



PROGREEN



WORLD BANK GROUP
Social, Urban, Rural & Resilience

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Strengthening Land Rights Recognition in Forestlands

Markus Kukkonen
Senior Land Administration Specialist
World Bank



Background



World Bank's *Security of Tenure for All in Forests of East Asia and Pacific* technical assistance

- Funded by PROGREEN trust fund
- Three activities:
 1. Country action plans for strengthening tenure inside forestlands of Laos and the Philippines
 2. Regional knowledge exchange between Laos, Indonesia, and the Philippines
 3. Good Practice Note for Strengthening Land Rights Recognition in Forestlands:
 - Assessment of the situation in East Asia and Pacific
 - **Systematic literature review of related scientific publications**
 - **Good practices**

Role of Forest Tenure Globally

3.3 billion or
41%

of World's population
lives within one
kilometer of forests

500 million

forest-dependent
people in the World

200 million

forest-dependent
Indigenous Peoples in
the World

Role of Forest Tenure Globally

At least 21%

of global land mass
is managed by
Indigenous Peoples
(IPs) and Local
Communities (LCs)

Only 10%

of those have legal
recognition

36%

of World's intact
forest landscapes
are in areas
managed by IPs and
local communities

State Forestlands



State forestland = Areas legally designated as state forestlands regardless if it has forest cover or not

Country	State forestlands of total area	Population living in state forestlands
Lao PDR	68 %	24 %
Indonesia	63 %	14 %
Philippines	53 %	n/a

Formalization of land rights is often restricted within state forestlands

Tenure Security Can Reduce Deforestation



Growing evidence and claims that tenure security reduces deforestation:

- **Benin:** village land use plans and land demarcation → deforestation ↓ 20%.
- **Peru:** titling Amazonian IPs communal lands → deforestation ↓ 75%.
- **Bolivia/Brazil/Colombia:** titling IPs forestlands → deforestation ↓ 50-75% and US\$25-34 billion carbon benefits.
- **Brazil:** formalizing private lands → deforestation ↓ 12% and indigenous lands by 23%.
- **Indonesia:** Plantation Forest Licenses → deforestation ↓ by 83% in degraded forests.

GLASGOW LEADERS' DECLARATION ON FORESTS AND LAND USE

FEBRUARY 11, 2021

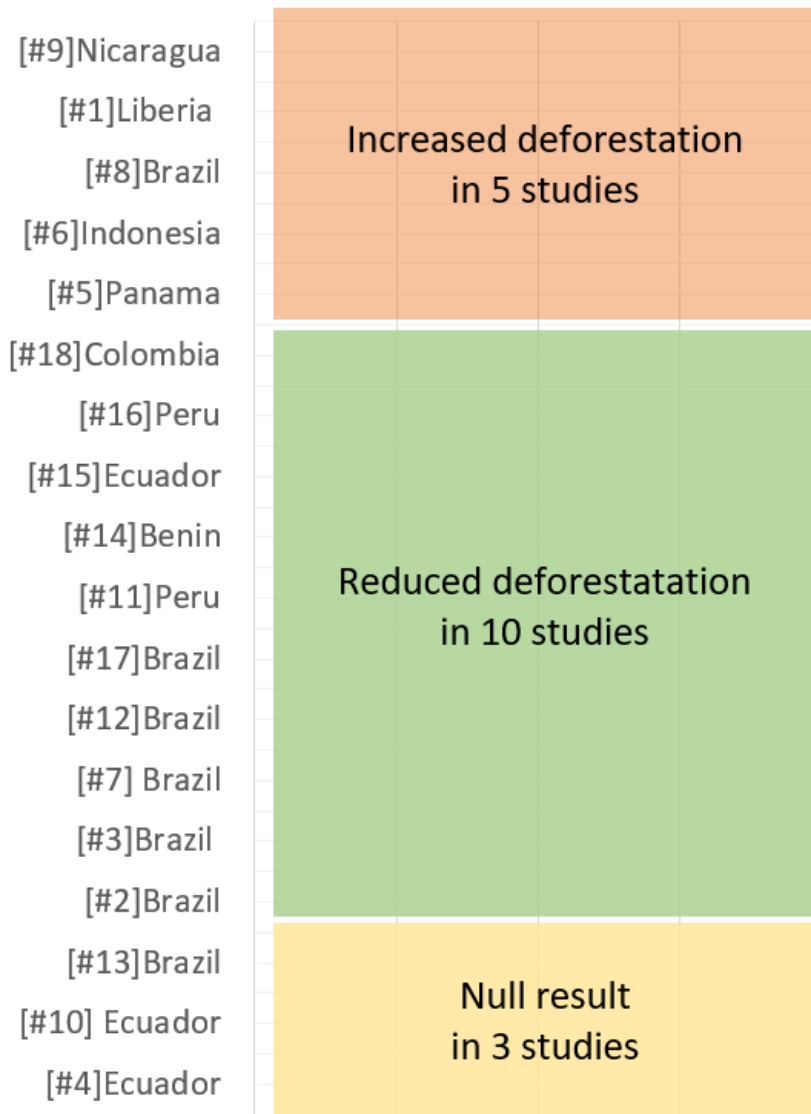
141 countries pledged to stop deforestation in part by:

