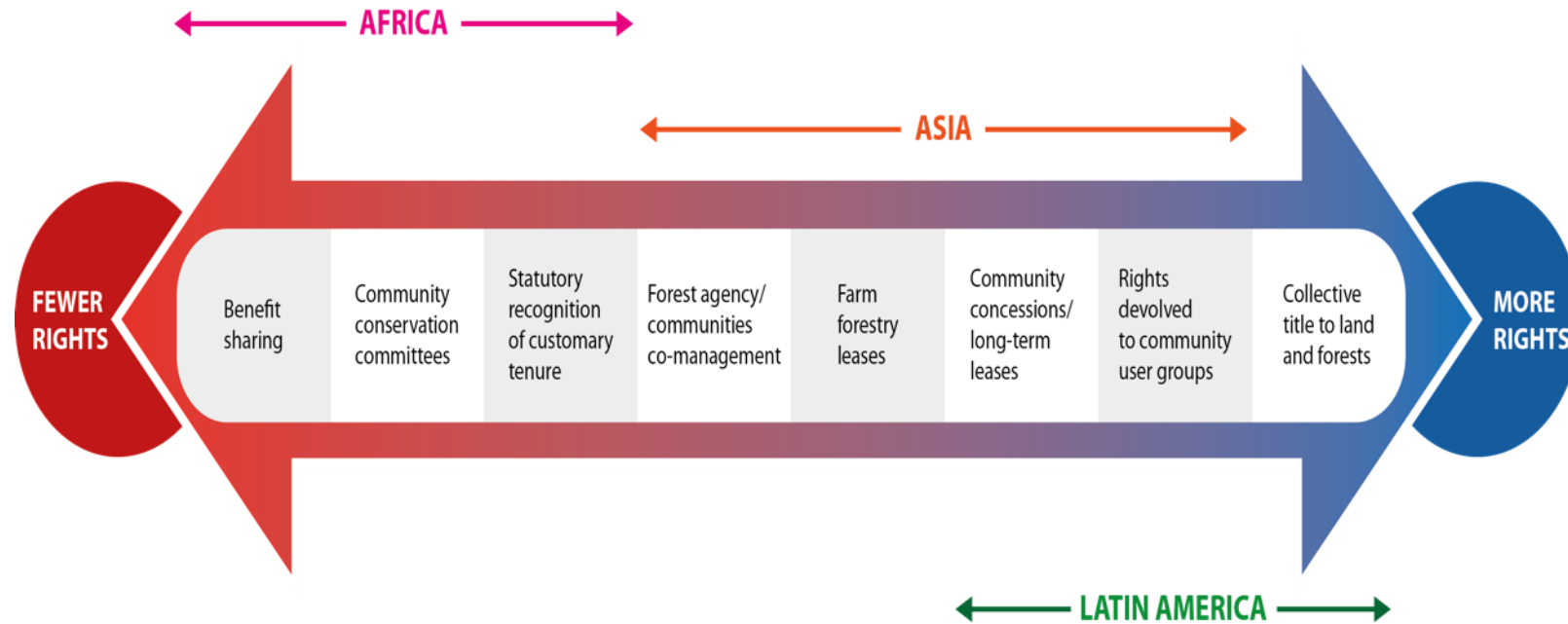


Forest tenure reforms: Regional differences



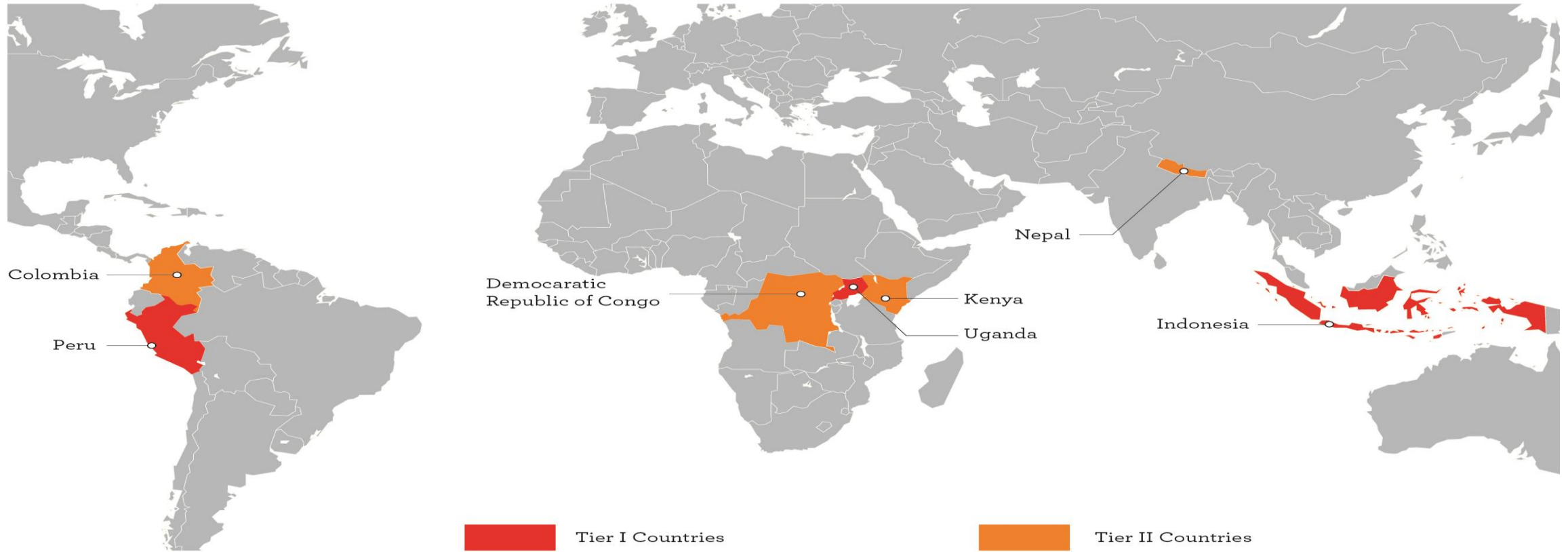
Source: Rights and Resources Initiative. 2016.

