



# Forest Land Reform in Africa

**Solange Bandiaky-Badji**  
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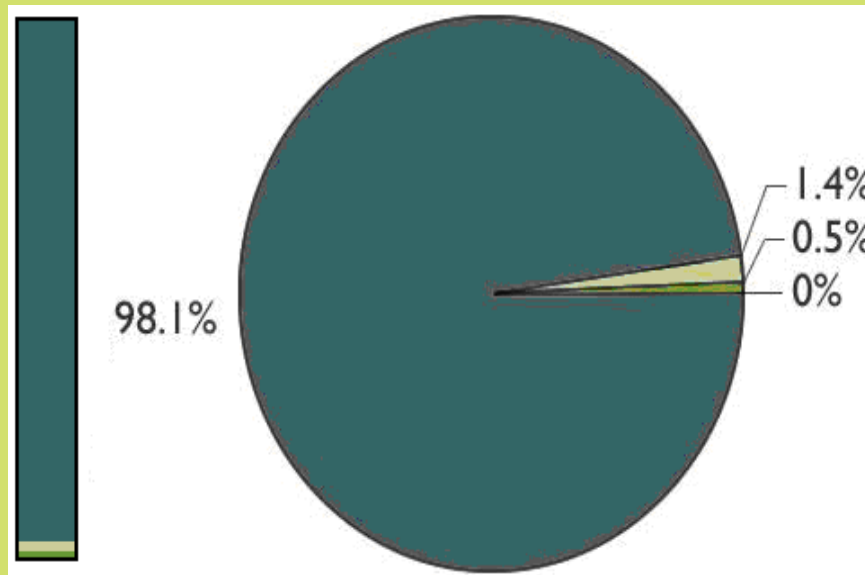


## 98% of the region's forests are claimed by government

Administered by government →

Designated for use by comm./IP ↘

Owned by comm./IP ↗



(Angola, Cameroon, CAR, Congo, DRC, Gabon, Sudan, Tanzania & Zambia — 67% of African forests.)

## The status quo:

- **The dominant economic model for forestry in Africa has been state-controlled, export-oriented, industrial scale concessions.**
  - This model dates from the colonial period and relies on central state ownership of forests
  - Post-independence governments tend to maintain this, though evidence increasingly shows that this model does not promote balanced national economic growth.

## Room for reform:

- **8 of the 20 most-forested countries that adopted important and new forestland reforms since 2000 are in Africa.**
- **In these 8 countries, the area of public forest designated for use by communities and indigenous people more than quadrupled between 2002 and 2008.**

- Some important examples of reforms in the region include:
  - **Liberia's** watershed Community Rights Law and anticipated land reforms;
  - **Cameroon's** reforms to its land and forest codes;
  - **The Democratic Republic of Congo's** 2002 forest code (replacing the 1949 colonial text) and upcoming community forestry regulations;
  - **The Sahel's** ambitious decentralization of land and resource management in Mali, Burkina Faso, Niger, Senegal (since the 1990s).
- Despite this progress, forest tenure in Africa remains contested and governments still own and control 98% of total forest area.
- While the period between 2002 and 2008 saw a five percent increase in recognition of communities' tenure regarding natural resource management, from 2008 to 2010 virtually no change in tenure occurred.



## What rights in Africa?

- *Ten African countries were included in the analysis of statutory community forest tenure regimes : Cameroon, Republic of Congo, DRC, Gabon, Kenya, Liberia, Mozambique, Nigeria, Tanzania, and Zambia.*
- *These contain approximately **53%** of Africa's forests.*

- In general, **countries in Africa have taken longer** than Latin American and Asian countries to recognize the rights of Indigenous Peoples and communities to forest lands and resources.
- Since the early 2000s, several countries in Africa have established laws recognizing the rights of Indigenous Peoples and communities to forest resources. **Compared to other regions, however, African regimes recognize fewer rights.**

- In 6 of the 17 surveyed tenure regimes in Africa, **rights cannot be implemented due to a lack of regulations.**
- In Africa, **only Kenya's tenure regimes enjoy constitutional protection & recognized women's tenure rights**
- In situations where governments claim ownership over the forests, **communities may be compelled to share management responsibilities with government officials.**
  - This is the case with Tanzania's **Joint Forest Management Agreements**, Zambia's **Joint Forest Management Areas**.



