



Rights + Resources Initiative

A global coalition to advance forest tenure, policy, and market reforms.

JULY | 08

From Exclusion to Ownership? Challenges and opportunities in advancing forest tenure reform



KEY FINDINGS

- A survey of 25 of the world's 30 most forested countries shows that, between 2002 and 2008, the area of forest owned by governments declined from 80% to 73% of the global forest estate, continuing a longer-term trend. At the same time, the area of forest owned by or designated for the use of local communities and indigenous peoples increased.

- When implemented appropriately, such forest tenure reform can benefit millions of rural people, help redress past injustice, and encourage better forest management.

- Most of the detected change in tenure, however, occurred in only a handful of countries; in many others, reforms were non-existent. Even in countries where reforms occurred, they were often poorly implemented.

- An unprecedented demand for land, weak governance, and looming global problems such as climate change, increase both the urgency of and challenges facing forest tenure reform.

Increasing community ownership of forests

The report found that, worldwide, there are at least 350 million hectares of forest land owned by communities and indigenous groups. An additional 77 million hectares of public forest land are designated for use by communities and indigenous peoples. In the developing countries studied in the 2002 publication *Who Owns the World's Forests* 22% of the forest lands were owned by or designated for communities and indigenous peoples in 2002. In 2008 27% of the forests in the same countries were owned by or designated for communities and indigenous peoples.

This report assessed the changes that occurred in statutory forest tenure in 25 of the world's 30 most forested countries between 2002 and 2008. It found that, in those countries:

- The total forest area under state ownership declined during the period, while the area of forest designated for use by communities and indigenous peoples, the area owned by communities and indigenous peoples, and the area owned by individuals and firms all increased (Figure 1).

- The area of public forest land administered by government decreased from 2.58 billion hectares (80.3% of the global forest estate) to 2.41 billion hectares (74.3%).

- The area of forest designated for use by communities and indigenous groups increased

PARTNERS



from 49 million hectares (1.5% of the global forest estate) to 76 million hectares (2.3%).

- The area of privately owned community and indigenous forest land increased from 246 million hectares (7.7% of the global forest estate) to 296 million hectares (9.1%).
- The area of forest land owned by individuals and firms increased from 339 million hectares (10.5% of the global forest estate) to 461 million hectares (14.2%).
- The area of forest land designated for communities and indigenous peoples increased in ten countries, stayed the same in 14 countries, and declined in one country.
- The area of forest land owned by communities or indigenous peoples increased in seven countries, remained the same in 16 countries, and decreased in two countries.
- The African countries studied in the report (accounting for two-thirds of Africa’s forests) have no community-owned forests. Asia and Latin America, in contrast, each for account approximately 146 million hectares of community-owned forest lands.

Progress

The trend detected in this report towards greater local and indigenous ownership of forests lands should be welcomed. Where implemented appropriately, many countries and millions of rural people will benefit from such reform and forests will be better managed. Moreover, the clarification and strengthening of forest tenure will help address conflict and war, poverty, and climate change.

Progress is being made in four main areas:

- **Recent policy changes that signal an intention to strengthen local forest tenure:** In September 2007, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples, which states, among other things, that indigenous peoples “have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.” In several countries, shifts at the international level have, over the past five years, been translated into national policies.

FOREST TENURE DISTRIBUTION BY TENURE CATEGORY IN 25 OF THE 30 MOST-FORRESTED COUNTRIES, 2002–2008



■ **Supportive research:** Evidence is emerging that forest tenure reform can have positive impacts on local incomes and on forest conservation and management. The development community is now in general agreement that secure property rights are central to achieving social, economic, and environmental goals.

■ **The opportunity of climate change:** Slowing deforestation and promoting afforestation and reforestation have become priorities for the mitigation of climate change. In this context, forest communities and individuals with forest ownership rights have more bargaining power than those who remain tenants of the state.

Evidence is emerging that forest tenure reform can have positive impacts on local incomes and on forest conservation and management.

■ **The emergence of grassroots mobilization for forest tenure reform:** Technology has improved communication in forest areas, enabling the rapid dissemination of information among local and indigenous communities and aiding their decision-making. In addition, the forest rights agenda is growing quickly and there is an increasing level of organization and institution-building in support of forest tenure reform.

Uneven progress

Despite some positive signs, however, the transfer of rights to forest land from governments to local communities and indigenous peoples and individuals has been slow and uneven. In the 25 countries assessed, eight countries accounted for almost all the observed increase in the area of forest lands designated for or owned by communities and indigenous peoples. In most other countries there was little apparent progress.

Challenges to reform

Many challenges stand in the way of forest tenure reform. These include:

■ **Lack of progress on rights that complement reform, and inadequate implementation of existing reforms:** Even when forest peoples have been granted formal tenure rights, they are often unable to fully assert those rights or to exclude powerful outside claimants. If unaccompanied by the power to enforce them, rights lack meaning and utility.

■ **Huge demand for land:** Several forces are exerting unprecedented pressure on forest lands. Investment in biofuel production is soaring, prompting a global search for cheap land; by one estimate, the cultivation of biofuels will soon require an additional 30–35 million hectares of productive land. At the same time, the conservation movement is pushing for the creation of more protected areas. Governments also continue to favour large-scale resource concessions over forests, and the search for oil and other minerals in forest subsoils is widening.

■ **Competition within and among forest communities:** Growth of the market economy, the commoditisation of local resources, the introduction of consumer culture, local population growth, slowed rural-to-urban migration, and deterioration in the quantity and quality of local resources, all increase the likelihood of local conflicts over forest lands.

■ **Weak performance of government in advancing reforms:** Even when there is sufficient political will, forest tenure reforms fail if they are implemented with inadequate administrative support, funds, expertise or policy tools.

Opportunities for more progress

Governments should take immediate steps to improve, launch or accelerate the forest tenure transition. They should:

Even when there is sufficient political will, forest tenure reforms fail if they are implemented with inadequate administrative support, funds, expertise or policy tools.

- **Create a vision:** If countries have not yet developed a vision and plan for forest tenure reform, it should be a priority to do so.
- **Create an enabling environment:** This means striving for equity, encouraging full civic participation, and ensuring efficient and effective systems of governance.
- **Invest to accelerate reforms:** Multilateral agencies and other donors should partner governments to support and finance forest reforms. Multilateral agencies and private-sector entities investing in forest-related climate mitigation strategies and carbon markets could become sources of complementary funding.

■ **Define, clarify and strengthen property rights to ecosystem services:** The emergence of climate change as a major global issue underscores the importance of clarifying property rights to carbon and other ecosystem services, not just locally but also on a national scale.

■ **Strengthen knowledge and information about forest tenure:** Accurate, detailed, and publicly available information on the ownership and control of forest resources, and understanding of the issues among stakeholders, are essential for effective forest tenure reform.

LEARN MORE

Rights and Resources Initiative. 2008. Seeing People Through The Trees: Scaling Up Efforts to Advance Rights and Address Poverty, Conflict and Climate Change. Washington DC: RRI. Available at www.rightsandresources.org.

The Rights and Resources Initiative is a global coalition to advance forest tenure, policy, and market reforms. RRI is composed of international, regional, and community organizations engaged in conservation, research, and development. For more information, visit www.rightsandresources.org.

This publication was made possible with the support of the Ford Foundation, International Development Research Centre, Norwegian Agency for Development Cooperation, Swedish International Development Cooperation Agency, Swiss Agency for Development and Cooperation, and UK Department for International Development. The views presented here are those of the authors and are not necessarily shared by the agencies that have generously supported this work.