

Landowners or Laborers

What choice will developing countries make?



Rights and Resources Initiative
Annual Review **2012–2013**



THE RIGHTS AND RESOURCES INITIATIVE

RRI is a global coalition of 14 Partners and over 120 international, regional, and community organizations advancing forest tenure, policy, and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy and convening strategic actors to catalyze change on the ground.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, D.C. For more information, please visit www.rightsandresources.org.

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The views presented here are not necessarily shared by the agencies that have generously supported this work.

AT A GLANCE:

RIGHTS AND RESOURCES 2012-2013

During 2012, a key choice facing developing countries revealed itself ever more starkly. Would they choose a development path built on inclusiveness, respect for the rights of their citizens, and the rule of law? Or would they seek a short-cut to development and opt to hand over community land and natural resources to international investors and national elites? Would they turn their rural citizens from landowners into landless laborers?

It became clear during the year that many countries were desperate to replicate the recent economic successes of China and Brazil. Many are tired of being poor and are eager to see their economies grow quickly. Countries of sub-Saharan Africa aspire to be “lion economies,” following in the footsteps of Asia’s “tiger economies.” But the parallels are poor. Brazil, China, and Asia’s tigers drove economic development by liberating local enterprises and establishing local property rights. In Africa, nations have surrendered economic and political control of their land and resources, in effect, replicating economic systems created during the colonial era driven by resource extraction and export.

The lesson of history is clear. The inequalities and disempowerment resulting from these extractive political and economic systems are replicating the “resource curse,” in which nations become trapped in poverty and are riven by resentment and internal conflict, with growing risks of political turmoil. If countries choose open and inclusive democratic systems they can avoid this fate. But they will need to recognize local property rights and develop strong civil societies that keep citizens informed and hold leaders to account.¹

RRI’s annual review of forest tenure data highlights the different choices made by forest countries over the past decade. Some have chosen to make progressive changes to their forest ownership systems. Yet, others have stagnated and avoided recognizing the full rights of forest-dwelling citizens. In 2012, some developing countries took the first steps to embrace such reforms, but many remain on the wrong track. All face major decisions about what type of country they will become. As we look to 2013, we ask: will countries around the developing world choose to be societies of citizen landowners or landless laborers?

DEDICATION

This report is dedicated to the families and community members of the land rights activists who lost their lives in 2012.

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Washington, D.C.

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ACRONYMS

APP	Asia Pulp & Paper
APRIL	Asia Pacific Resources International Holdings Limited
CIFOR	Center for International Forestry Research
DRC	Democratic Republic of the Congo
EU	European Union
FAO	Food and Agriculture Organization
FDA	Forest Development Authority, Liberia
FPIC	Free, prior and informed consent
GDP	Gross Domestic Product
GVL	Golden Veroleum Liberia
IFPRI	International Food Policy Research Institute
NGO	Non-governmental organization
PDR	People's Democratic Republic, Lao PDR
PUP	Private Use Permit, Liberia
REDD	Reducing Emissions from Deforestation and Forest Degradation
RRI	Rights and Resources Initiative
RSPO	Roundtable on Sustainable Palm Oil
UN	United Nations
VPAs	Voluntary Partnership Agreements



PART ONE:

The Fundamental Choice: Landowners or Laborers?

In 2012, land and natural resources emerged as a major issue for many developing countries. They faced a fork in the road. Would they embrace democratic rights to those resources, or try to trigger growth by handing them over to foreign investors and domestic elites? Taking the wrong path threatened social cohesion, food and environmental security, and economic progress.²

Agribusiness, miners, loggers, and other industrial investors continued to market their endeavors to developing nations as the shortcut to prosperity. Corporations pushed harder than ever before to access the land and natural resources of developing countries. They aimed to capture resources in a world in which, as the British think tank Chatham House put it during the year, “the specter of resource insecurity has come back with a vengeance.”³ By implication, peasant smallholders, pastoralists, and forest dwellers were impediments.

Investment analyst Lou Munden noted: “Not only is the land itself cheap, but the ongoing outlays required to convert the land’s output into saleable goods is quite low.”⁴ In forests, in particular, the unscrupulous held sway. The World Bank noted: “Forests are one of the most mismanaged resources in many countries... Poor governance has fuelled illegal activities.”⁵ The Bank conducted an internal evaluation of its own forestry strategy, which has promoted industrial logging concessions.

The pressure to sacrifice social fairness and environmental sustainability for short-term economic growth flew in the face of evidence marshaled by many international agencies. In October, the

International Food Policy Research Institute (IFPRI) found “a definite [inverse] correlation between access to land rights and hunger” in analyzing its 2012 Global Hunger Index. Depriving people of land made them hungry;

“Forests are one of the most mismanaged resources in many countries... Poor governance has fuelled illegal activities.”

— World Bank, 2012

BOX 1

RESPONSES TO THE KEY QUESTIONS OF 2012



The following questions were posed in the previous edition of RRI's Annual Review of the State of Rights and Resources (Turning Point: What future for forest peoples and resources in the emerging world order?).

Will 2012 see the end of effective global action on climate change?

For the most part. There was no deal and no new funding committed at the United Nations (UN) climate talks in Doha. Climate change remained less of a priority than economic concerns in the United States (US), despite Hurricane Sandy, the country's warmest year on record, and the reelection of Barack Obama. Compromises and the extension of the Kyoto Protocol kept the negotiations progressing, but the prospects for a meaningful deal in 2015, as promised in Durban in 2011, seemed to recede.

Will Reducing Emissions from Deforestation and Forest Degradation (REDD) be reformed or overtaken?

Both. REDD has stalled with the stalemate in the climate talks. Consensus is emerging over "no regrets" actions such as securing land tenure and reversing subsidies for deforesting agricultural activities to ensure that the funds committed to REDD goals generate emissions reductions, even if there is no offset market for forest carbon.

Where will Indonesia's tenure reform road take it?

This remains unclear. The reforms formally moved ahead, with clear and strong direction from organized civil society. But they are stymied by the country's devolved government, which allows regional interests to stonewall progress, and by the declining power of the president in the run-up to the next presidential election in 2014.

Will Rio get real?

No. Governments failed to deliver on their promised sustainability agenda at the Rio+20 Earth Summit in June. The 283 paragraphs of the official document, *The Future We Want*, avoided all commitments to human rights, or the political reforms necessary to advance sustainable development. Governments committed to developing a series of sustainable development goals by 2015, but could not agree on what they should cover. They paid lip service to ideas of "green growth," but this amounted to a green light for a corporate takeover of natural resources in the name of the environment.

Will respect for local rights be the hallmark of 2012?

Respect, no. But land rights rose strongly on the agendas of many countries and international organizations. Land conflicts became increasingly visceral sources of political instability within nations, threatening development and economic growth. The Voluntary Guidelines on land tenure, endorsed in May 2012, offer hope for increasing recognition of land rights.

agribusiness did not feed them. Most foreign land grabs, it reported, had been in countries with a hunger score ranked as “alarming” or “serious,” including Cambodia, Ethiopia, Indonesia, the Lao People’s Democratic Republic (PDR), and Liberia.⁶

In 2012, what used to be regarded as the Washington Consensus—that open markets, international investment, and Gross Domestic Product (GDP) growth would bring automatic development—was faltering. Growing evidence showed that exploiting the resources of developing countries, abusing their citizens, and limiting progress on democratic governance brings poverty and anger rather than wealth and contentment.