Devolution of forest rights across developing regions



Source: Based on Lawry and McLain, 2012:56. Devolution of Forest Rights and Sustainable Forest Management. Volume 1.

Research countries



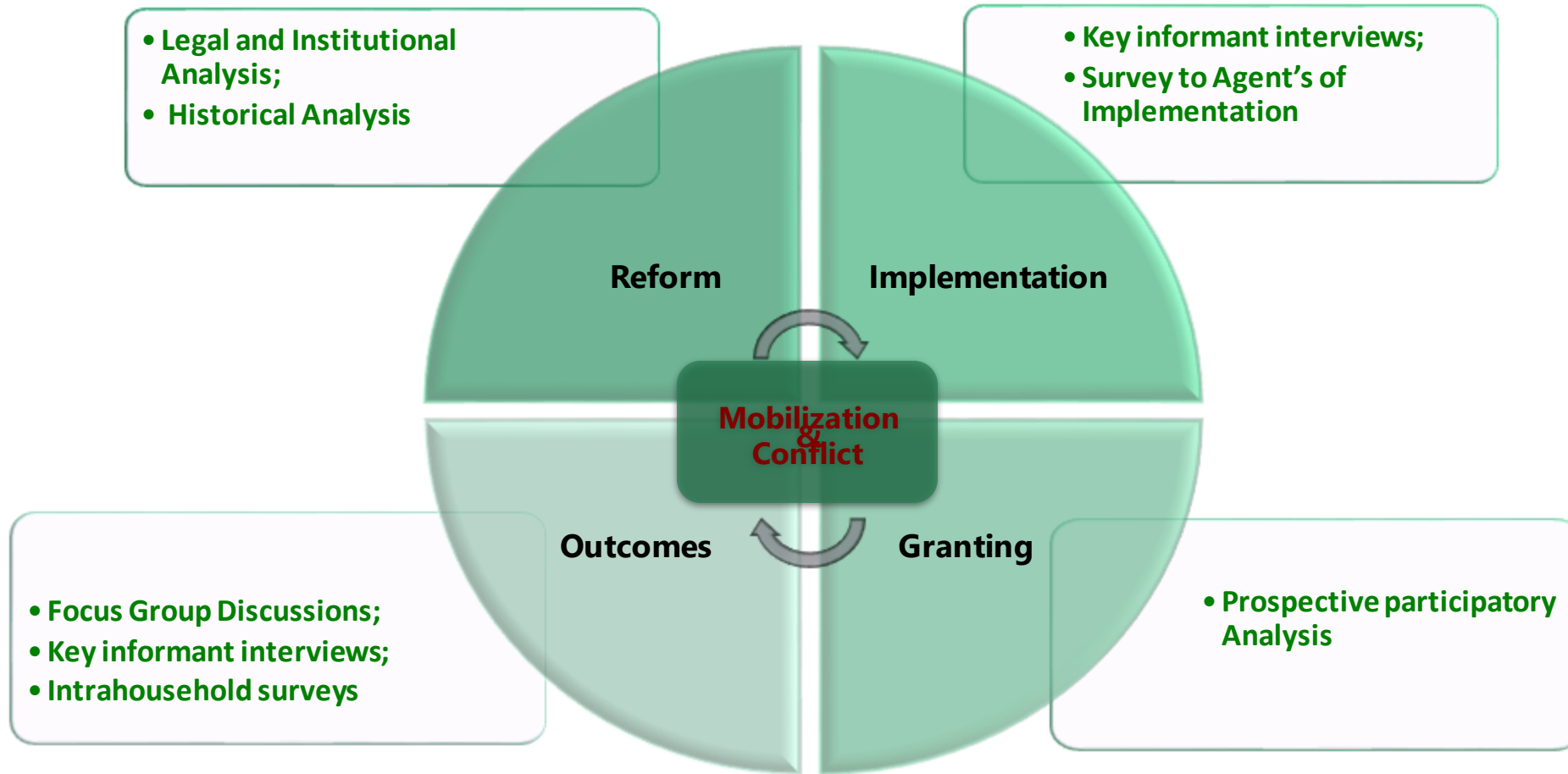
Research questions

- Establish **how forest tenure reforms emerge**: opportunities, and options for formal approaches to securing customary rights.
- Identify factors that **enable or constrain reform implementation**.
- Identify **impacts of tenure reform** on rights, livelihoods and security of women, poor men and ethnic minorities to forests and trees.
- How reform implementation can be **strengthened /improved**.



