



Internal CEESP NRGF Background Brief #8

July 2013

Tenurial security - What is it and why it is a fundamental concern, even a necessary condition, for NRGF?

By Augusta Molnar
29th June 2013

Tenure security aspects of NRGF

- Despite decades of international development efforts, tenure rights to the vast majority of rural resources and lands continue to be contested. For commercial, energy, and infrastructure investments and public conservation set-asides, government sanctioned land acquisition activities often occur at the expense of the livelihoods of local and Indigenous Peoples.
- Developing country governments increasingly rely on investment in their natural resource wealth as revenue, infrastructure development, and jobs. Investors are looking further afield for exploitable reserves of natural resources and arable land. Rising prices have helped bolster margins and offset country risk, making the developing world a more viable destination for investment funds.
- Forests and drylands in developing countries constitute almost 40 % of the Earth's land surface (over 6 billion hectares) and house over 40% of the Earth's population.¹ These more than 3 billion people are among the poorest and most marginalized, with legally unrecognized customary land and resource rights and thus vulnerable to land grabbing, deforestation and ecosystem degradation.
- In Africa alone, the area for which access and rights are governed by customary land tenure potentially extends to almost 1.5 billion hectares.² In Sub-Saharan Africa, some 5% of all lands have been “grabbed” in the past 5 years.

¹ UNSO. 1997. Office to Combat Desertification and Drought. Aridity Zones and Dryland Populations: an Assessment of Population Levels in the World's Drylands. New York: UNSO/UNDP. 23pp

² Liz Alden Wily, Rights to Resources in Crisis, Reviewing the Fate of Customary Tenure in Africa, Brief #1 of 5, Rights and Resources Initiative, 2011.

- Globally, the area of forest recognized as legally owned or controlled by Indigenous Peoples and communities has increased from 10 percent in 2002 to 15 % today.³
- A new slate of rigorous research makes it clear that the recognition of traditional rights has strong social, economic, and environmental benefits—and delivers conservation goals. Recognized Indigenous Peoples' and community-managed forests and territories outperform public protected areas in preventing deforestation and are more effective than state-controlled forests in sequestering carbon and increasing household incomes.
- The recognition of rights has also played a key role in saving and strengthening the unique cultures of many Indigenous Peoples and communities.
- The bad news, however, is that the bulk of this progress has been made in only a few countries, most of them in Latin America. The majority of governments continue to resist the large-scale recognition of community land rights, and many continue to deny that Indigenous Peoples have any claim to their customary lands.
- There is no organization, fund, or mechanism whose primary and measurable objective is to directly support communities and governments to secure local land and forest tenure rights.
- Dollar for dollar, we know that community conservation is more effective and more affordable in 80% of HCV areas, and stretches government investments further whether alone or as part of a co-management structure⁴.

How can the design of NRGF tools and knowledge reinforce progress in addressing scale?

- We need to provide evidence of the positive benefits for private sector investors and governments seeking fiscal revenues of tenure security and recognition of customary rights, including reduced risks from civil conflict, local protests and reduced costs from avoided delays, cancellations and avoided security services.
- We need to compile evidence of the cost savings and greater sustainability over the long-term of community-grounded conservation and resource management, both in capital and cash outlay and salaries and public institutional investment.
- We need to understand the adaptability of communities with secure tenure and rights to the on-going and anticipated impacts of climate change and the impact on their conservation efforts and potential contribution to conservation.
- Gather and disseminate lessons learned worldwide on how to generate enhanced and accelerated global and national actions to support community land rights
- Establish measurable targets to monitor global progress on community land rights security, and improve our systems for collecting relevant data
- Work toward the establishment of a broad-based global partnership to better support the

³ Note: The countries included here cover 85 percent of the world's forests. For full details see: www.rightsandresources/tenuredata.

⁴ Khare, Arvind 2004

efforts of rural communities to have their land and natural resource rights recognized, respected and protected

- REPEATED FROM SCALE DOCUMENT: We need to look at the power dynamics between the consolidation and expansion of public conservation set-asides and the maintenance/strengthening/expansion of community-based, Indigenous and local frameworks⁸.

Possibly useful references

Alden Wily, Liz. 2011. *Rights to Resources in Crisis: Reviewing the fate of customary tenure in Africa*. Washington DC: Rights and Resources Initiative.

Blomley, Tom et al., 2008. *Seeing Wood for the Trees: an assessment of the impact of participatory forest management on forest condition in Tanzania*. London, UK: Fauna and Flora International.

Chhatre, Ashwini and Arun Agrawal. 2009. Trade-offs and synergies between carbon storage and livelihood benefits from forest commons. *PNAS* 106(42): 17667–17670.

David Barton Bray, Elvira Durán, Jeremy Radachowsky, Jean Francois Mas, Alejandro Velázquez, Victor Hugo Ramos, and Deborah Barry. 2008. Protected Areas, Community Forests, and Deforestation in the Maya Forests. *Ecology and Society* 13 (2): 56. [online] URL: <http://www.ecologyandsociety.org/vol13/iss2/art56/>

FAO, 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)*, Italy: FAO.

RRI. 2012. *What rights? A comparative analysis of developing countries' national legislation on community and Indigenous Peoples' forest tenure rights*.

Hayes, T. M. 2007. Does tenure matter? A comparative analysis of agricultural expansion in the Mosquitia forest corridor. *Human Ecology* 35(6): 733-747.

Larson, Anne M., Deborah Barry, Ganga Ram Dahal, and Carol J. Pierce Colfer, eds. 2010. *Forests For People: Community rights and forest tenure reform*. London, UK: Earthscan.

Nelson, Andrew and Kenneth M. Chomitz. 2011. Effectiveness of strict vs. multiple-use protected areas in reducing tropical forest fires. *PLoS ONE* 6(8): e22722.

Oxfam. 2011. *Land and power: The growing scandal surrounding the new wave of investments in land*. Oxfam Briefing paper 151—summary. London: Oxfam.

Ojha, Hemant; Persha, Lauren; Chhatre, Ashwini. 2009. IFPRI Discussion Paper 913.

Porter-Bolland, Luciana, Edward A. Ellis, Manuel R. Guariguata, Isabel Ruiz-Mallén, Simoneta

Negrete-Yankelevich, and Victoria Reyes-García. 2011. Community-managed forests and forest protected areas: An assessment of their conservation effectiveness across the tropics. *Forest Ecology and Management*.

Ping, Li and Robin Nielson. 2010. A Case Study on Large-Scale Forestland Acquisition in China: The Stora Enso Plantation Project in Hepu County, Guangxi Province. RDI and RRI. http://www.rightsandresources.org/documents/files/doc_1800.pdf.

Sunderlin, William D., Jeffrey Hatcher, and Megan Liddle. 2008. *From Exclusion to Ownership? Challenges and opportunities in advancing forest tenure reform*. Washington DC: Rights and Resources Initiative.

Soares-Filho BS, et al, 2006. *Modeling conservation in the Amazon basin*. *Nature*. 440:520–523. 26.

World Bank. 2012. *Justice for the Forests*. World Bank. Washington DC.