Resisting marginalization

This evidence underpinned populist campaigns against governments that opted to take the short-cut path to economic growth. One of the most prominent campaigns during 2012 was organized by local non-governmental organizations (NGOs) and their international supporters against Herakles Capital, a New York-based venture capital company. Herakles had acquired 73,000 hectares of forest land in Cameroon to grow oil palms. The project would destroy virgin rainforest adjacent to the Korup National Park, an internationally recognized biodiversity hotspot. NGOs said that thousands of people could also lose their farmland.⁷

The company claimed that its US\$350 million scheme would provide jobs and relieve pressure on the park by creating a buffer zone and giving local people alternatives to illegal hunting. But its case appeared to falter in August 2012 when it abandoned its decision to join the Roundtable on Sustainable Palm Oil (RSPO), an industry-run watchdog and certification body, after the RSPO began an investigation into its activities. The local conflict escalated in November 2012 when Nasako Besingi, the director of the local NGO Struggle to Economize the Future, was arrested by the national military police while distributing T-shirts to people protesting against the plantation.

In other campaigns, activists sought new ways to exert pressure using international agreements. In October 2012, 270 Cambodian families who

“Property rights in many emerging markets are dysfunctional to the point that ownership of land can be granted to an investor without the tens of thousands of people living on, or dependent on, the land knowing about it.”

— The Munden Project, 2012

were thrown off their farmland to make way for sugarcane invoked the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises against American Sugar, the exclusive purchaser and the world's largest cane sugar refiner.⁸ The villagers, backed by a prominent Cambodian NGO, the Community Legal Education Center, argued that American Sugar had not used the due diligence required under the guidelines to ensure its suppliers protected the human rights of the families who lost land.⁹

The case raised important questions about the administration of one of the central provisions of Cambodian land law, the Economic Land Concessions, which is intended to encourage large-scale plantations on state land. But in practice, many of the two million hectares handed out have overridden the established land-title claims of ordinary farmers. Some 400,000 people are estimated to have lost land, half of them since 2009. A rising tide of popular opposition is threatening the government's legitimacy.

Many activist groups battling extractive global corporations concluded in 2012 that the best approach was to undermine the corporations' commercial reputations among Western consumers, clients, and investors. Even though Indonesian pulp and paper makers APP and APRIL, the twin destroyers of the rainforests of Sumatra, continued to use their huge political power at home to defend their activities, there was little they could do when activists went after their major Western customers. In October 2012, Greenpeace persuaded KFC UK—part of Yum, the world's largest fast-food retailer—to join a long list of global brands that had excluded APP products from their packaging. By year's end, the boycotters included Disney, Nestlé, Mattel, Xerox, Kraft, Unilever, Staples, and Danone.¹⁰

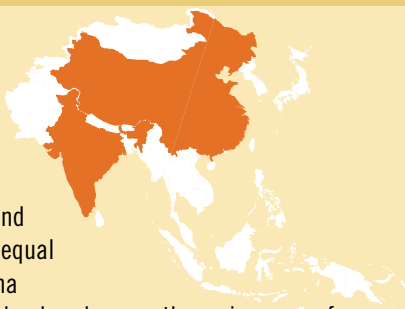
Western financiers are also sometimes susceptible to questioning of their ethical standards. In 2012, Global Witness targeted the global bank HSBC for making an estimated US\$130 million in interest and fees by investing in projects that caused rainforest destruction and human rights abuses in Malaysia's Borneo state of Sarawak. "HSBC has bankrolled some of the world's worst logging companies and in some cases got them off the ground with their first commercial loans," the report said.¹¹

Such tactics worked in 2012. In November, activists claimed success in persuading the Norwegian state pension fund, the world's largest sovereign wealth fund, to ask all companies in which it invests to reduce or eliminate their contribution to deforestation. The activists had pointed out that the Norwegian government's 2007 pledge of US\$500 million for tropical forest conservation was swamped by its own pension fund's investments in rainforest destruction, which were 27 times greater.¹²

Investors may get a jolt when they realize how insecure many of their land investments are. A recent report by The Munden Project concluded that

BOX 2

CHINA AND INDIA: GOVERNMENTS GRABBING LOCAL LANDS



Although international attention has focused mostly on foreign investments, land acquisitions and other resource grabs by internal elites are often of equal or greater concern to citizens—particularly in China and India. In 2012, Landesa reported that internal land grabs were the main cause of rural unrest in China. This study of 17 provinces, in cooperation with Beijing’s Renmin University of China, found that “the pace of land takings [in China] continues to accelerate, often leaving farmers poorly compensated and embittered.”

According to the report, some four million rural Chinese lose their land every year. About one in six cases involved forced evictions. Although they generally received compensation, it is only at a fraction of the rate the authorities received when they pass the land on to developers.^a

Against a backdrop of growing citizens’ protests, the State Council, China’s top decision-making body, backed by an amendment to the country’s land law in December, establishing tighter controls on land acquisitions and higher levels of compensation.^b

In India, a protest march on Delhi by tens of thousands of poor farmers and landless citizens persuaded the government to promise land for the landless, and to increase compensation rights for people pushed aside by developers.^c Research released in December blamed disputes over land and forest rights for a rising tide of violent clashes involving 130 districts across the country. Disputes involved phosphate mines in Jaisamand, highway projects in Rajasthan, and biofuels plantations in Chhattisgarh, among many others.^d

^a Landesa. 2010. Insecure Land Rights: The Single Greatest Challenge Facing China’s Sustainable Development and Continued Stability. Press release. <http://www.landesa.org/wp-content/uploads/Landesa-Press-Release-6th-17-province-China-survey.pdf>.

^b Wall Street Journal. 2012. China Tackles Land Grabs, Key Source of Rural Anger. Wall Street Journal online. December 5. <http://online.wsj.com/article/SB10001424127887324640104578160931049622330.html>.

^c BBC News. 2012. India Cabinet Clears Key Land Reform Bill. BBC News India online. October 17. <http://www.bbc.co.uk/news/world-asia-india-19973983>.

^d Rights and Resources Initiative. 2012. New Findings Predict Rising Trend in India’s Violent Land Conflicts; Map Shows Massive Resource Takeover Spurring Conflict in 130 Districts. December 17. http://www.rightsandresources.org/documents/files/doc_5644.pdf.

most investors were unaware of the financial risks posed by insecure land tenure and conflicts over land and natural resources. “Property rights in many emerging markets are dysfunctional to the point that ownership of land can be granted to an investor without the tens of thousands of people living on, or dependent on, the land knowing about it,” Munden said. With governments’ blueprints for development hotly contested by many of their citizens, costs to unknowing investors could soar.¹³

International support for local rights reaches a crescendo

A crescendo of concern about land grabs came to a head with the May 2012 agreement on the Voluntary Guidelines for the Responsible Governance of Tenure of Lands, Fisheries, and Forests. The Committee on World Food Security document, which was endorsed by all 82 countries attending, called for transparency in land deals, consultation with local communities, and respect for human rights. Under the Guidelines, protecting land rights would improve food security for the rural poor by ensuring “more secure and more equitable access to land and natural resources, a key condition for encouraging responsible investment in agriculture.”¹⁴ They cover both international investments and also internal land grabs (Box 2).

