

KEY MESSAGES

- Guided by the Voluntary Guidelines on the Responsible Governance of Tenure, the UN-REDD Programme stands firm in its long-term commitment to supporting countries in clarifying and securing land and forest tenure rights as a key enabling condition for addressing the drivers of deforestation and degradation.
- In view of its potential to sequester vast amounts of carbon and achieve impact at scale, while providing a range of co-benefits that include the conservation of biodiversity and the improvement of livelihoods, the securing of collective tenure rights is high on the list of priorities in efforts to reduce deforestation and degradation under REDD+.
- Increased security of tenure increases the resilience of a community to natural disasters and other external threats, such as the coronavirus disease (COVID-19) pandemic, by catalysing community collaboration. Clarity of tenure also opens the door to investment in health and education, improved infrastructure and public services.
- A gender gap persists in tenure rights. By excluding women from tenure rights and resource governance, they are excluded from vital opportunities to better understand forest dynamics and to contribute to household food security and prosperity. Increased awareness of the issues facing women, matched by greater consideration and action to overcome obstacles by both men and women, is essential.

INFO BRIEF

GLOBAL

FOREST TENURE AND REDD+: GOOD PRACTICE, LESSONS LEARNED AND RECOMMENDATIONS



INTRODUCTION

Land and forest tenure systems¹ greatly influence a country's ability to reduce deforestation and forest degradation. Clear and secure tenure rights over forests are an enabling condition for REDD+ because they provide an incentive for sustainable management and conservation of forests. Tenure rights holders tend to have a stronger interest in the long-term sustainability of forest resources. With secure tenure rights comes a sense of ownership and responsibility, as well as a belief that maintenance of this productive resource will provide consistent benefits for both current and future generations. For example, when tenure rights are perpetual and include the right to exclude outsiders and enforce rules, rights holders are more likely to invest time and resources in protecting and restoring forests through such activities as patrolling forests and combating encroachment and illegal harvesting.

Identifying and recognizing legitimate tenure rights, including customary tenure rights, strengthens accountability and is thus essential for countries to participate successfully in REDD+. For many countries, addressing tenure issues is a critical part of achieving their nationally determined contributions to fight climate change.

The COVID-19 crisis has brought into focus the importance of addressing tenure issues, particularly for rural communities and indigenous peoples, who have faced increased challenges due to illness, job losses and heightened competition for resources. For communities with secure tenure rights, their forests can serve as a safety net in times of need. Secure tenure rights make communities more resilient to threats such as the COVID-19 pandemic by unlocking the livelihood benefits of sustainably managed forests. For countries pursuing forest restoration as part of their recovery programme, clear tenure rights over land parcels to be restored are critical for the long-term effectiveness of those efforts.

1. This information brief refers to land and forest tenure systems interchangeably, based on the understanding that land tenure is a broader term reflecting the mosaic of forests, agricultural land, settlements and other land use types found in rural landscapes, whereas forest tenure refers more specifically to tenure over forested areas, such as a State-protected forest or community forests. In considering REDD+ and the dynamics of the underlying drivers of deforestation and degradation, both terms are of use.

APPROACH

Inspired by the 2010 Cancun Agreements under the United Nations Framework Convention on Climate Change, which urged country Parties to address land tenure issues (para. 72 of United Nations Framework Convention on Climate Change decision 1/CP.16), the UN-REDD Programme was early to recognize the importance of land tenure and the role of REDD+ within national land use strategies, including it in its programme strategy for the period 2011–2015. Successive UN-REDD Programme strategies (for the periods 2016–2020 and 2021–2025) have consistently included work on tenure as a key enabling condition for REDD+.

The approach of the UN-REDD Programme with regard to tenure is based on the [Voluntary Guidelines on the Responsible Governance of Tenure](#), a landmark document developed and endorsed by the Committee on World Food Security under the auspices of the Food and Agriculture Organization of the United Nations. The Guidelines symbolize wide international consensus on good practice in tenure (see box). Among its tenets, the Guidelines promote the importance of securing the legitimate tenure rights of local communities and indigenous peoples, including women and men on an equitable basis. The recognition of the customary and collective tenure rights of those groups is particularly significant in protecting forests. Tropical forests in the territories of indigenous peoples and local communities, assessed in 64 countries and accounting for 69 per cent of the world's forest cover, are estimated to contain a minimum of 17.1 per cent of the total above-ground carbon stored in tropical forests (Rights and Resources Initiative, 2018). In recent years, therefore, the UN-REDD Programme has increasingly emphasized the importance of securing collective tenure rights.

