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How are REDD+ Proponents Addressing Tenure Problems? Evidence from Brazil, Cameroon, Tanzania, Indonesia, and Vietnam

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Summary. — This paper assesses proponent activities to address tenure insecurity in light of actions required for effective and equitable implementation of REDD+. Field research was carried out at 19 REDD+ project sites and 71 villages in Brazil, Cameroon, Tanzania, Indonesia, and Vietnam. Results show proponents addressed tenure insecurity by demarcating village and forest boundaries and identifying legal right holders, but were limited in their ability to resolve local tenure challenges that were national in origin and scope. Still needed are national tenure actions, integration of national and local tenure efforts, clarification of international and national REDD+ policies, and conflict resolution mechanisms.

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1. INTRODUCTION

REDD+ promises to mitigate climate change through the application of conditional incentives for protection and enhancement of the carbon sequestration functions of forests. It is widely recognized that tenure insecurity, ambiguity, and contestation must be addressed early for REDD+ to do this effectively (Eliasch, 2008; Stern, 2006; Westholm, Biddulph, Hellmark, & Ekbohm, 2011). In this paper we explain how REDD+ proponents are intervening on tenure, which to date has not yet been documented systematically. We elaborate an argument for why resolving tenure insecurity early is important, how it must be done, and evaluate early proponent efforts against those criteria. We place emphasis on the tenure of those living in forests, because they are the ones who will implement REDD+ on the ground, and who will benefit or lose from its method of implementation.

Currently there are various institutional levers motivating early attention to tenure in REDD+. This attention is partly

a response to a broad donor consensus, predating REDD+, that general tenure clarification (not specific to forests) is important for attaining a broad range of development and

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environment goals that include poverty reduction, regional economic growth, and investment in land and resources by landowners (Deininger, 2003; DFID, 2007; FAO, 2002; SIDA, 2007). More recently, REDD+-related institutions are formalizing a call for attention to tenure. There are mandates for tenure clarification through the World Bank's REDD-readiness social safeguards measures (via the Forest Carbon Partnership Facility) and the United Nations (via UN-REDD); third-party certification through the Climate, Community and Biodiversity Alliance (CCBA, 2008; CCBA & CARE, 2010); and national governments engaging in REDD-readiness. These institutions do not spell out in detail why resolving tenure insecurity early is so important or how to do it.

Here we first explain the tenure context in which REDD+ is being introduced and the kinds of interventions proponents intend to implement in this context. We then explain why resolution of tenure is crucial, and recommend specific proponent actions that must be taken so REDD+ can be implemented effectively and equitably. We propose three questions, addressed in this paper, designed to evaluate proponent attention to those actions.

In developing countries, forest tenure conditions tend to be contested, overlapping, and insecure (RRI, 2008; Sunderlin, Hatcher, & Liddle, 2008; White & Martin, 2002). These challenging conditions result from state appropriation of forests centuries ago. In 36 of the world's most forested countries, accounting for 85% of the global forest estate, national governments have statutory ownership of 60% of forest areas (RRI, 2012a). Lack of local control over forest use and management decisions is a lasting legacy of state appropriation (Ellsworth & White, 2004). The dominance of state control varies among regions. Governments officially control about a third of the forest estate in Latin America, about two-thirds in Asia, and virtually the entire area in Africa (RRI, 2012b; RRI & ITTO, 2011). Indigenous and traditional peoples and other forest communities have customary tenure claims over vast areas of forest that are under formal government ownership. Overlapping claims on forest lands and resources are rife and are not just between governments and local people, but also among government ministries, between government and private sector investors, between private sector investors and local people, and among local communities (Holland *et al.* 2014). Although there has been a general trend in recent decades toward forest tenure reform that has sometimes legitimated customary claims and devolved forest governance to the local level (Larson, Barry, & Dahal, 2010; Larson, Barry, Dahal, & Colfer, 2010), this trend has been slow and very uneven among countries, and does not measure up to the urgent need to address forest tenure insecurity (Larson, 2010).