“ ... recognising the rights of Indigenous Peoples, as well as local communities, in accordance with relevant national legislation and international instruments;... ”

To support the declaration, 22 donors pledged 1.8 billion USD to enhance IPs and LCs forest tenure globally



Systematic Literature Review



Systematic literature review of all 18 experimental or quasi-experimental case studies measuring the impact of tenure interventions on forest cover:

- Formalization of communal land rights of IPs or LCs *reduced* deforestation in 9 out of 12 studies and *increased* deforestation only in 1 study
- Formalization of private land rights had *mixed* results
 - 4 cases showed *increased* deforestation, while 2 showed *decreased* deforestation
 - In settings where clearing forests provides rights to the land, formalization leads to increased deforestation.
 - Formalization of private land rights had more positive impact on forest cover when it was combined with environmental and land use restrictions
- Impacts are highly context dependent, and more studies are needed.



Good Practices for Recognition and Formalization of Land Rights in State Forestland

Legal Recognition and Protection




- Recognize customary land rights in legal frameworks, including inside state forestlands
 - 30 out of 54 African countries recognize customary tenure in their legal frameworks
- Include measures to the legal framework to protect unformalized customary lands:
 - Require investment projects (infrastructure, mining, agriculture, forestry, etc.) to conduct land tenure assessment as part of feasibility studies
 - Require FPIC to be conducted for activities impacting IPs' lands
 - Compensate also unregistered, but legitimate, land rights in cases of expropriation

Forest Rights and Environmental Regulations

- Combine forest tenure formalization with environmental and land use restrictions and incentives
 - Brazil's Rural Environmental Cadaster (CAR) requires private land holders to declare parts of their land as protected
 - Many countries limit the transactions and/or uses of land located inside state forestlands
 - Payments for ecosystem services or livelihood grants can be used to incentivize sustainable land use practices

Institutional Settings and Partnerships

- Land rights formalization in state forestlands usually overlaps with mandates of multiple institutions (e.g., land, forest, and IPs agencies):
 - Shared vision and trust between the institutions is required
 - Different agencies need to understand each other's processes
 - Avoid duplication of expertise (e.g., surveying) between the agencies
- Government agencies should participate with CSOs and IPs' organization in the process, especially related to:
 - Public awareness and FPIC
 - Preliminary mapping of communal areas
 - Strengthen local land governance institutions



Good Practices

Formalizing Rights - Systematic Land Registration (SLR)

- Systematic Land Registration (SLR) of all land rights (private, communal, indigenous, state and public) should be utilized
 - Ensures that all land claims are recorded and treated equally
 - Reduces overlaps of rights
- In state forestlands, SLR often needs to be combined with:
 - Land use classification / zoning
 - Forest zoning
 - Administrative conversion of certain lands

Public Awareness Sensitization and FPIC



- Public awareness, sensitization and FPIC are always integral part of SLR:
 - Establish a body (e.g., committee or commission) of local leaders, women, other land holders and neighboring communities to guide the process
 - Use local language in the process
 - Initiate FPIC activities early on to enhance trust and credibility of the process
 - Utilize well-established FPIC guidance, such as the guidance from Accountability Framework
 - Utilize CSOs and IPs' organizations in the process



Good Practices

Legal Status and Zoning of Forestlands

- Legal status of the forestland and its internal zoning defines the bundle of rights that can be acquired.
 - Ideally forest zonings should be aligned with customary rights and uses and established based on participatory processes.
 - Already existing zonings should be allowed to be redefined during land registration processes
- Certain areas, such as agricultural or residential, land might need to be alienated from state forestlands through formal conversion
 - “Administrative conversion” should be separated from “real forest conversion”, and regulations for the former simplified

Land Surveys and Adjudication



- Utilize fit-for-purpose land survey and adjudication practices:
 - Use remote sensing data combined with participatory mapping to delineate large parcels
 - Allow lower survey accuracy requirements
 - Social verification of boundaries, owners and occupancy, instead of strict burden of proof
- Processes requiring pre-identification of IPs' groups eligible for land rights often cause bottleneck in formalization of their rights

Public Displays and Dispute Resolution

- Utilize standard public display process to verify rights
 - Ensure the information is easily accessible to the stakeholders
 - Use local languages and acknowledge the needs of illiterate
- Ensure accessible and functional dispute resolution mechanism:
 - Clear procedures for filing grievances
 - Utilize alternative dispute resolution approached
 - Build capacity of the local dispute resolution bodies

Single Registry, Monitoring and Enforcement

- Work towards single registry of land rights to avoid overlaps.
 - If not possible, enhance interoperability of systems
- Link formalized land rights with monitoring of forest encroachment
 - Brazil's monitoring system links land rights information with land use restrictions and near-real time deforestation alerts.
 - Informs enforcement agencies automatically about illegitimate deforestation

Thank you for listening

Final publication will be
out in early 2025



*Good Practices for Strengthening Land Rights Recognition in
Forestlands of the East Asia and Pacific Region*

August 28, 2024