Under a consistent commitment to address issues of tenure, a number of key elements characterize the approach adopted by the UN-REDD Programme. They include:

- the importance of tailoring the tenure reform strategy to each country's unique situation;
- the importance of gaining a deeper shared understanding of the problems and potential

THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security were endorsed by the Committee on World Food Security in May 2012 and subsequently by the United Nations General Assembly in December 2012. They seek to improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests; contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over those resources; enhance the transparency and improve the functioning of tenure systems; and strengthen the capacities and operations of implementing agencies and all persons concerned with tenure governance. The Guidelines inform REDD+ countries that are developing and implementing their own strategies, policy and legal frameworks and activities. Although national measures to address tenure concerns may vary, they can all be informed by the same principles and internationally acceptable standards for practices set out in the Guidelines. For example, the Guidelines promote the principle of gender equality and urge States to ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil or marital status.

solutions through data collection, analysis and inclusive consultation processes;

- the need to mainstream gender by raising awareness of gender in the assessment process and taking gender into account in proposed actions and reforms;
- building capacity on tenure and REDD+, particularly among key policymakers, including both men and women;
- building on synergies by undertaking REDD+-related tenure actions in association with wider efforts to improve forest governance.

In most countries, the focus of UN-REDD support to date has been at the national policy level, while fewer countries have taken the next step, which is to address tenure issues on the ground – through participatory mapping, registration and titling, for example. There is great potential to move beyond the policy level to more concrete, on-the-ground activities, particularly as countries transition from REDD+ readiness to the implementation of strategies and action plans. In the COVID-19 recovery period, work to secure land and forest tenure rights will be more timely and meaningful than ever.

IMPACT

The impact of the work of the UN-REDD Programme over the past decade has been visible at both the national and international levels. The Programme has supported policy dialogues, policy and legal reforms and field pilots.

Impact at the global level

The UN-REDD Programme has raised the profile of secure tenure rights – including collective tenure rights – globally, while engaging and strengthening the capacity of local communities and indigenous peoples in managing and protecting forests. In 2011, for example, UN-REDD helped to negotiate and draft the Joint Declaration of Intent on REDD+ in the Congo Basin between Central African and Donor Countries, which included provisions on tenure. The Declaration was adopted by various donors and most Congo basin nations.

By emphasizing collective tenure rights and building coalitions with Governments and civil society partners, UN-REDD has increased support for and expanded awareness of the critical role played by indigenous peoples and local communities as stewards of forest ecosystems and key partners in addressing climate change. UN-REDD has also contributed to a growing coalition led by indigenous peoples' organizations, along with the Rights and Resources Initiative, World Resources Institute, the Tenure Facility and others, to advocate for greater attention to forest tenure and the rights of indigenous peoples as part of a human rights-based approach, reinforcing the stance and policies of several key donors in the sector. Recognition of indigenous peoples and local communities as important rights holders has increased, and they have consequently been able to play a more active role in the process. The UN-REDD Programme has played a key part in supporting that important shift at the international level, including via the generation and dissemination of knowledge.

Collective tenure rights: realizing the potential for REDD+ and sustainable development" information brief (and technical paper) and participation to key global forums to draw attention to such issues.. For example, the UN-REDD Programme and the Food and Agriculture Organization of the United Nations have actively participated in several World Bank Land and Poverty conferences, sharing lessons learned from the work of the Programme in the context of the Voluntary Guidelines on the

Responsible Governance of Tenure of Land. The Programme has also participated in the Global Landscapes Forum, hosting a side event entitled [Making climate action inclusive](#), and at the "Nature's Climate Hub", held in New York during the 2019 Climate Action Summit launching the collective tenure rights [information brief](#) and highlighting examples of the importance of the devolution of collective tenure rights to catalyse transformational change in the landscape. Through those events and many others, UN-REDD has widely disseminated key messages on social media to raise public awareness.

UN-REDD supports "REDD+ and Forest Governance" discussion group ("[The Dgroup](#)") comprising almost 1,000 members from 98 countries. The online forum connects policymakers, academics and practitioners from around the globe to exchange information and experience on topics relating to forest governance, including land tenure. Discussions take place by email and through webinars (see, for example, the webinar entitled "[Collective tenure rights for REDD+](#)"). This low-cost initiative attracts a large and diverse audience into active discussion.