In almost all REDD+ projects of the type in this study, the proponent intends to restrict access to a local forest which will be protected and be the source of carbon additionality and revenue. Local residents are compensated for restricted access with positive incentives such as livelihood supports, and a share in the carbon funding stream when conditional REDD+ incentives (payments) are applied. Crucially, proponents assume that local stakeholders will have a key role in forest management in REDD+, and that clarification and improvement of local tenure security are key to fulfilling that role.

Against the backdrop of problematic tenure conditions and proposed proponent interventions, we identify four reasons why tenure must be addressed before REDD+ begins:

- *Identify the right holder.* The essence of REDD+ is to reward those who maintain or enhance the carbon sequestration of forests, so it is necessary to determine in advance the right holders to that stream of benefits.¹

- *Identify the responsible party.* Another hallmark of REDD+ is that the right holders to forest carbon must be held accountable in the event that they fail to fulfill their obligation. (This is the "conditional" part of conditional incentives.)

- *Prevent a resource rush.* The rights and responsibilities in REDD+ (1 and 2 above) must be sufficiently clear and legitimate to allocate the benefit stream fairly and prevent a resource rush when REDD+ gives value to a new commodity (forest carbon).²

- *Protect existing rights and livelihoods.* REDD+ will inevitably prohibit certain uses of forest resources. This must be done in such a way that pre-existing access and management rights and livelihoods are not summarily violated without due process.

Hence, in this article, appropriate resolution of tenure insecurity is viewed as that which is sufficient to determine the holders of rights and responsibilities, to secure their rights, to avoid a resource rush, and to protect local livelihoods and rights against the effects of forest use restrictions. In this regard, the needs of REDD+ and the needs of local people should be adequately balanced, in the interest not only of equity and ethics, but also of the legitimacy and long-term sustainability of REDD+, which requires local support and buy-in (Larson & Petkova, 2011). Hence, the research recognizes villagers in REDD+ project sites as the primary right holders, and the data presented in this article begin with the issue of their tenure security.

We argue that there are three tenure-related actions proponents must undertake to assure REDD+ initiatives are effective and equitable. First, proponent efforts must address the reasons for clarifying tenure highlighted above: identifying the right holders who will be the beneficiaries of project benefits and those who bear responsibility for assuring project goals are met, preventing a resource rush, and protecting existing rights and livelihoods. This includes identifying existing tenure challenges (concerning either collective action difficulties internal to the village or external claims on forest lands), anticipating those that will emerge in the course of implementing REDD+ interventions and benefit sharing systems, and clarifying tenure over not just forests but also forest carbon.³ Tenure resolution prior to REDD+ presumes forest right holders can successfully exclude competing land uses. Indeed, this is a fundamental requirement for REDD+ to achieve its goal (Wunder, 2009). Therefore special emphasis must be placed on assuring local tenure rights are clear and strong enough to deter external claims on local forests. It is noteworthy that even in cases where forest communities have statutory access or ownership rights, those rights are sometimes not enforced or respected (RRI, 2012a; Sunderlin *et al.*, 2008). Ability to exclude outsiders will be more challenging still in the coming years and decades as pressure on land resources (including but not limited to forests) will increase significantly as land scarcity grows and competing uses (food, fuel, and fiber) expand (Cotula, 2011; Smith *et al.*, 2010; World Bank, 2010).

Second, in order to fully overcome the legacy of disenfranchisement in the management of forests, and in order to assure early tenure actions are appropriate in the local context, the local population must be included in decision-making on REDD+ through the implementation of Free Prior and Informed Consent (FPIC).⁴ In REDD+, FPIC is generally done through education in project villages on the relationship of deforestation and forest degradation to climate change, explanation of the aims of the project, discussion of the possible role of villagers in implementing the project, and finally

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