The Guidelines, which are intended for both would-be investors and governments drawing up land legislation, were three years in the making. They were among the clear signs in 2012 that the blueprint for foreign-funded and foreign-directed development is being widely questioned. In November, the Food and Agriculture Organization (FAO) of the UN recommended that large-scale land acquisitions for agriculture “be avoided and other forms of investment considered,” especially where “land rights are unclear and insecure”¹⁵ (see Part 2).

FOCUS ON LIBERIA: A NEW MODEL OF DEVELOPMENT OR RESUMPTION OF BUSINESS AS USUAL?

Liberia is the test bed for many of the choices discussed in this report. Although Liberia is a small country, its choices matter. This prominence is in part due to the global status of the country's president, 2011 Nobel Peace Prize laureate Ellen Johnson Sirleaf, who in 2012 became co-chair (with the leaders of Britain and Indonesia) of the group drawing up plans for the post-2015 UN development goals.

Liberia is also important because its government appeared genuinely uncertain in 2012 about whether to take the path of inclusion or exclusion. Recovering from more than a decade of civil war, it has begun a major reform of land tenure, starting with detailed documentation of existing tenure. But it simultaneously chose to revive its economy through expansion of commercial resource extraction, particularly minerals and timber, plus a revival of plantation agriculture.

In 2012, the two trajectories came into increasing conflict. With documentation of community land still at an early stage, local analysts calculated that some three-quarters



of the country's land had been allocated or promised to large investors, one of the highest rates in the world. The result was a rising tide of local opposition. The chairman of the Land Commission of Liberia, Othello Cecil Brandy, reported in late 2012 that 95 percent of the cases before the country's Supreme Court concerned land. "If land dispute is not handled properly, it could take the country back to crisis. Land dispute threatens peace," he said.^a

In late 2012, the Liberian Extractive Industries Transparency Initiative, a government agency, began an external review of US\$8 billion of contracts signed by ministers and officials with corporations, amid growing evidence that many of those contracts breached national laws.

The country's headlines in 2012 were grabbed by a stand-off between the Malaysian palm oil giant Sime Darby and locals over the company's 220,000 hectare concession in western Liberia. Sime Darby promised up to 35,000 jobs. But locals complained to the RSPO, an industry body of which Sime Darby is a leading member, that they had not been consulted about the plans to take over their community land.^b In November 2012, there was a partial settlement, when the company agreed to pay US\$1 million to the people of Cape Mount County to compensate for shrines destroyed by its earlier operations. Anger over that settlement persists.

Meanwhile, a similar conflict looms over another 220,000 hectare concession^c given to Golden Veroleum Liberia (GVL), a company owned by New York-based private equity firm Verdant Fund, which local activists accused in late 2012 of violating RSPO principles by clearing farmland without their free, prior and informed consent (FPIC). A complaint was filed against GVL, arguing that it violated RSPO standards and failed to respect FPIC and customary rights to land.^d The RSPO Grievance panel found merit in the complaint and requested that GVL cease new clearing, a requirement that GVL has yet to implement. A UN Security Council Panel on Liberia, created in the aftermath of the country's civil war to oversee its return to normal, in early December reported "particular concerns" that existing communities within the concession were being left with only 40 hectares each to conduct their farming and noted the "intimidation and unlawful arrest of local activists" by police. Days later, local authorities arrested three community members after they discussed losing their homes to the company's operation with a journalist from an international news agency.

Despite the promises of government and investors, the takeover of Liberia's land and natural resources by foreign investors is not bringing prosperity. Far from it. Conditions for Liberia's 3.5 million people remain among the worst in the world. The country saw eight percent GDP growth in 2011, yet Liberia still ranked 182nd out of 187 countries in the United Nations Development Programme Human Development Index. President Sirleaf's battle to exploit her country's resources for economic growth, without plunging it back into resource-fueled conflict, remains precarious.^e

Sold a PUP

When first elected, the Sirleaf government abolished all existing logging concessions. It promoted community involvement in managing forests and required companies applying for new logging permits to obtain consent from local communities. But it left one exception. Private landowners could apply for private user permits (PUPs), which allowed them to cut small amounts of timber without having to consult the community.

Until 2010, only a handful of PUPs were issued. But then commercial loggers spotted the loophole in the consent procedures. If they could persuade officials at the Forest Development Authority (FDA) that the land they wanted to log was in private ownership, then many of the laws designed to protect local communities did not apply. It looked like a fast track to an extractive economy.

And so it proved to be. By 2012, the UN Security Council Panel on Liberia reported that PUPs covered about a quarter of the country's forests and were the source of three-quarters of the log exports leaving Liberia. The panel established that three companies—Atlantic Resources, Forest Venture, and South Eastern Resources—held most of the PUPs. The three companies appeared to share personnel and addresses and were apparently ultimately linked to the Malaysian timber company Samling Global.^f

The panel reported a “worrisome... lack of government oversight and regulation,” with little documentation to support claims that the land to be logged was privately owned rather than forest under community stewardship. The Land Commission of Liberia agreed that many title documents presented to the FDA to secure the PUPs had been forged, and concluded that most PUPs were “exploitative agreements, with communities losing out.”^g As the scandal escalated in 2012, President Sirleaf imposed a moratorium on new PUPs and a ban on exporting logs from them, pending an audit of their legality. At the start of 2013, after receiving the audit, she said it showed the processes of awarding PUPs had been “abused by investors, government employees and community leaders.” She maintained the moratorium, announced a review of all deeds used to justify PUPs, and ruled that the activities of all logging companies engaged in PUP activities “are hereby suspended until the moratorium is lifted.”^h

There appeared to be a showdown between competing values about how to manage the country's forests, and it was not clear if President Sirleaf's aspirations for legality and accountability would win out. The UN panel found that the moratorium was already being widely breached.

^a New Democrat. 2012. Vexing Land Disputes Demand Systematic, Speedy Solutions. New Democrat. November 19. <http://www.newdemocratnews.com/index.php/features/editorial/1568-vexing-land-disputes-demand-systematic-speedy-solutions>.

^b Siakor, Silas. 2012. Uncertain Futures: The Impacts of Sime Darby on Communities in Liberia. Monrovia, Liberia: Sustainable Development Institute. http://wrm.org.uy/countries/Liberia/uncertain_futures.pdf.

^c Reed, John. 2012. Agriculture: Palm oil greases the wheels of growth. Financial Times. http://www.ft.com/intl/cms/s/4b9c1992-1ab5-11e1-bc34-00144feabdc0,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F4b9c1992-1ab5-11e1-bc34-00144feabdc0.html&_i_referer=#axzz2lMjcb0mJ.