Impact at the country level

At the country level, the impact made by UN-REDD has reflected the diverse needs and interests of its country partners. As countries have progressed from the REDD+ readiness phase to the implementation phase, there has been even greater recognition that action on the ground to

AT A GLANCE: SOME KEY IMPACTS LINKED TO UN-REDD SUPPORT

- Number of land or forest tenure country assessments conducted: 10
- Number of specific recommendations discussed by multiple stakeholders and presented for action on tenure reform: 174
- Number of men and women trained on tenure and REDD+ matters: approximately 1,500

address tenure issues is an absolute necessity. The following section provides a selection of examples demonstrating how certain countries have addressed tenure issues within the context of REDD+.

BENIN: PARTICIPATORY ASSESSMENTS BUILD SUPPORT AND MOMENTUM TO ADDRESS GAPS

Benin has been a UN-REDD partner since 2013 and in 2015 requested support from UN-REDD to conduct an assessment of its tenure regime in the context of REDD+. (The assessment can be found [here](#) in French). One of the objectives of the assessment was to inform not only the REDD+ strategy, but also the creation of a national land-use plan. The research identified a number of key weaknesses and gaps in the tenure legal and policy framework, some internal and others external. This included the lack of a functioning judicial system to deal with land disputes; legal loopholes that allowed individuals to acquire multiple parcels of 1,000 hectares of land, thereby limiting access to land by the poor, which in turn resulted in forest encroachment; and a lack of participation by municipal councils in the CCF (Conseil Consultatif Foncier: Advisory Land Board), which was intended as a forum for consultation and sharing of experience on tenure. The involvement of a wide range of stakeholders in the assessment process has increased the momentum to address those gaps and a number of reforms are already in process.

MALAWI: SHEDDING LIGHT ON TENURE SYSTEMS IN RELATION TO REDD+

Malawi is one of the poorest countries in Africa, with an overwhelmingly rural population (81 per cent) and a high dependence on forest resources for livelihoods, fuelwood and other non-timber forest products. The country's land and forest tenure system poses challenges for REDD+. Between 65 and 75 per cent of land in Malawi is customary land and between 51 and 65 per cent of the country's forests are on customary land. Malawi exemplifies a dual tenure system, in which legal recognition of customary tenure is lacking, although legislative reform is ongoing. A UN-REDD-supported assessment on [tenure and REDD+ in Malawi](#) in 2016 provided an

opportunity for policymakers to consider and consult with stakeholders on the reforms that were under way and build awareness of the ways in which the country could address its resource tenure issues in the context of REDD+. A clear and detailed set of options and next steps was recommended, including clarifying forest and tree tenure in legislation; improving collaboration and coordination between the Ministry of Lands, Housing and Urban Development and the Department of Forestry to support effective implementation of the Land Act (2016); and the Customary Land Act (2016); clarifying the statutory recognition of customary land and resource rights to ensure equity, transparency and accountability in the administration of customary land; and piloting methods for inclusive and gender-sensitive customary land governance.

PERU: FOREST MONITORING AND TENURE

In Peru, UN-REDD has been working with 45 communities in 8 regions to support community forest monitoring work, involving 13 subnational indigenous peoples' organizations. UN-REDD has supported the recognition of the local committees responsible for forest monitoring. The committees have carried out regular monitoring and reporting, providing valuable information to the national forest monitoring system. Secure tenure is an important element of their activities. Greater recognition and appreciation of community forest monitoring and increased collaboration with indigenous and community-level organizations has reinforced tenure claims for communities both with and without formal title. UN-REDD is currently exploring ways to support those communities that are seeking formal registration of their forest tenure rights. Further information on the work can be found [here](#).



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TUNISIA: ADDRESSING FOREST ENCROACHMENT IN THE STATE FOREST

Tunisia's forests, while relatively small in terms of the country's total land cover (6.6 per cent), are a vital source of livelihood for almost one million inhabitants and provide important hydrological functions and biodiversity benefits in the Mediterranean ecoregion. Similarly, the country's pastoral lands play a vital role in sequestering carbon. However, lack of precision in the boundaries of forests and pastoral lands contrasts with a relatively well-developed legal and policy framework governing such lands. A comprehensive 2019 [assessment](#) of the tenure regime, supported by the UN-REDD Programme, estimated that more than 500,000 hectares, covering approximately half the total forest estate, are threatened. The assessment also noted gender inequalities in the land tenure regime, under which Islamic law and customs limit the rights and roles of women in land governance. Following the assessment, the Programme

supported a pilot activity in Siliana Governorate to map the boundaries of State forest land to identify overlapping claims as a first step towards resolving such claims and preventing further forest conversion. As a result of the support provided, more than 70 forest boundary locations were marked and 30 claimant surveys registered for review and eventual recognition of tenure rights. Forest encroachment was halted in the area as a result of the participatory and consultative process, which involved local people, including women, in data collection and analysis. The experience in Tunisia suggests that resolving land tenure claims and clarifying forest boundaries need not be divisive and that mutually agreeable solutions are possible through the use of a consultative and responsible approach. Further information on the pilot activity can be found [here](#).