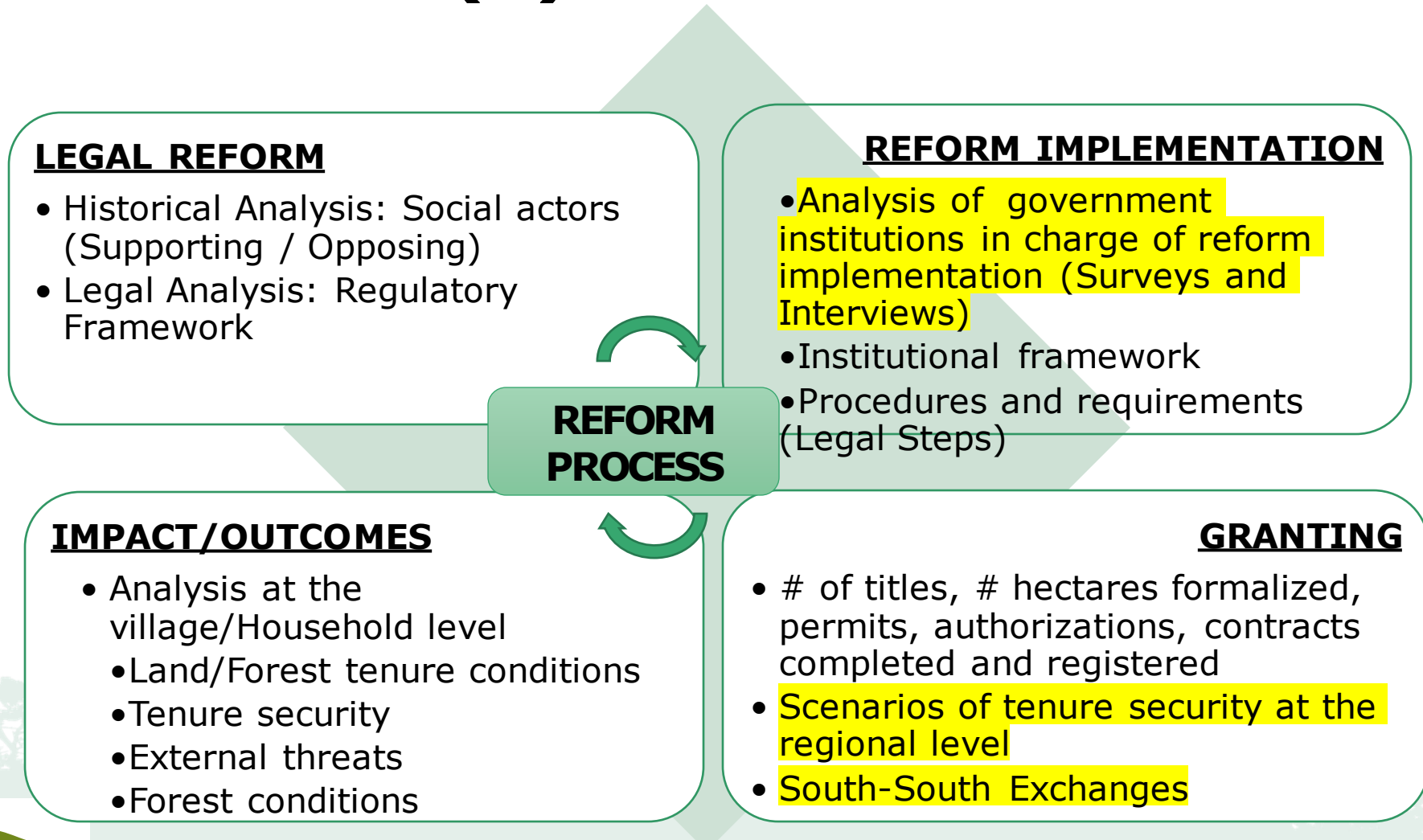
A framework to analyze tenure reform processes

(1) Methods



A framework to analyze tenure reform processes

(2) Issues



Approach

Consultative & partnering—diverse actors with multiple roles and interests

Three interactive pillars:

- **Research:** comparative; diagnostic; good practice principles; indicators for monitoring tenure security; tools/strategies for integrating multiple interests
- **Multistakeholder engagement:** joint problem solving; scenarios development; experience sharing
- **Knowledge sharing and capacity enhancement:** workshops; needs assessments; tools (e.g. conflict resolution; gender integration); tenure literacy



Project Partners and Funders

Indonesia

- University of Pattimura
- University of Lampung
- *Ministry of Forestry*

Uganda

- Makerere University
- Association of Uganda Professional Women in Agriculture and Environment AUPWAE
- *Forestry Sector Support Department, Ministry of Environment and Water*

Peru

- Universidad Nacional Agraria La Molina
- *Ministry of Agriculture, Rural Cadastre Office; National Forest Service*





Innovation 1

The Participatory Prospective Analysis (PPA) processes: Co-ellaboration of Tenure Security Scenarios through stakeholder engagement



OUR APPROACH TO STUDY TENURE SECURITY: PROSPECTIVE PARTICIPATORY ANALYSIS (PPA)

