



Community Forest Tenure in the Mekong

Links to Forest Conversion

D. Bryson Ogden

July 21, 2014

Phuket, Thailand



THE CENTER FOR
PEOPLE AND FORESTS



Outline

- 1. Measuring statutory forest tenure**
- 2. Findings globally**
- 3. Findings for the Mekong Region**
- 4. Broad links to forest conversion**
- 5. Reflections for the group**



Statutory forest tenure

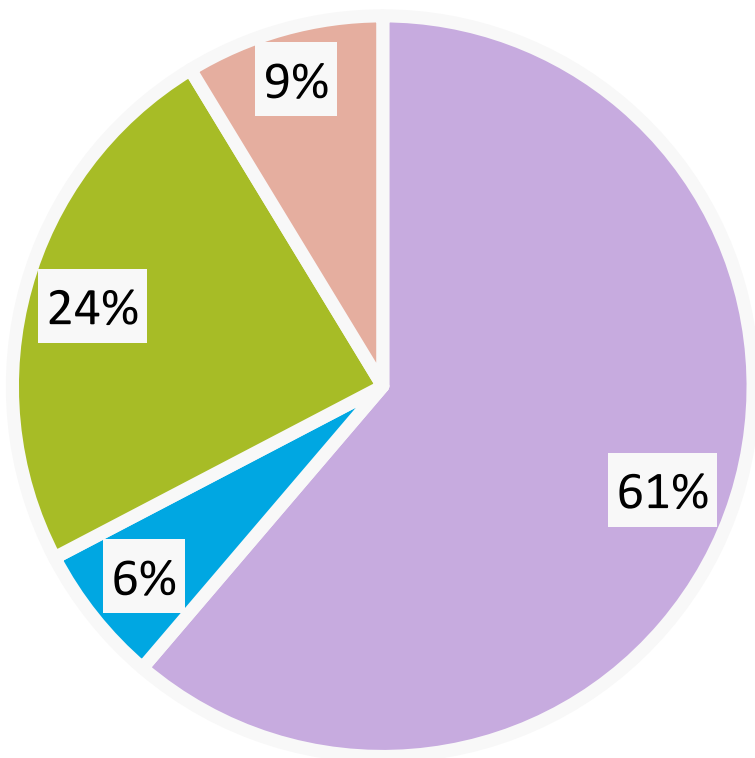
Two tracking methods:

1. Area under different categories of tenure.
2. Analysis of the legal instruments to recognize communities' rights to land and forest resources.

Statutory forest tenure: 4 Categories

- **Category 1:** *Forest land administered by governments*
Forest land that is legally claimed as exclusively belonging to the state.
- **Category 2:** *Forest land designated by governments for IPs and local communities*
Governments recognize Indigenous Peoples and local communities' rights to manage their resources and/or exclude, but lack the strength of full ownership.
- **Category 3:** *Forest land owned by IPs and local communities*
Communities have full legal rights to secure their claim to forests which are: 1) unlimited in duration 2) include the legal right to exclude outsiders from using their resources; and 3) entitled to due process and compensation in the face of potential extinguishment by the state
- **Category 4:** *Forest land owned by individuals and firms*
Individuals and firms have full legal rights of ownership of forest land. Concessionaires are not included in this category

At a glance – Statutory forest tenure in LMICs (2013)



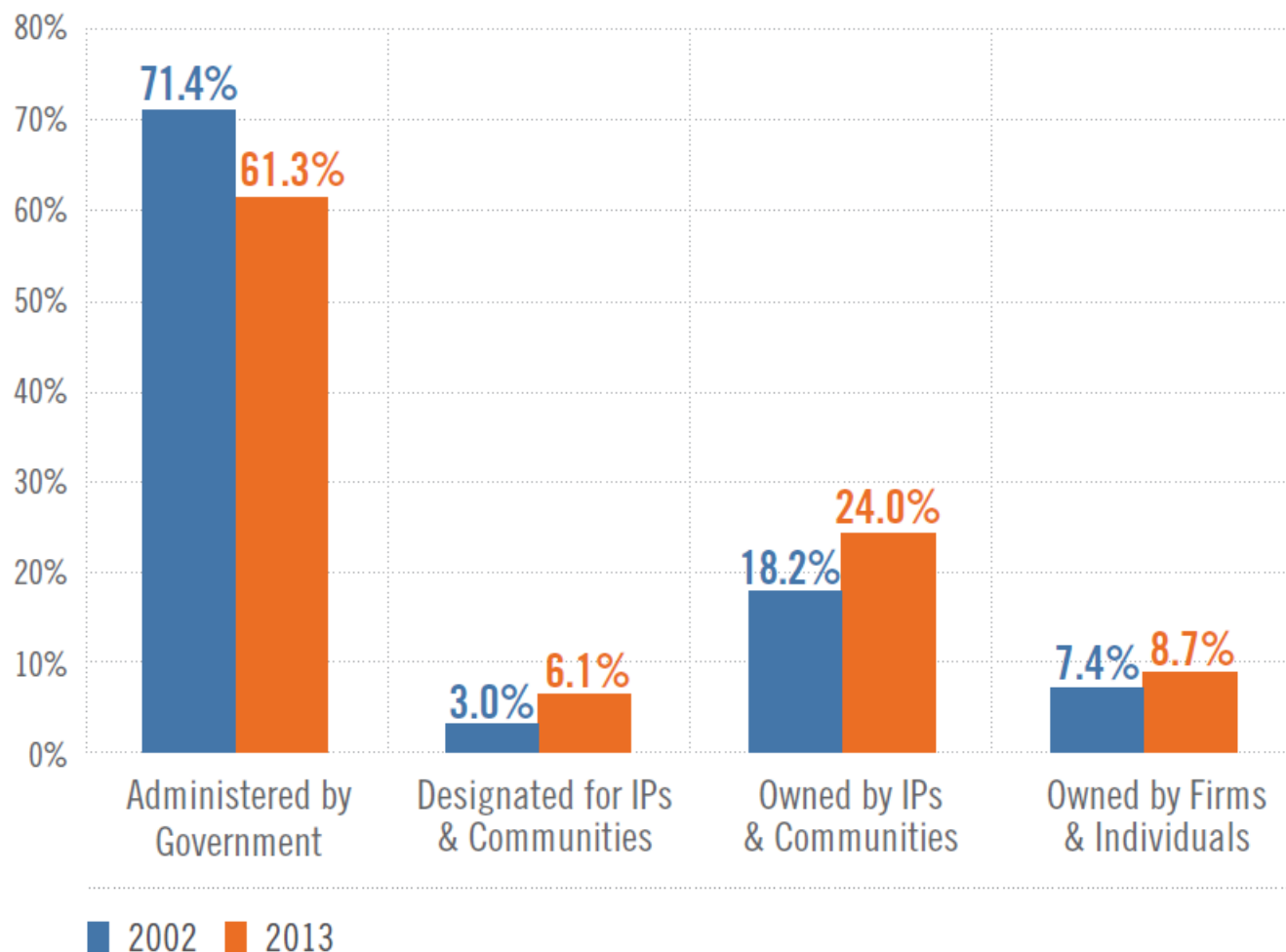
- Government administered
- Designated for Indigenous Peoples and local communities
- Owned by Indigenous Peoples and local communities
- Owned by individuals and firms