^d Letter of complaint to RSPo from indigenous Butaw Kru tribes and inhabitants from several local communities within the proposed Golden Veroleum 220,000 ha palm oil concession in Liberia, October 2012. 2012. Forest Peoples Programme. <http://www.forestpeoples.org/topics/palm-oil-rspo/news/2012/10/letter-complaint-round-table-sustainable-palm-oil-rspo-indigenous>.

^e United Nations Development Programme. 2012. International Human Development Indicators. Database. <http://hdrstats.undp.org/en/countries/profiles/LBR.html>.

^f UN Security Council Panel on Liberia. 2012. Letter dated 3 December 2012 from the Chair of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council. http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/901.

^g De Wit, Paul. 2012. Land Rights, Private Use Permits and Forest Communities. Land Commission of Liberia.

^h AllAfrica. 2012. Liberia: President Sirleaf Begins Taking Action on PUP Abuse. The Analyst (online). January 2. <http://allafrica.com/stories/201301021375.html>.



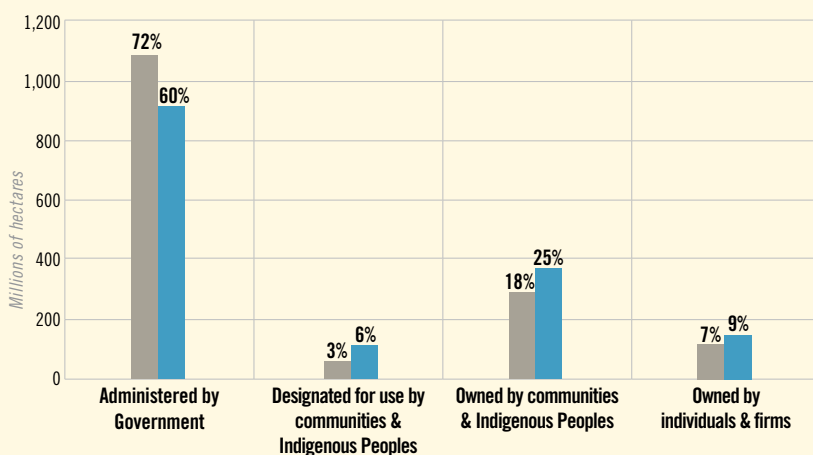
PART TWO:

State of Forest Tenure Rights in 2012: Progress and Unfulfilled Promises

By 2012, governments in the developing world had recognized communities' ownership or long-term use rights to 31 percent of the developing world's forests¹⁶—over 490 million hectares. This represents a forest area roughly half the size of China. Yet, governments in the developing world still claim full control over 60 percent of the forests within their borders, and actual progress to recognize community rights to forests has been primarily accomplished by a handful of countries (see Figure 1).

Substantively reforming natural resource tenure systems tends to be a long, costly, and difficult process that threatens entrenched interests and frightens policy makers. Often those entrenched interests are supported by the very policy makers whose mandate it is to reform inequitable and broken national land tenure systems.

FIGURE 1: Forest tenure distribution in developing countries, 2002-2012



■ 2002 ■ 2012

Note: The countries included here contain 80 percent of the total forest estate of developing countries. For full details see: www.rightsandresources.org/tenuredata.

Governments in many forest countries appear to have made only half-hearted commitments over the past decade to the idea of recognizing and protecting forest community rights. While several governments have passed laws to recognize (some) rights to forest resources and land, these reforms often lacked sufficient political, institutional, and regulatory support to implement them to their fullest extent. Worryingly, laws pertaining to Indigenous Peoples' rights are generally inconsistent with the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

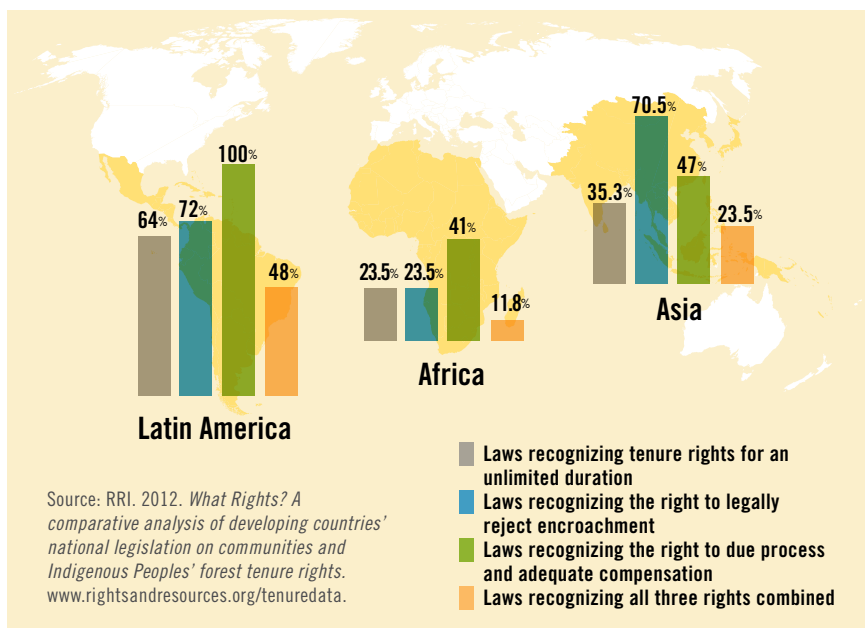
In a survey of the statutory forest tenure systems of 27 developing countries, RRI found that 15 percent of community tenure regimes had not yet been implemented on the ground. And even those that were implemented mostly covered only small areas. Forty-five percent of the countries surveyed had recognized communities' rights to less than one tenth of their forest estates. Yet, the area legally designated as community territory is an imperfect indicator of progress because it says nothing about the quality of the rights enjoyed by communities. For example, do the rights recognized allow communities to manage and benefit from their forest land and resources?

The survey also evaluated the rights that were given legal recognition under specific regimes. Less than one third of the surveyed regimes recognize sufficient rights for communities to legally secure their land claims. The restrictions imposed on communities include limits on the duration of the rights enjoyed, limits on the communities' ability to exclude outsiders, and denying communities due process or compensation should their lands be expropriated. In Latin America, the "best performing" region when it comes to recognizing community and Indigenous Peoples rights, fewer than 50 percent of the legal regimes recognize all the rights necessary for secure land ownership. In Asia, these rights are fully recognized by fewer than a quarter of the regimes, while in Africa, the proportion falls to just over 10 percent (see Figure 2).

Unfortunately, even rights that might appear to be robust in law are weak in the absence of effective, accessible, and impartial judiciaries and legislative bodies to serve as guarantors.

Nowhere is the threat of rollback of community rights more apparent than in large scale land acquisitions. It is clear that the growth in so-called land-grabbing is greater than the rate of recognition of local tenure rights. In 2012 the Guidelines called on countries to recognize and protect legitimate tenure claims and traditional livelihoods even if those rights are not recognized in current legal frameworks. In addition to having been signed by most nations,

As awareness of tenure risks increases and global support for recognizing community rights grows, the political and economic space for countries to neglect their citizens' land rights is getting smaller.

FIGURE 2: Community tenure rights recognized in law in 27 countries


the Guidelines have since been adopted as guiding principles for the G8's New Alliance for Food Security and Nutrition. High level talks are also underway to identify how to best operationalize the Guidelines.