VIET NAM: ANALYSING AND INFLUENCING FOREST LAND ALLOCATION

According to the Ministry of Agriculture and Rural Development, at the end of 2008, forests covered 13.1 million hectares (38.7 per cent of total land area), comprising 10.3 million hectares of natural forests and 2.8 million hectares of plantation forests. In Viet Nam, the UN-REDD Programme has supported the forest and forest land allocation programme by reviewing related policies, processes and practices. The results of that review are summarized in the report entitled [Improving Policies, Processes and Practices of Forest and Forestland Allocation in Viet Nam](#).

The forest and forest land allocation programme aims to ensure better management of land and forest resources by allocating forest and forest land to different recipients, including both State entities (such as forest management boards and State-owned forest companies) and non-State forest entities (such as communities, households and individuals). The study found significant variations in how the programme had been applied and evaluated those variations to identify best practice. While at the time of the research, the allocation process had been mainly limited to plantation forest and natural forest areas under the production forest category, the study recommended extending the forest land allocation program to forest-dependent communities, providing them with clear and secure tenure rights and potential economic benefits. Support from UN-REDD has contributed to improving forest land tenure through a number of measures, including incentivizing communities and household groups to protect and manage forests and to implement other REDD+ activities; supporting the review of forest categorization in Bac Kan, Lam Dong and Lao Cai provinces, resulting in an increased area of forest land available for allocation to communities and households; revising the template of forest contracts to allow for longer contract periods and greater rights of access for households; and standardizing forest protection contracts with performance-based payments.

FACTORS FOR SUCCESS

Political will

One of the most important conditions required for countries to make progress towards increased tenure security is the political will to advance the tenure rights agenda. With many competing development agendas and complex political environments, in some cases policymakers may simply allocate the land of indigenous peoples and local people to export-driven commodity production without adequately prioritizing the rights of local rights holders to self-determination over their resources. For increased security of tenure, Governments need to collaborate effectively and equitably with all stakeholders – women, men and traditional institutions alike – while upholding supportive laws and policies to respect both statutory and customary tenure rights. Political commitment may be positively influenced by REDD+ processes and related mechanisms.

Financing mechanisms

International climate conferences have helped to establish forest governance norms, while financing mechanisms such as the Green Climate Fund and the Forest Carbon Partnership Facility reinforce those norms by providing funding criteria that incentivize reform. In forested countries, especially where the extent of the resources has global significance and value, (some examples include Brazil, the Democratic Republic of the Congo and Indonesia), the potential for results-based payments can be transformative for forest and land governance systems.

Supportive legal and policy frameworks

In some countries, domestic laws and policies are not yet in place, while in others, overlapping or contradictory legislation hampers implementation of secure rights. Efforts to secure tenure rights for REDD+ must be an integral part of broader initiatives to improve land and forest governance, which should include a supportive legal and policy framework. Clearly defined or registered rights alone may be insufficient to ensure sustainable forest management, but they remain a fundamental first step towards such ends. There can be a tendency to oversimplify

land tenure security by assuming that formal title equates to security, whereas even registered properties may be susceptible to abuse if a range of complementary governance factors are not in place. Over-regulation may also create unnecessary burdens, particularly for people in areas where land pressures are low.

Community autonomy

An important governance factor is the autonomy and technical capacity of a community to make its own rules to govern collectively managed or owned forests. Clear titles that support the governance of tenure rights of communities enhance legitimacy and lead to better compliance with rules, more effective local enforcement and, ultimately, more sustainable management of forests. Likewise, issuing titles for land should not mean that a community can be forced to relinquish any of its customary territories or customary user rights.

Participatory land-use plans and economic incentives

Clear participatory land-use plans and economic incentives to invest in forest management (an adequate share of benefits, access to finance and markets or an introduction of innovative technology, for example) are also pivotal success factors. REDD+ projects and national or jurisdictional programmes can provide technical and financial resources to support some of those processes.

Cross-ministry collaboration

It is also important that the various ministries involved in tenure administration collaborate and pursue similar goals and objectives. In many countries, forest agencies may be at odds with the ministries of land, agriculture or rural development that approve infrastructure or agricultural investment without consultation. Spatial data related to land tenure and to forest cover and condition are often housed in different databases, creating problems with access and integration that limit informed decision-making. National REDD+ processes have the potential to bridge some of those gaps, as they operate at interministerial level and often involve new institutions (such as steering committees) to facilitate cooperation between government agencies.

