

Good Practices for Strengthening Land Rights Recognition in Forestlands

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Role of Forest Tenure Globally

3.3 billion or
41%

of World's population
lives within one
kilometer of forests

36%

of World's intact
forest landscapes are
in areas managed by
Indigenous Peoples
(IPs) and Local
Communities (LCs)

Only 10%

of IPs' and LCs' lands
have been legally
formalized

The Challenge

State Forestlands

Areas legally designated as such regardless if they have forest cover or not

Restricted land rights

Limited bundle of rights. Tedious processes. Overlaps. Tenure insecurity

Significant impact

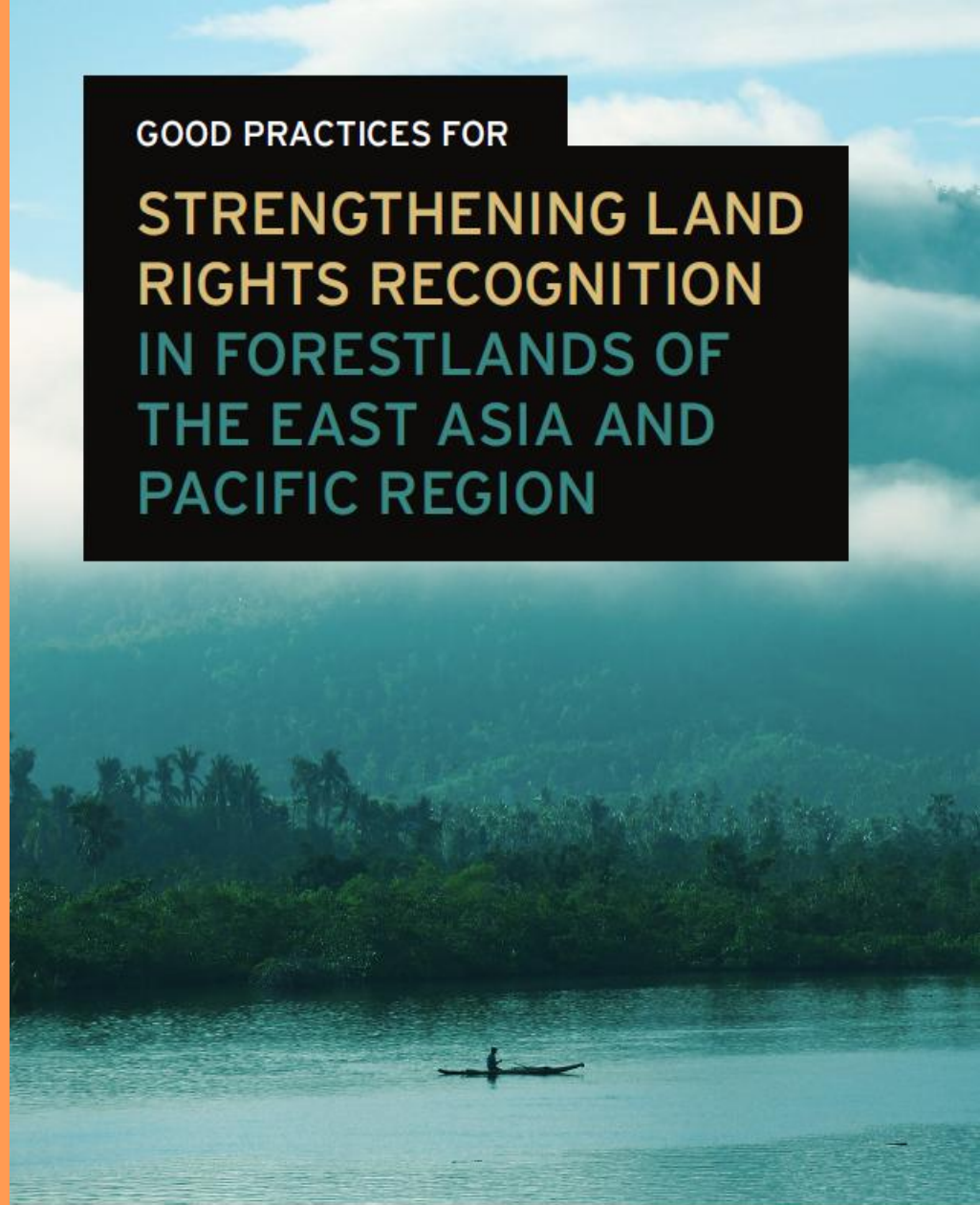
Indonesia:
63% of territory
14% of population

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GOOD PRACTICES FOR

**STRENGTHENING LAND
RIGHTS RECOGNITION
IN FORESTLANDS OF
THE EAST ASIA AND
PACIFIC REGION**



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Legal Recognition

- Consider these aspects when drafting legal frameworks recognizing land rights in forestlands
 - What is the bundle of rights recognized?
 - Are the rights perpetual or time-bound?
 - How are holders of these rights identified?
 - How to avoid elite capture and exclusion of vulnerable?
 - What are the mechanisms to ensure rights are respected?