The Guidelines have helped to elevate the profile of land rights from a peripheral or sector-specific issue to one with a recognized global significance. In addition to President Barack Obama's mention of the need to clarify and secure land rights in speeches in Myanmar and Cambodia, Secretary of State Hillary Rodham Clinton referenced their importance in a speech at the Clinton Global Initiative in September, and UK Prime Minister David Cameron highlighted the Guidelines in an op-ed in the Wall Street Journal in November. This attention is particularly significant in the case of Prime Minister Cameron as he co-chairs the UN process to devise a new framework for international development after 2015. The fact that clarifying and strengthening land rights is already on his radar is an encouraging sign, and creates a strong basis for sustained advocacy in order to keep his (and the rest of the panel's) focus on the right aspects of this issue in the coming years.

As awareness of tenure risks increases and global support for recognizing community rights grows, the political and economic space for countries to neglect their citizens' land rights is getting smaller. Pressures from communities, civil society, and increasingly, donors and markets will only continue to increase the costs of ignoring the issue. The question now is, in the face of these new realities, will governments continue to make the wrong choices, or will they embrace a pro-rights, politically inclusive, development paradigm?



PART THREE:

2012 in Focus: Choices and their Consequences

Getting serious about land reform? More political commitments in 2012

Remarkable progress was made during 2012 in recognizing the legal rights of Indigenous Peoples and communities. Some governments are realizing that upholding traditional tenure rights can bring strong social, economic, and environmental benefits. But with local elites still often strongly backing an extractive development model, it remains to be seen how well any legal gains will be translated into action on the ground, particularly for women and other minorities (Box 3).

The largest initiative on land rights reforms in Africa's history could be about to begin in the Democratic Republic of Congo (DRC). Under a land code created 40 years ago, most of the DRC's 50 million people are legally landless, even though the country has the largest land surface area in sub-Saharan Africa.¹⁷

In 2012, during a conference organized by the government, UN-HABITAT, and RRI, the minister of land affairs, Robert Mbwanga Bila, announced the beginning of an “inclusive and participatory” process to reform the Land Code. The conference emphasized the need for reliable information on existing traditional land claims.¹⁸

Reform will not be easy. The country is slowly emerging from a long and brutal civil war that was preceded by a kleptocratic dictatorship. Instability reigns. In late 2012, less than a month after farmers' organizations met in Goma to discuss the reform process, rebel forces known as the M23 (Mouvement du 23 mars) marched in and took over the city.¹⁹

“We have no choice but to speed up land reform as a matter of urgency. The economic future of this country depends on how this is dealt with.”

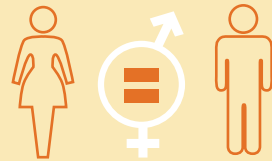
— Tina Joemat-Pettersson,
South Africa agriculture
minister, 2012

Other countries are also beginning to adopt a land reform agenda. In August, the government of the Lao PDR announced plans for nationwide land and forest reform to ensure that villagers “receive a fair share of the benefits of land development.” It promised that the reforms would help attack poverty and make it easier for communities to claim their customary land rights.²⁰

However, the booming economy has led to increasing competition for land. Many conflicts have erupted between villages and agribusiness, particularly where Lao land has been handed over to Chinese and Vietnamese rubber plantations. Forest governance also remains weak. In 2011, the Environmental Investigation Agency, an NGO, tracked timber smuggled

BOX 3

WOMEN'S RIGHTS TO LAND: BETTER RHETORIC, SAME REALITY



In 2012, gender issues gained a new prominence in the debate about land tenure. RRI reported in July that the legal recognition of equal tenure rights for women in many Asian countries was failing to deliver results, noting: “Women continue to be excluded from property rights and are seldom the owners of the land they cultivate.” For instance, gender equity remains elusive in Nepal, even though it has long been a flagship for the success of community forests.^a In China, “although the law is gender neutral, its implementers often are not,” said Xiaobei Wang, a gender and land tenure specialist for the NGO Landesa.^b

In a parallel study of West African women’s rights to forests, the director of the Foundation for Community Initiatives in Liberia, Julie TB Weah, noted that many male African leaders still “regard gender as a foreign concept, one designed to impose Western values in Africa.”^c Across sub-Saharan Africa, the FAO estimates that women perform half the agricultural labor but own only 15 percent of the land. It found that although national laws theoretically give women equal rights to land, “customary laws and practices that discriminate against women’s land rights prevail over statutory laws.”^d To move toward equitable tenure systems, it is imperative to acknowledge the strengths and weaknesses of existing customary systems. In some places, customary systems are more equitable than prevailing state law and in others, the opposite is true.

^a Buchy, Marlene. 2012. *Securing Women’s Tenure and Leadership for Forest Management: A Summary of the Asian Experience*. Washington, D.C.: Rights and Resources Initiative. http://www.rightsandresources.org/documents/files/doc_5211.pdf

^b Landesa. 2012. *Insecure Land Rights: The Single Greatest Challenge Facing China’s Sustainable Development and Continued Stability*. <http://www.landesa.org/wp-content/uploads/Landesa-Press-Release-6th-17-province-China-survey.pdf>

^c Rights and Resources Initiative. 2012. *Women and Forests in Liberia: Gender Policy and Women’s Participation in the Forest Sector of Liberia*. Washington, D.C.: Rights and Resources Initiative. http://www.rightsandresources.org/documents/files/doc_5494.pdf

^d FAO. 2011. *The State of Food and Agriculture 2010–11: Women in Agriculture*. Rome: Food and Agriculture Organization. <http://www.fao.org/docrep/013/i2050e/i2050e.pdf>

BOX 4

MYANMAR: OPEN FOR BUSINESS— AND RESOURCE GRABS?



The choice between a nation of landowners or laborers loomed large in Myanmar. Its opening up to the Western world, underscored by a visit from President Barack Obama in November 2012, is good news for human rights. But it could herald a new era of resource extraction, dispossession, and social stress. Obama told an audience in Yangon in November: “Reforms must ensure that the people of this nation can have that most fundamental of possessions—the right to own title to the land on which you live and on which you work.”^a But will those rights be upheld or extinguished as global capital rushes into the country?

Land disputes were a major cause of the unrest that helped trigger the country’s recent reform program. In late 2011, after protests from the local Kachin people, the generals postponed construction by Chinese companies of the Myitsone dam on the Irrawaddy. Reformist president Thein Sein said then that he wanted “economic development in parallel with environmental conservation.” But were these more than soothing words? In November 2012, three months of protests over a mining operation in the northwest of the country escalated into violence.^b

Land tenure rights are very weak in Myanmar. “The state owns all the land and resources in Burma, with most villagers having no formal land title for their customary agricultural land,” the Burma Environmental Working Group (BEWG) reported in 2011. Land concessions given to companies “do not respect customary land rights or informal land holdings.” A system of community forests that was put in place 15 years ago has allocated less than a tenth of the national target of 600,000 hectares. Even where community forests have been created, villagers’ rights are restricted to meeting basic timber needs for firewood and the making of farm implements.^c

After decades of autocratic rule, Myanmar’s people have few legal defenses against the takeover of their land, forests, and natural resources.