FORCES DRIVING (IN)SECURITY IN COLLECTIVE LANDS

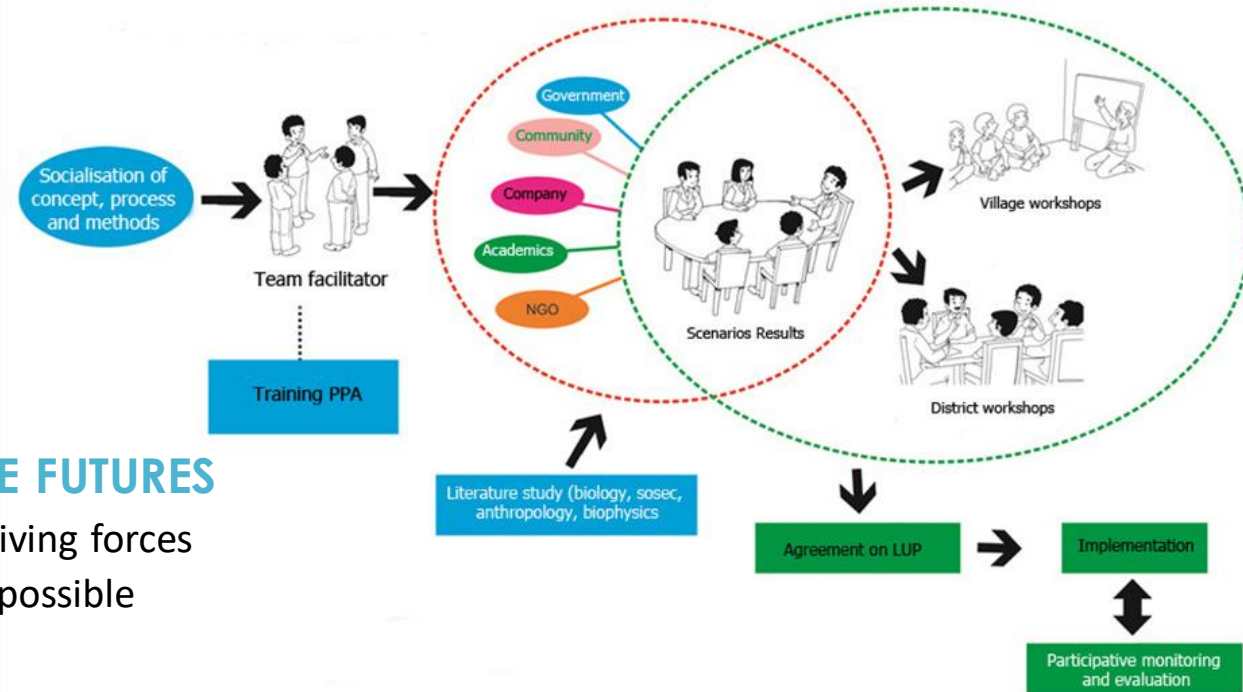
- Id Forces influencing the system
- Defining and measuring forces

POSSIBLE FUTURES

- States of driving forces
- Identifying possible scenarios

ACTION PLAN

- Strategy



IDENTIFYING FORCES

IDENTIFYING POSSIBLE FUTURES

DEFINING AN ACTION PLAN

DIFFERENT PERCEPTIONS OF WHAT IS TENURE SECURITY: (Examples from Peru and Colombia)

Tenure security is the assurance of conditions that allow communities to live in their land and benefit from it in the long term.

Peru

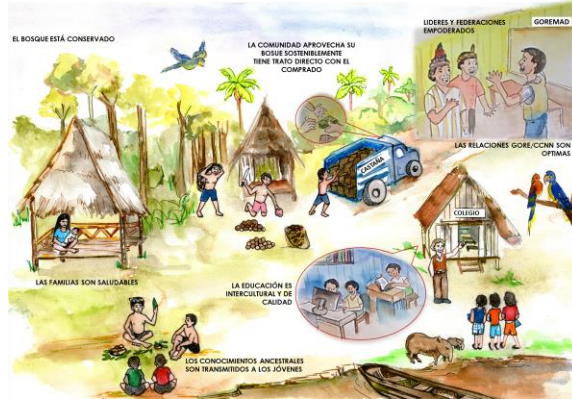
Tenure security is the condition that provides legal security and allows for land use and management, through the recognition of autonomy, sustainable natural resource use, organizational strengthening and cultural recognition.

Montes de Maria, Colombia

Table 2. Major driving forces of forest tenure security identified at district and national levels.

KIBAALE DISTRICT	MASINDI DISTRICT	LAMWO DISTRICT	NATIONAL LEVEL
<ul style="list-style-type: none"> • peoples' level of awareness and attitude • capacity of stakeholders • political will and support in forest governance • community participation in forest management • migration and resettlement policies • extent of property rights and access to forest benefits • enforcement of forest laws and policies 	<ul style="list-style-type: none"> • role of government agencies • cultural norms and beliefs • community participation in forest management, including the role of women • access to financial resources • oil and gas and other industries 	<ul style="list-style-type: none"> • community awareness and capacity-building • forest governance • cultural factors • fires • market forces • involvement of NGOs 	<ul style="list-style-type: none"> • capacity of communities • governance • norms and beliefs • forestry sector financing • donor priorities • land tenure regulation

“ideal”



“bad”



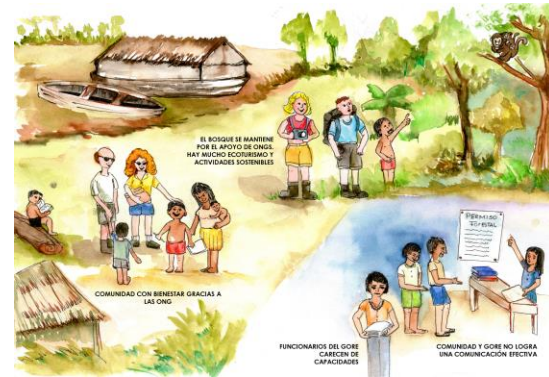
POSSIBLE FUTURES AND CONTRASTING SCENARIOS OF TENURE SECURITY (PERU)

1. Scenarios addressing the state of the forests

2. Scenarios addressing the state of the community

3. Scenarios addressing the relationship between the community and the government

“when NGOs replace the government”