Mexico's legal framework allows communal lands, such as forest, to be formalized to 'communities' (usually IPs) or 'ejidos' (group of families), and their titles cover about half of the national territory

Legal Protection



- Include measures to the legal framework to protect unformalized land rights also inside forestlands:
 - Require investment projects (infrastructure, mining, agriculture, forestry, etc.) to conduct *de facto* 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

Countries like Mozambique, Mali and Kenya provide legal protection to legitimate rights even without formalization

[illegible]

- Türkiye's GD of Forestry and GD of Land Registry and Cadastre seconded staff and shared resources to complete registration for 24 mil. ha of forestland*

Institutional Partnerships

- Partner with CSOs and IPs' organizations in the formalization process
 - CSOs often have good reach to and trust of local communities
 - They can support communities in community recognition and communal mapping processes
 - They can play crucial role in post-formalization strengthening of local land governance institutions

Ancestral Domain Registration Agency, founded by group of NGOs, have mapped 26.9 mi. hectares of indigenous land claims in Indonesia

Formalizing Rights - Systematic Land Registration

- Utilize systematic land registration principles where all land rights (private, communal, indigenous, state) are registered simultaneously in a territory
 - Ensures that all types of claims are recorded and treated equally
 - Reduces overlaps of rights, leakage of deforestation, and costs

Mozambique Land Administration Project used systematic land registration approaches to issue about 690,000 private titles and over 700 communal certificates

Legal Status and Zoning of Forestlands

- Acknowledge the impacts of legal procedures related to and internal zoning of forestlands on rights
 - Internal zoning of forestlands (i.e., totally protected zones) can have an impact on bundle of rights
 - Forest zoning should be aligned with customary rights and uses
 - Certain areas might need to be alienated from forestlands through formal conversion process

Community forest zoning in Nepal is conducted through highly participatory mapping, consultation and decision-making process acknowledging traditional knowledge

Land Rights and Environmental Regulations

- Combine formalization of private land rights with environmental / land use restrictions and incentives for positive forest cover impacts
 - Limiting land uses or transactions for land located inside forestlands
 - Requiring parts of private land inside forestlands to be protected or kept forested
 - Providing payments for ecosystem services or livelihood grants for private land holders to incentive sustainable land use

Brazilian Forest Code requires 20-80% of private land in certain areas to be protected, which is monitored through Rural Environmental Cadaster

Public Awareness Sensitization and FPIC



- Public awareness, sensitization and FPIC are always integral part of systematic land registration
 - Utilize local institutions (village chief, elders, etc.) in the process
 - Disseminate information in local, indigenous and ethnic languages
 - Initiate FPIC activities early on to enhance trust and credibility of the process
 - Partner with CSOs and IPs' organizations in the process

Lao PDR's land registration project is accompanied by a CSO project that generates awareness materials in ethnic languages

Land Surveys

- Utilize fit-for-purpose surveying practices:
 - Use remote sensing data combined with participatory mapping to delineate large parcels
 - Allow lower survey accuracy requirements
 - Rely on community members to agree on boundaries

Mozambique's CaVaTeCo initiative utilizes hand-held GPS with 2-meter accuracy and satellite imagery to survey land parcels, and results are verified by community

Adjudication



- Utilize fit-for-purpose adjudication and dispute resolution practices:
 - Rely on social verification owners and occupancy, instead of strict burden of proof
 - Avoid strict temporal thresholds (“*proven occupancy over 20 year*”)
 - Conduct public displays in easily accessible format, and utilize local language
 - Utilize alternative dispute resolution approaches, instead of strict administrative and court procedures

The Saweto Dedicated Grant Mechanism project in Peru supported the government to streamline regulations and procedures