^a Obama, Barack. 2012. Remarks by President Obama at the University of Yangon. November 19. <http://www.whitehouse.gov/the-press-office/2012/11/19/remarks-president-obama-university-yangon>.

^b Guardian. 2012. Burma: Riot police move in to break up copper mine protest. Guardian. November 29. <http://www.guardian.co.uk/world/2012/nov/29/burma-riot-police-mine-protest>.

^c Burma Environmental Working Group. 2011. Burma’s Environment: People, Problems, Policies. BEWG. <http://www.bewg.org/pubs/finish/4/34>.

from Lao forests to Vietnam, where the shipment was received by the Vietnamese military. The Lao authorities said the country’s ban on exports of logs contained a loophole for trade sanctioned by the country’s president.

If the ban was enforced and loopholes were closed, the reforms in the Lao PDR would represent a sea change. But it is far from clear what political backing there is for fundamental reform. Late in 2012, government officials began harassing villagers and activists who had spoken

out against companies seizing their land. And in one alarming case, a senior activist went missing, apparently kidnapped by state employees (see page 20).

Land policies were at center stage in several other countries in 2012. In South Africa, where a post-apartheid target of transferring 30 percent of white-owned farmland to black ownership is still barely a quarter achieved, agriculture minister Tina Joemat-Pettersson promised action. She told an African National Congress policy conference:

“We have no choice but to speed up land reform as a matter of urgency. The economic future of this country depends on how this is dealt with.”²¹ In Brazil, the Movement of Landless Rural Workers protested in Brasilia, demanding the enactment of land reform that President Dilma Rousseff had promised the previous year to improve “justice, food security and peace in rural areas.”²² In Myanmar, local protests over land rights abuses and growing international attention are potentially paving the way for reform (Box 4).

In Nepal, concern is growing for the fate of the country’s community forests program. Rural communities currently manage a quarter of the country’s forests. The program is widely seen as a blueprint for other countries and was presented by Nobel Prize-winning economist Elinor Ostrom as an example of the successful management of commonly owned resources.

Yet, some community forests are now being logged by outside smuggling syndicates that enjoy political protection. After publicity in 2012 about illegal logging of the Jogbudha valley, in the country’s largely undeveloped west, the government sought to blame local Raute forestry laborers. It pressed charges against a number of villagers while ignoring higher officials and large contractors.²³

Against this political backdrop in 2012, Nepal’s ministers announced amendments to the country’s Forest Act, which would return some forest users’ rights to the state and limit further expansion of community forestry. The government claimed that its aim was to end the “commercialization” of the forests. But many thought the opposite more likely. That the real goal was to end local democratic control of the forests and promote a resumption of commercially driven extractive exploitation of the forests, overseen by national elites.

“Reforms must ensure that the people of this nation can have that most fundamental of possessions—the right to own title to the land on which you live and on which you work.”

— President Barack Obama,
United States, 2012

Dying and suffering for land: How to treat your citizens?

Social and environmental activism remains dangerous work in many countries, with many risking their lives for the cause (Box 5). People who defend citizens' rights to land and natural resources, and who take on the elites who commandeer those resources, can find the state, local elites, and

corporate players all arrayed against them, sometimes violently.²⁴ Many activists paid with their lives in 2012. Global Witness, which has been tracking reported killings of activists, reported that the annual toll of slayings doubled between 2002 and 2011 and exceeded an average of two deaths a week in 2011.²⁵ Most remain nameless, but some prominent campaigners who were victims in 2012 include:

*Many activists
paid with their
lives in 2012.*

- In April 2012, Chut Wutty, founder and director of the Natural Resource Protection Group, a Cambodian NGO, was shot dead by the military police. He had been investigating illegal logging and land acquisitions in Koh Kong province.
- In May 2012, Filipino activist Margarito Cabal, who campaigned against the construction of a hydroelectric dam in Pulangi River, was shot dead by unknown assassins after being publicly vilified by state security forces.
- In July 2012, Almir Nogueira and João Luiz Telles—two leading members of an association of Brazilian artisanal fisherfolk campaigning against pollution of Guanabara Bay—were found tied up and drowned in the bay. Their deaths happened days after the end of the nearby Rio+20 Earth Summit.
- In November 2012, Mexican environmentalist Juventina Villa Mojica, who was trying to protect forests in southern Guerrero state from invasion by drug gangs, died from gunshot wounds. Her son died beside her. Her husband and two other children were similarly gunned down in 2011.

At the end of 2012, another case came to international attention, in a country whose recent pronouncements in favor of land reform did not seem to stop forceful suppression of those pushing for reform. Prominent Lao social activist Sombath Somphone was snatched from the street in mid-December after being stopped in his car by police, for what at first appeared to be a routine traffic check. State authorities claimed they were not involved in the kidnapping, which was recorded on closed circuit television. But Sombath, founder of the Participatory Development Training Centre, had attracted official attention the previous month after organizing a citizens' forum for

villagers angry at the loss of their land to rubber planters. The meeting embarrassed the government because it coincided with a summit of European and Asian heads of state in the country. Days before Sombath's disappearance, another activist prominent at the citizens' forum, the director of the Swiss NGO HELVETAS-Swiss Intercooperation, Anne-Sophie Gondroz, had been summarily expelled by the government.

BOX 5

CANADA: "IDLE NO MORE"



In late 2012, Canada was convulsed by a series of headline-grabbing protests from aboriginal communities protesting the Conservative government's attempts to water down their land rights through a series of legislative changes. The proposed changes appeared obscure, but protesters—led by hunger-striking Attawapiskat chief Theresa Spence—said they could have profound consequences.

The Idle No More protests took place daily across major cities. The centerpiece of the protests was Bill C-45, which watered down the democratic checks on the leasing of native lands to outsiders, whether to the government or to foreign corporations. The proposed changes would mean only one vote is required by communities before the leases could be enacted, rather than the two presently required. Bill C-45 removes federal protection from waterways that are lifelines for aboriginal communities. The changes were backed by extractive industry proponents looking for access to the mineral deposits beneath the lands of First Nations peoples.

The Ministry of Aboriginal Affairs characterized the change as being more efficient, reducing administrative costs, and allowing communities to take advantage of "time-sensitive economic opportunities."^a

The communities think differently. They accuse the government of introducing high-handed measures without consultation. And the protests have served as a springboard for a wider attempt to reexamine the relationship between aboriginal communities and the federal government.

Pamela Palmater, an activist and chair of indigenous governance at Ryerson University, said the government was flouting the original treaties between the First Nations and the Europeans that created the country. "Indigenous Peoples were never conquered," she pointed out. Yet instead of fulfilling the treaty requirements to improve the lives of Indigenous Peoples—whose life expectancy remains 20 years less than average Canadians—the government "is trying to get rid of the Indian problem once and for all" by "unlocking" their lands for exploitation.^b

^a AANDC. *Frequently Asked Questions. Amendments to the Land Designation Sections of the Indian Act*. Aboriginal Affairs and Northern Development Canada. <http://www.aadnc-aandc.gc.ca/eng/1350676320034/1350676521625>.