Access to justice

In addition, access to justice is essential to allow communities to seek recourse, particularly in cases where rights have been infringed or even eliminated. Affordable legal and paralegal support is a key starting point. If laws and regulations are adequately upheld through the legal system, the legitimacy of tenure rights is reinforced.

Gender-responsive approaches

Finally, a gender-responsive approach is vital, since it is essential that inequalities in the land and forest sector are addressed. The livelihoods

POTENTIAL KEY SUCCESS FACTORS

- Political commitment at the subnational and national levels
- Framing secure tenure rights within larger initiatives to improve land and forest governance
- Autonomy of communities to make and enforce rules for the management of their territories
- Participatory land use plans and economic incentives
- Supporting enabling legal and policy frameworks
- Cross-sectoral understanding and shared goals across sectors and ministries
- Access to justice
- Gender responsiveness



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of rural families depend on women's rights to access, use and manage resources, so their voices must be heard in land governance processes and their views taken into account in tenure-related decision-making. Gender-responsive approaches enhance the long-term sustainability of land and forest governance.

CONCLUSION

The UN-REDD Programme approach to tenure rights has evolved over the past decade to meet the needs of partner countries and align with the findings of the latest research and data. Country knowledge and experience has been enhanced through analytical work, exchange and on-the-ground action, while at the global level, UN-REDD has played an active role in building consensus and sharing information among stakeholders and the public. The Voluntary Guidelines on the Responsible Governance of Tenure continue to provide the essential guiding light for tenure reform in the context of REDD+.

Despite those successes, much work remains to be done. In many countries, tenure regimes remain weak, capacity limited and abuse commonplace. In order to bring about the transformative change necessary to meet global climate ambitions, greater attention to fundamental underlying tenure issues is needed. REDD+ has the potential to unlock opportunities for greater collaboration, enhanced financing and progress on the ground.

KEY DEFINITIONS

Tenure

The systems that determine who can use what resources, for how long and under what conditions. Those systems may be based on written policies and laws, and on unwritten customs and practices, especially as we refer to collective tenure rights (adapted from the Voluntary Guidelines on the Responsible Governance of Tenure). An individual or a group can also hold multiple rights, which can be grouped together. For example, there can be numerous rights related to the same parcel of land, such as the right to sell the land, the right to use the land under a lease or the right of way across the land.

Collective tenure rights

'Collective tenure' rights are tenure rights held by a group rather than an individual, often linked to an area of commons used and managed collectively. Collectively managed commons are essential to cultural identity and well-being. They are crucial for indigenous peoples and local communities, including farmers, fisherfolk, pastoralists, the landless and the most vulnerable, food insecure and marginalized people. (FAO, 2016).

Customary tenure

Customary tenure refers to locally derived systems with norms, rules, institutions, practices and procedures that have evolved over time and use. Customary tenure systems have gained social legitimacy and are negotiated, sustained and changed by local communities (FAO, 2016).

Prior to legal recognition, many collectively managed areas are held under customary tenure. Customary tenure may or may not be recognized by national constitutions, legislation or court rulings.

Land tenure security

Land tenure security is "the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction. Without security of tenure, households are significantly impaired in their ability to secure sufficient food and enjoy sustainable rural livelihoods" (FAO, 2002).

Clarification of tenure under REDD+

Clarification of tenure under REDD+ means gaining a solid understanding of local tenure systems and how REDD+ could be implemented successfully by building on those systems. The questions of who owns, manages, uses and depends on forests, when and under what circumstances, are crucial to understanding the dynamics of the local tenure situation as a major consideration in the design and implementation of a global REDD+ framework (Doherty and Schroeder, 2011). It is also related to land governance and, indirectly, to land-use policy and planning.

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WEBSITES AND OTHER RESOURCES

- Collective tenure rights for REDD+ implementation and sustainable development: FAO technical paper. <http://www.fao.org/3/cb3521en/cb3521en.pdf>.
- Information brief – Collective tenure rights: realizing the potential for REDD+ and sustainable development <http://www.fao.org/3/CA6013EN/CA6013EN.pdf>.
- UN-REDD Programme collaborative workspace: tenure security <https://www.unredd.net/knowledge/redd-plus-technical-issues/tenure-security.html>.
- UN-REDD Programme Policy Brief – Tenure and REDD+: developing enabling tenure conditions for REDD+ http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=11784&Itemid=53.
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security <http://www.fao.org/tenure/voluntary-guidelines/en/>.

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