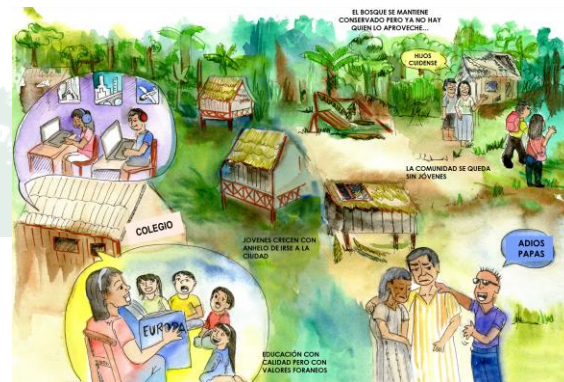
“half way”



“paternalist government”



“the community disappears”



Action Plans: Uganda

Table 4. National-level action plan for forest tenure security of forest-dependent communities in Uganda

No.	DRIVING FORCE	PROPOSED ACTIONS	RESPONSIBLE AGENCY	
1	Forest governance	Joint inter-ministerial and departmental planning to address poor coordination amongst Ministries, Departments, and Agencies (MDAs), for more synchronized plans, and vertical and horizontal reporting	<ul style="list-style-type: none"> Forestry Sector Support Department (FSSD) of Ministry of Water and Environment (MWE) Ministry of Water and Environment (MWE) 	<ul style="list-style-type: none"> National Forestry Authority (NFA) District Forestry Services (DFS) Politicians Relevant NGOs
		<ul style="list-style-type: none"> Ensure inclusive decision making and stakeholder consultation Regular, clear monitoring mechanisms to address lack of transparency and accountability 		
		Deploy adequate numbers of forestry officers to enforce forest laws and policies in gazetted areas	<ul style="list-style-type: none"> FSSD of MWE NFA 	<ul style="list-style-type: none"> DFS
		Communities to identify areas for, formulate and pass bylaws	<ul style="list-style-type: none"> Relevant NGOs 	<ul style="list-style-type: none"> District and Sub-County Councils
2	Community capacity	Recruit and train staff for professional management of forestry sector	<ul style="list-style-type: none"> MWE of FSSD NFA 	<ul style="list-style-type: none"> Training institutions
		Address forest-adjacent communities' inadequate knowledge and skills of forest resource management and forest tenure rights by: <ul style="list-style-type: none"> Sensitizing community conservation of forestry resources and forest tenure rights through exhibitions, study tours, and IEC materials Providing government subsidies for technologies 	<ul style="list-style-type: none"> MWE of FSSD NFA DFS Relevant NGOs 	





Innovation 2

Approaches to address implementation gaps from the perspective of government agents



3. Institutions and procedures for implementation, mechanisms for coordinating

Stage	Number of steps (Law)	Number of government agencies involved (Law)	Number of steps (Practice)	Number of government agencies involved (Practice)
Legal recognition	8	4	11	7
Demarcation and Titling	11	7	+22	+12
Usufruct contract	1	2	5	5
TOTAL	20	+7	38	+12

Source: Notess et al., 2018; Monterroso y Larson, 2018



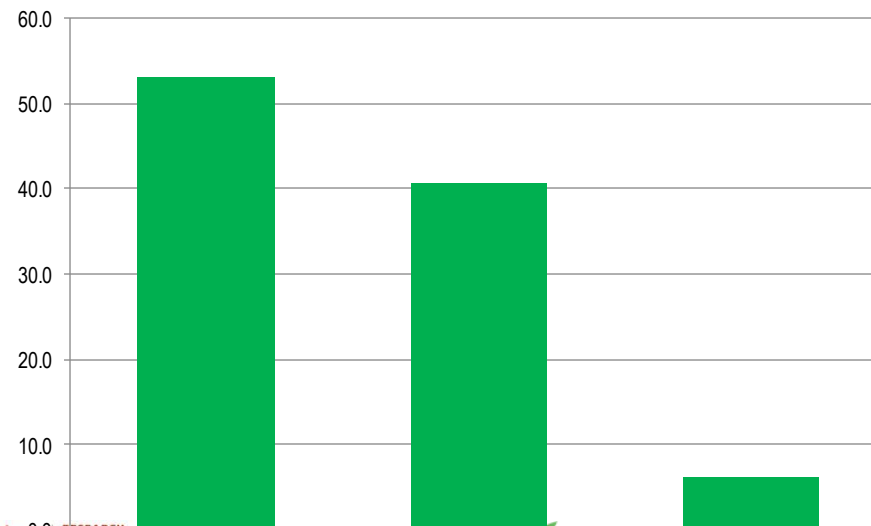
Source: Notess et al., 2018; Monterroso y Larson, 2018

WHY INTERSECTORIAL COORDINATION/COMMUNICATION IS IMPORTANT?

- Ensures meeting outcomes (36%),
- Allows meeting goals (22%),
- Is part of the institutional mandate (19%).



Is there a formal agreement to coordinate with other government institutions involved in implementation of reform process?



RESEARCH PROGRAM ON Policies, Institutions, and Markets Led by IFPRI



yes



no

Doesn't know



Resilient Landscapes

22 PASOS PARA TITULAR EN LA PRÁCTICA UNA COMUNIDAD NATIVA

SIGUE A LOS HERMANOS AWAJÚN EN SU RECORRIDO PASO A PASO POR EL PROCESO DE DEMARCAÇÃO Y TITULACION DEL TERRITORIO.