^b Palmater, Pamela. 2012. We are idle no more. *Ottawa Citizen*. December 28. <http://www.ottawacitizen.com/opinion/Idle+More/7753967/story.html>.

Mining boom, local bust: Selling off resources at any cost

The mining industry, which is dominated by a small set of massive transnational corporations, has boomed during the past few years. State-sanctioned exploration is expanding rapidly in the forests and lands of Indigenous Peoples in particular, putting at risk the livelihoods of millions of people. However, when the price of metals began to decline in 2012, countries that had relied on the boom to stimulate economic growth faced difficult times. After a visit to Mozambique, where coal mining has been driving economic growth, economist Joseph Stiglitz described it as a “rich country with poor people... You have all this money flowing in, but you don’t have real job creation and you don’t have sustained growth.”²⁶

Other African lion economies showed a similar blight: Guinea and Angola have seen resource-fueled booms in GDP, but both have growing poverty and little to show for the sacrifice. Tensions are escalating, with strikes occurring in many countries, not least in South Africa, where workers in the Marikana platinum mines went on strike during 2012. Some were killed by police.

If the Midas glitter of resource exploitation is turning into a resource curse for some, many governments nonetheless continue to see mining by foreign-owned corporations as a shortcut to economic growth. In June 2012, Colombian president Juan Manuel Santos announced he would turn 15 percent of the country over to “mining reserves,” which would be auctioned off for export. He said the action was partly designed to curb illegal miners, but the effect will be to further marginalize artisanal miners. In November, his government followed up by selling 49 additional areas for oil exploration.²⁷

Across Latin America, including Colombia, courtroom battles between mining companies and Indigenous Peoples are heating up. In May, Colombia’s constitutional court suspended development of a massive copper, gold, and molybdenum mine, backed by mining giant Rio Tinto, at Mandé Norte on the remote Pacific coast. The mine was on collectively owned indigenous and Afro-Colombian land, and the court said the promoters had not obtained consent according to the peoples’ own customs.²⁸ Although the decision was heralded as a legal breakthrough for Indigenous Peoples’ land rights, the project may not be dead. A new prospective owner of the mine site claimed that, with political tension “materially reduced” in the area, it would “push forward with a full evaluation of this exciting prospect.”²⁹

In 2012, the Inter-American Court of Human Rights, an autonomous organ of the Organization of American States, ruled in favor of the Sarayaku community in the Ecuadorian Amazon after its decade-long battle against a foreign oil company that was encroaching on its land.³⁰ The court found that the Ecuadorian government had violated the community’s rights in allocating

the land. “The sentence will have a far-reaching effect across the region,” said Amnesty International. “It makes it crystal clear that states bear a responsibility to carry out special consultation processes before engaging in development projects affecting Indigenous Peoples.”³¹ But in April 2012, the Peruvian government ignored the ruling when it extended gas exploration in the Camisea gas fields into the Kugapakori-Nahua-Nanti rainforest reserve, which the same government had previously set aside for uncontacted Indigenous Peoples.³²

Latin American courts also heard cases on major dam projects, such as the construction of the Belo Monte dam on the Xingu River in the Brazilian Amazon. The US\$14 billion scheme was repeatedly halted in 2012 by courts, occupations, and attacks on construction equipment by discontented workers. In August, courts halted construction for a second time, only to have the decision overturned by the Supreme Court two weeks later. This legal case hinges on the Indigenous Peoples’ right to have their case against the dam heard by the Brazilian Congress, which voted to go ahead with the scheme in 2005.³³ Fifty legal actions concerning social and environmental irregularities against the project have yet to be heard in the courts.³⁴

Where international courts lack power, some activists are keen to fight back using corporate regulations within the host nations of international mining conglomerates. In February 2012, the London Mining Network—an alliance of human rights, development, and environmental NGOs—called on the British government to toughen rules at the London Stock Exchange on the policing of mining companies with poor records on human rights and land tenure.³⁵

Rethinking legality: From international to local legitimacy

Most developing countries depend on artisanal timber cutters, merchants, and processors for forest products. Typically, the cutters select individual trees from forests or farmland, and use chainsaws to fell and then cut the trees into planks. Yet often, despite their economic importance for the country, they are marginalized or criminalized, while large-scale commercial timber millers, which supply more profitable export markets, receive the full backing of the law.³⁶

This perversion of local markets favors external industrial development over an inclusive form of economic development that can bring wider benefits to more players in local economies. Governments that cast local owners and producers aside are acting against the interests of their citizens, overlooking wider benefits to local economies, and undermining fair and sustainable growth.

In Ghana, around 100,000 villagers across the country are involved in artisanal chainsaw milling. They support perhaps a million dependents. According to local forest consultant Elijah Danso, illegal chainsaw operators are at least as efficient in their use of felled trees, do less environmental damage because they log selectively on existing farmland, and provide more social benefits. Ghanaian forest economist Gene Birikorang found that, though they cut a similar amount of timber as the legal commercial sector, they deliver more than twice as much GDP.³⁷

But they are illegal. At Oda timber market northwest of Accra, Kwame Attafuaah, a local organizer for Ghana's national union of chainsaw operators, said: "The government says we destroy the forest and create deserts. But it's lies told by the big milling companies. All the officials and ministers buy from us, but they still blame us and make us illegal."³⁸

Chainsaw millers have the support of forest communities. One village chief, Barfour Kwame Ackom of Brakumans community, said: "We want the government to legalize the chainsaw people because they are part of our community. The big companies just come onto our land and do what they want. We don't have any right to stop them." But a study in 2012 by Jens Friis Lund from the University of Copenhagen concluded that legalization was unlikely to happen. "The [existing forest] governance regime has served the entrenched interests of an economic and political elite [that has] resisted any attempts at reforms that could threaten its favorable position."³⁹

Chainsaw millers are in a similar situation across Africa. "It is often not clear what is legal and what is illegal," according to Paolo Cerutti of CIFOR, who analyzed the situation in Cameroon. One exception is Liberia, where in 2011 the Forest Development Authority adopted regulations recognizing the chainsaw millers' right to operate. This legal reform could eventually take hold in other countries too, thanks in part to the European Union (EU) ban on imports of illegal timber that will go into effect in March 2013. During 2012, many supplying countries were negotiating Voluntary Partnership Agreements (VPAs) that provide automatic access to EU markets in return for tough domestic controls on supply chains. But the EU is also insisting on

"We want the government to legalize the chainsaw people because they are part of our community. The big companies just come onto our land and do what they want. We don't have any right to stop them."

— Barfour Kwame Ackom, chief of Brakumans community, Ghana, 2012

reforms of forest governance, as part of the VPAs, including guarantees of tenure rights for forest communities. If the EU follows through on these policies, it can encourage developing countries to legitimize properly regulated local producers and entrepreneurs.

By the end of 2012, six countries had signed VPAs: Cameroon, the Central African Republic, the Republic of Congo, Ghana, Indonesia, and Liberia. But at the start of 2013, with weeks to go before the regulations come into force the promised reforms remained work in progress.⁴⁰

Preparing for life in a high-risk world: What institutions for the new normal?