# Challenges & Impacts of Forest Land Reform in Africa

- *Policy reforms (**zoning**) and economic development programs (including Large Scale Land Acquisitions-**LSLA**) discussed in this section can be considered threats to local communities' and Indigenous People's rights.*





***“Uncertain tenure has enabled extensive land grabbing and elite capture of resources for industrial concessions, bio-energy, rice paddies, plantations and mining.” (World Bank 2010)***

- According to the World Bank, **more than 70% of the 45 million hectares of large-scale land deals are in Sub-Saharan Africa.** [ILC reports 134 mha of LSLA in Africa in 2011.](#)
- **Local communities’ customary agriculture and forestry practices frequently lack legal protection from LSLA.**
- **Acquisitions from foreign and national investors:**
  - South Sudan: 4 million ha (78% from national investors)
  - Mozambique: 2.7 million ha (between 2004 and 2006; 53% from national investors)
  - Ethiopia: 1.2 million ha (49% from national investors)
  - Foreign investors (palm oil) in Africa, mainly in Liberia, Gabon, and Angola

- **National investors** use the customary system to gain exclusive rights on the land through buying (58%) or leasing (36%) lands by traditional chiefs (Karsenty, 2010).
  - This is due to unclear customary tenure and local elite capture
- **LSLAs with foreign investors** are possible because of statutory tenure regimes that recognize the state as the owner of land and forest resources.
- This “***Présomption de domanialité***” allows governments to allocate big areas of land without consultation with local communities holding customary rights, because governments see forest lands as “their” domain.

# Macro-Zoning / Land use planning vs. Participatory Community Rights Mapping

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- **Participatory community rights mapping/Micro-zoning** as a key process prior to allocating forest lands, to ensure that IPs' and local communities' rights and needs are taken into account;
- **Macro- zoning** is that the government and its partners will demarcate the territory and designate how the land should be used without a prior consideration of customary land rights (GPS)

## DRC

- Three category of forest: **permanent production forests -classified forests- protected forests**; If the Moratorium lifted: **protected areas** straight away and **logging concessions** which will remove the rights of the communities to develop their own community forestry and may even threaten their user rights.
- Give the responsibility to the concessionaires or protected area managers to do "microzonage" on the land they have already been allocated, which makes **a nonsense of FPIC** and sets **communities up in a losing position in the negotiations**.

## Cameroon

- 1995 zoning plan: **2 broad forest categories** to serve as the basis for the forest planning and management: permanent (State) and non-permanent forests (non-classified forest including community forests)
- Cameroon is committed to **allocate 30% of its national territory to protected areas (PAs)**: restriction or even cancellation of local use rights, displacement of populations, and particularly the pygmies with no or meaningless compensation

- Zoning process is crucial, given its impacts on all the other processes underway (community forestry, new forest allocations, expansion of protected areas, REDD...), especially as regards communities' rights.
- **The point is that communities have to be included before the allocation of other rights, and at the moment it appears that microzonage will only happen after that allocation, which makes it a management exercise for concessionaires, not recognition of the rights of forest communities.**
- All the donors as well as the government are saying it's too expensive and will take too long

**Recognition of customary tenure, combined with an enabling business environment for small-scale, locally-owned forest enterprises, could drive emerging local and domestic markets, and better sustain equitable national economic growth.**

Because they increase the value of land, **LSLAs may also encourage the recentralizing trend** of African governments.

**There is a need to provide support for African countries to advance significantly in recognizing community tenure rights.** The recognition and clarification of community land rights requires tremendous new political will and investment in Africa.