Single Registry of Rights

- Establish single registry of all land-related rights to avoid overlaps.
 - Titles, deeds, use rights, forest boundaries, concessions, licenses, and land use restrictions.
 - If not possible, enhance interoperability of different registries
 - Make data available for stakeholders or public to enhance transparency
 - Link the single-registry with broader NSDI

Brazil's Land Management System (SIGEF) integrates boundaries and rights of private, communal and public land, and automatically flags overlaps

Monitoring and Enforcement

- Link land information systems with forest monitoring to enable enforcement

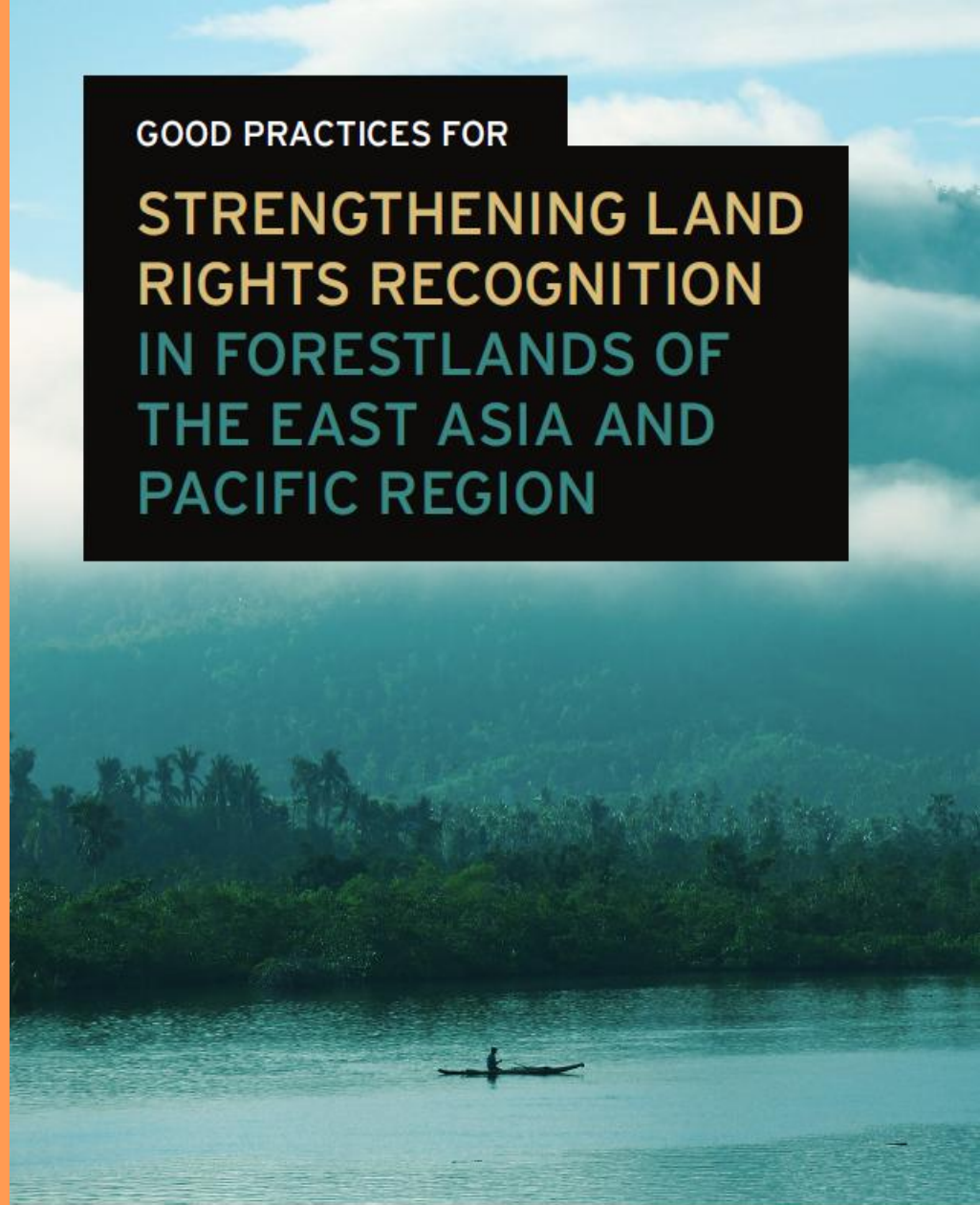
In Brazil, near-real time deforestation detection is combined with land rights and use restriction information. Deforestation in non-permitted areas triggers automatic alarm to enforcement agency

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