1 Inicio del proceso de titulación
El representante legal de la comunidad se dirige a la oficina de la DRA del Gobierno Regional de su localidad con la documentación ordenada en la Sección de su registro.

ETAPA DE INICIO
AQUÍ EMPIEZA EL PROCESO DE TITULACION DE UNA COMUNIDAD (QUE YA FUE RECONOCIDA)

SOLICITUDES

2 Demarcación
Un equipo técnico especializado (dependiente del Gobierno Regional) hace una visita de campo a la comunidad y elabora el plan de trabajo con sus miembros.

ETAPA DE TRABAJO DE CAMPO

3 Evaluación agrobiológica
Especialistas del Gobierno Regional establecen los usos que las tierras pueden tener según su capacidad de uso mayor. Por ejemplo: uso agrícola o uso forestal.

ETAPA DE EVALUACION

4 Procesamiento de la información de campo
La información obtenida sirve para elaborar los siguientes documentos:
• El informe de campo.
• El plano de demarcación con memoria descriptiva.
• Los mapas fotográficos.
• El informe técnico de evaluación agrobiológica.

5 Evaluación de superposiciones
Solicitud de opinión jurídica sobre superposiciones con áreas protegidas.
La DRA solicita la opinión jurídica al SERFOR y a la ARA del Gobierno Regional correspondiente para determinar posibles superposiciones entre el área que la comunidad reclama y áreas Naturales Protegidas (ANP).

6 Evaluación de superposiciones
Solicitud de opinión jurídica sobre superposiciones con bosques de producción permanente.
La DRA solicita la opinión jurídica del SERFOR sobre posibles superposiciones entre el área que reclama la comunidad y bosques de producción permanente.

SERFOR

15 Entrega del título de propiedad sobre tierras de uso agrícola y pecuario a la comunidad
Una vez emitido el título de propiedad sobre tierras de uso agrícola y pecuario, se hace entrega del documento a la comunidad a través de una asamblea comunal.

14 Emisión del título de propiedad sobre tierras de uso agrícola y pecuario
La DRA del Gobierno Regional emite un título de propiedad sobre las tierras agrícolas de la comunidad y lo entrega a la DRS.

DRS DIRECCION REGIONAL DE SANAMIENTO

13 Solicitud de emisión de título agrario
Una vez emitida la Resolución de Aprobación de Demarcación, la DRS solicita a la DRA la emisión del título agrario y su registro (demarcación). En paralelo, solicita a la ARFP que emita el contrato de cesión en uso para las tierras forestales.

GORE DIRECCION REGIONAL AGRARIA

ETAPA DE EMISION DEL TITULO DE PROPIEDAD

12 Resolución de aprobación de demarcación
A partir de esta recomendación, la Dirección de DRA emite una Resolución de Aprobación del Procedimiento de Demarcación con la que ordena emitir y emitir el título de propiedad y solicitar la emisión del contrato de cesión en uso.

DRA DEPARTAMENTO LEGAL

11 Opinión jurídica de la DRA
Si no existe ninguna observación, la Oficina de Asesoría Legal de la DRA emite un informe a la Dirección de la DRA con la recomendación de continuar con la aprobación del área demarcada.

DRA DIRECCION REGIONAL DE SANAMIENTO

10 Resolución de aprobación de demarcación
La DRS de la DRA envía a la Dirección de DRA una carta en la que solicita la aprobación del área demarcada.

ETAPA DE APROBACION DE DEMARCAÇÃO

9 Resolución de aprobación del plano de demarcación
La DRA emite una Resolución de Aprobación del Plano y una memoria descriptiva del territorio comunal demarcado para la asignación de tierras a la comunidad nativa y la shifuga. La DRS notifica a la comunidad y presenta el plano del territorio comunal ante la asamblea comunal, además publica el plano de la comunidad para que personas extrañas puedan "topar" o "topografiar".

ETAPA DE RESOLUCION DE APROBACION DEL PLANO DE LA COMUNIDAD NATIVA

16 Solicitud de inmatriculación
La DRS de la DRA solicita a la SUNARP el registro (inmatriculación) de la comunidad.

17 Inmatriculación (registro)
La inmatriculación consiste en "incorporar un predio al registro" es decir, registrar el título de la comunidad.

ETAPA DE REGISTRO DE TITULO Y EMISION DE CONTRATO DE CESION EN USO

SUNARP DIRECCION NACIONAL DE COMUNIDADES NATIVAS

18 Solicitud de emisión de Contrato de Cesión en Uso
La DRA envía una solicitud, la Resolución de Demarcación y la Resolución del Plano de la Comunidad junto con la memoria de demarcación a la ARA y ARFP para que emita el contrato de cesión en uso.

ARA AUTORIDAD REGIONAL AMBIENTAL

19 Confirmación de tierra forestal
La ARFP solicita un informe técnico a la Oficina de Gestión y Información, quien lo envía al Área de Catastro Forestal de la ARFP para confirmar que el área clasificada como tierra forestal está de acuerdo con los mapas, y preparar un informe técnico.

SOLICITUDES

CATASTRO FORESTAL

20 Aprobación del informe técnico
La ARFP aprueba el informe técnico presentado por la Oficina de Gestión y Información y envía el informe a la Oficina de Asesoría Legal de la Autoridad Regional Ambiental.

ARA DEPARTAMENTO LEGAL

21 Aprobación del contrato de cesión en uso
Una vez aprobado el informe técnico, la Oficina de Asesoría Legal de la DRA emite una resolución de aprobación que autoriza la emisión y entrega del contrato de cesión en uso sobre las tierras clasificadas como de uso forestal.