Extreme weather of 2012 was notable for record-breaking drought and the hottest year ever recorded in the US; for flooding in Australia and China; unusually arid conditions in the African Sahel and northeast Brazil; a feeble monsoon in India; record ice loss in the Arctic; and unusually severe storms in Manila, New York, and elsewhere.

Climate change, it turns out, is not only about a slow rise in average temperatures. It is about dramatic and unpredictable changes and extreme weather events. Wild weather is the new norm. A warmer atmosphere contains more moisture, hence more extreme precipitation, and more energy, hence stronger storms and more unpredictable weather systems of all sorts. Even droughts are fiercer, because higher temperatures and faster evaporation dry out the land more quickly. And this is just the start.

When the first phase of the 1997 Kyoto Protocol ended in Doha, Qatar, at the close of 2012, its last-minute extension to a second phase left fewer than 15 percent of global greenhouse gas emissions covered by internationally agreed-upon limits. Even if talks progress, a new treaty covering other nations would not come into effect until 2020. Few climate scientists now expect that the world's promise at Copenhagen in 2009, to limit warming to below 2° Celsius, will be achieved. In November, a report by the World Bank and the Potsdam Institute for Climate Impact Research and Climate Analytics foresaw a world of “unprecedented heat waves, severe drought, and major floods in many regions, with serious impacts on human systems, ecosystems and associated services” should governments worldwide fail to avoid 4°C warming of the planet.⁴¹

People and nations face a high-risk and chaotic world, in which extreme weather has

People and nations face a high-risk and chaotic world, in which extreme weather has extreme consequences — for food supplies, for politics, and for investment.

extreme consequences—for food supplies, for politics, and for investment. This future has been predicted by several reports in 2012. The most graphic came from US government climate scientist James Hansen and colleagues, who concluded that extreme weather events that have become common in recent years are due to climate change, and that the effects of such events can only get worse.⁴²

The economic consequences are already being felt. In 2012, heat waves and drought destroyed crops around the world, triggering a surge in grain prices to levels higher than in 2008, according to the Farm Price Index. Equally notable, since 2008, food prices have shown extreme volatility as speculators try to ride the waves of supply and demand. This volatility too appears to be part of a long-term trend, said investment strategist Jeremy Grantham. Growing threats of food and water scarcity, which are linked to climate change and unpredictable extreme weather, will become a defining feature of global economic systems over the next several decades, he argued. Rising population will add to the instability of food supplies. Even more important, a rapidly expanding middle class in developing countries want to eat meat and dairy products, which have high land, water, and energy requirements. In the future, he predicted, “resource squabbles and waves of food-induced migration will threaten global stability.”⁴³

These waves of global resource scarcity will compound the strains placed on peoples worldwide by the extractive industrial development of natural resources, which is already both environmentally and socially unsustainable.

It is clear that the world is becoming a more dangerous, more resource-constrained, and less predictable place. Current institutions for governing forests and other natural resources were designed for another age, another business environment, and another climate. They were designed when resources were more plentiful, the climate was stable, and governments and large investors could ride with impunity over the rights of local people. But today, insecure land rights of local people are a significant cause of forest carbon emissions, of low and volatile food production and inequitable markets, and of disruptive and destabilizing land-based investments.

The approaches and institutions that brought us into this mess are not likely to be the ones that get us out of it.



PART FOUR:

Looking ahead to 2013

Will the EU's Voluntary Partnership Agreements transform forest governance, or fall at the first hurdle?

The VPAs offer a chance for countries to embrace reform of forest tenure, law enforcement, and ensured access to EU markets. Their incorporation of a free trade agenda conditional on respect for tenure and resource management rights represents a major departure from conventional trade deals that are concerned only with maximizing market access. At the end of 2012, no VPA export licenses had yet been issued. But if the required reforms can be activated in 2013, they could become a blueprint for reforms in other resource-exploiting sectors, such as agribusiness.

Can Myanmar open up to the world without the world grabbing its resources?

In 2012, the risks to the people of Myanmar—of land acquisition and environmental destruction from new logging and mining concessions, and the spread of monoculture plantations for rubber and oil palm—appeared to be greater than in the days of military dictatorship. If the government decides to embrace massive Western investment as a route to prosperity, then a cascade of disputes over land tenure seems all but inevitable. Land reform is urgent and essential.

Will the Voluntary Guidelines on land tenure change practice?

Critics say the UN's 2012 Guidelines are voluntary and lack provisions for either monitoring or enforcement. But others say they could provide a framework of best practice for use by both government legislators and responsible businesses. The Guidelines also give NGOs added purchase in

attacking damaging foreign investment, as well as increase the risk for corporations involved in extractive industries. But if the Guidelines are to succeed, there can be no delay. This year is crucial.

Will the World Bank fully support local land rights?

The World Bank has made tremendous progress in promoting local forestry and governance reforms, but it has continued to endorse industrial forest concessions, believing that the good behavior of a limited set of responsible companies is evidence the model will work more widely. Unfortunately, the Bank's own research shows that communities do not benefit from concessions, that corruption is endemic, and that the revenues to government and local communities are far less than promised. Further, continuing the status quo undermines human rights and the possibility of tenure reform. An internal evaluation of the Bank's forest strategy is scheduled to be completed in 2013. Will the Bank shift to fully support local land rights and forest communities?

Will the negotiations for the post-2015 UN development goals become an instrument for democratic control of natural resources?

The Rio+20 Earth Summit, which set up a high-level group to draft post-2015 development goals, showcased the ongoing corporatization of the UN's environmental and social agendas. Business leaders took key positions on the UN Secretary-General's Sustainable Energy for All program, which is seen within the UN as a prototype for the new goals. This path has to be reversed during 2013. Liberian president Ellen Johnson Sirleaf, as a co-chair of the drafting group and leader of a country shedding control of its natural resources to foreign corporations, has a pivotal role in making that change.

Will the continued delay in the scaling up of REDD represent a threat or an opportunity for better forest governance?

The continued gridlock on talks for a future global climate agreement means that the UN mechanism known as REDD remains a pilot project rather than a reality. But the delay brings opportunity. REDD began as a top-down measure to transform forests into carbon sinks to help slow down climate change. But there is a growing realization that this laudable aim will be achieved only if forest inhabitants can gain secure land tenure and benefit from carbon finance. The reforms necessary to achieve these aims will take

time, which the world now has. At the 2012 climate talks in Doha, the concluding text agreed to by the ministers specified for the first time the need for “ways to incentivize non-carbon benefits,” such as those for forest communities. It is a start.

Will Liberia choose real change?

In early 2013, President Sirleaf made sweeping and detailed commitments to stopping the abuse of Private Use Permits.⁴⁴ A new special prosecution team will be created to investigate and punish law violations related to the sale and use of PUPs by government officials, PUP holders, community leaders, and loggers. Sirleaf dissolved the Forest Development Authority’s Board of Directors and issued a stop to all logging on PUPs. This laudable commitment bodes well for local communities in 2013, but will this begin a phase of real change toward inclusive rural development? Will the Sirleaf administration choose to develop Liberia as a country of landowners or landless laborers?

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