22 Entrega del contrato de cesión en uso en área de agricultura forestal
La ARFP del Gobierno Regional entrega el contrato de cesión en uso a la comunidad.

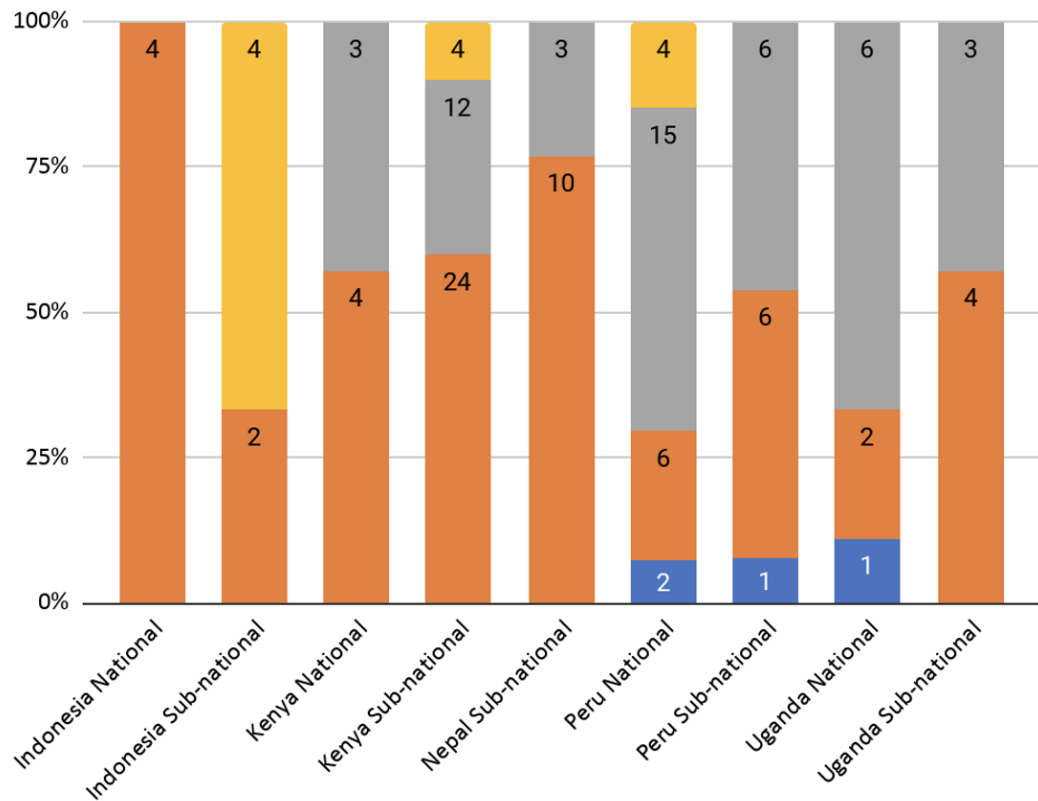
FINALMENTE LA COMUNIDAD HA OBTENIDO LA TITULACION DE SU TERRITORIO



From design to implementation: From the perspective of government agents

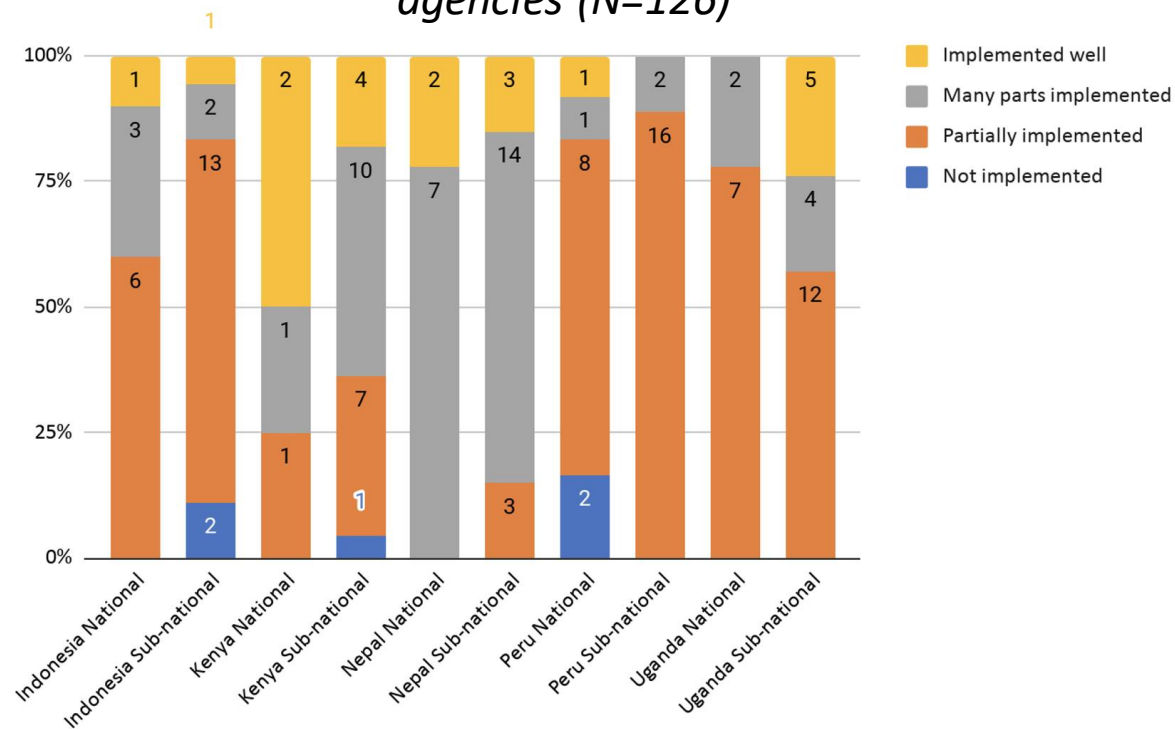
Efficacy of reform

implementation (N=143)



- Not effective
- Somewhat effective
- Mostly effective
- Very effective

Rating of effectiveness of coordination among implementing agencies (N=126)



- Implemented well
- Many parts implemented
- Partially implemented
- Not implemented

Source: Myers et al., under review





Innovation 3 South-South Exchanges

- Purpose: Sharing experience, lessons learned and synergies across study countries
- Three events: World Forestry Congress (2016); World Bank Land Poverty Conference (2017); Field Visit and Sub-national International Conference in Madre de Dios, Peru (2018)
- Outcomes: Multi-stakeholder policy dialogues; training events; cross-country exchange field-visits; review of theory of change, involvement of multi-stakeholder project advisory committees



IFAD ENGAGEMENT IN GCS-TENURE PROJECT: Challenges and opportunities

- **IFAD Project Management:**

- ⑩ Program offices involved Land Tenure vs. Forest/Environment
- ⑩ Opportunities to cross learning across IFAD topic desks

- **IFAD Country context:**


- ⑩ Example: IFAD country work in Peru focused outside the lowlands-Amazon vs. GCS Tenure project geographic and theme focus
- ⑩ Different situation in Uganda and Indonesia
- ⑩ Focus of country projects limit the opportunities of engagement, establishment of synergies and cross-learning.

- **IFAD Mission field visit in Indonesia**

- **Lessons learned**

- Engagement with country projects at the inception level is important but not enough if the process is not linked around the project design (including topics
- More opportunities for cross learning and engagement along the implementation of the project





FEATURES

Customary rights key to land reform in Democratic Republic of Congo, expert says

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Forest tenure reforms in Indonesia could open door to greater gender equality

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The need to integrate livelihoods into rights and forest conservation goals

Anne M. Larson, Iliana Monterroso, Nining Liswanti, Tuti Herawati, Abwoli Banana, Pamela Cantuarias, Karin Rivera and Esther Mwangi



Guide for co-elaboration of scenarios

Building shared understanding and joint action for reform and security of forest tenure

Robin Bourgeois
Nining Liswanti
Gomgong Mukana
Alexandra Zamora
Tuti Herawati

Iliana Monterroso
Bawoli Banana
Esther Mwangi
Anne Larson



WORKING PAPER 223

Overview of forest tenure reforms in Indonesia

Mia Sicavadi
Mami Rani Basjale
Nining Liswanti
Tuti Herawati
Esther Mwangi
Christine Wulandari
Marissa Tjua
Thomas Slaya







FOREST TENURE PATHWAYS TO GENDER EQUALITY

A PRACTITIONER'S GUIDE

NAYNA J JHAVERI

EDITORS
ILIANA MONTERROSO & ANNE M. LARSON



Main findings of the Global Comparative Study on Tenure in Uganda

Esther Mwangi

Introduction

Since the adoption of the 2003 National Forestry and Tree Planting Act (NFTPA) in Uganda, there have been only a few assessments of how forest tenure reform is progressing. This report presents the key findings of research undertaken as part of the Global Comparative Study (GCS) on Forest Tenure Reform in Uganda, which complements the work that has been done by generating lessons and insights for policy and practice, primarily for:

- a. examining how forest tenure reforms emerge, while documenting experiences and options for formally enhancing the security of tenure rights for forest adjacent communities;
- b. identifying tenure reform impacts on the rights of women, poor men and ethnic minorities, and their access to forests and trees;
- c. identifying factors that hinder or support forest reform and their implementation;
- d. documenting lessons learned and knowledge generated at district, national, regional and international levels.

Research was conducted in four districts in Uganda, namely Kalamukwa, Kibale, Masindi, and Luwero, which covered four types of tenure regimes that came into

effect with the 2003 NFTPA and subsequent legislation on forest and land sector reform (See Table 1 and Figure 3). Table 4 at the end of the report provides a full description of the bundles of rights associated with each tenure regime.

Research of the four districts was conducted through the following:

- A total of 686 in-depth household surveys, comprising 298 men and 388 women. Household surveys were conducted to obtain local people's individual experiences of reforms, their perceptions of tenure security, factors influencing tenure security of men, women, and local people, their preferred land tenure and forestry management, and whether and how livelihoods have been affected. Household surveys also obtained demographic and asset-related information.
- A total of 52 focus group discussions, disaggregated according to gender and age. The purpose of focus group discussions was to obtain information from groups disaggregated by gender and age on changes in tenure perceptions, perceptions on changing reforms, views of tenure security, and in-country perceptions of tenure security with reform implementation, conflict and livelihood resolution, and interventions with national actors, such as government officials or NGOs.

1. An important goal of the research was to identify lessons learned from the experiences and conditions, particularly in those customary forests, and to compare them with the 2003 National Forestry and Tree Planting Act (NFTPA) and subsequent legislation on forest and land sector reform (See Table 1 and Figure 3). Table 4 at the end of the report provides a full description of the bundles of rights associated with each tenure regime.

2. One of the districts, Masindi, was excluded from the research (due to access constraints) through the project.



Thank you

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