- From 33 countries with complete data representing 85% of forests in LMICs
- 478 million hectares designated for, or owned by IPs and local communities

Absence of data on:

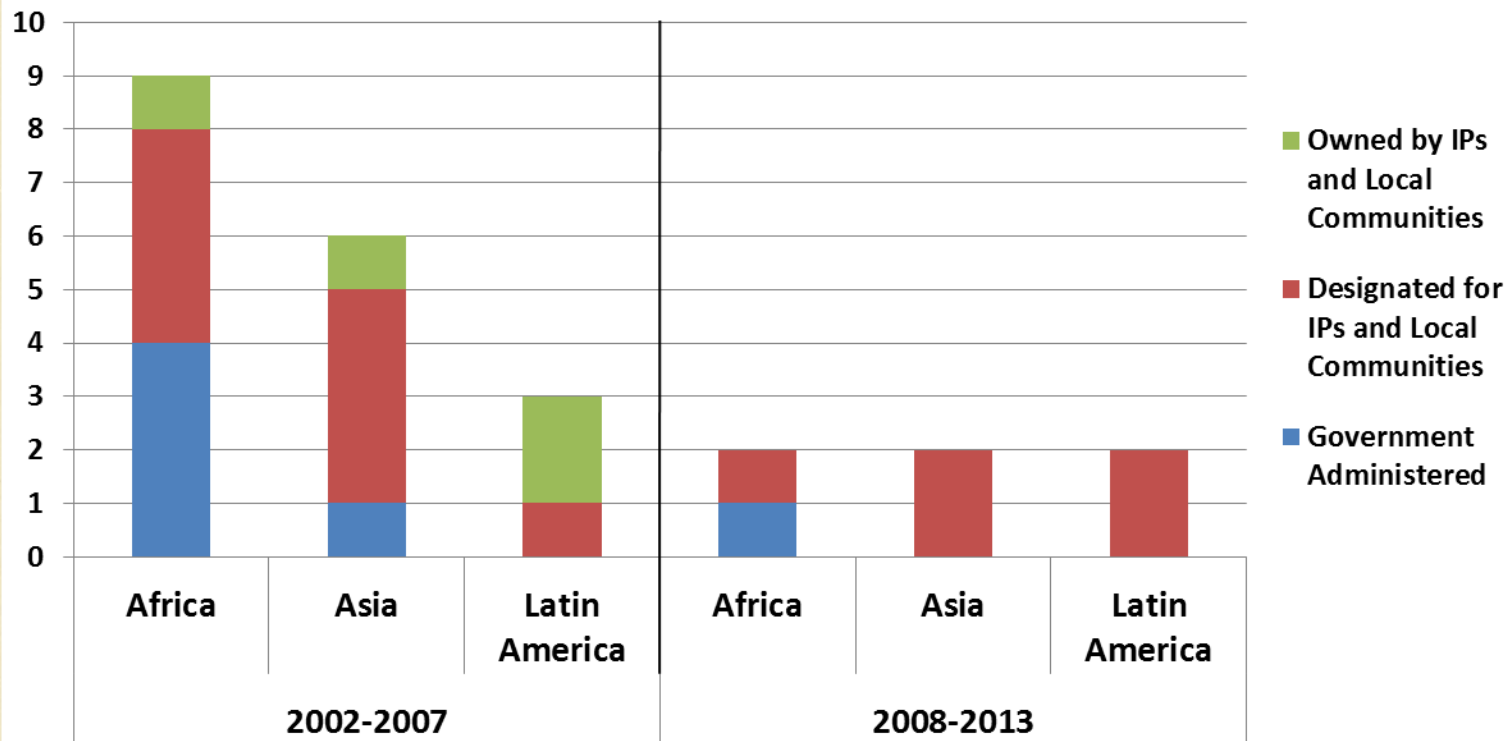
- customary usage and administration
- concessions agreements

Change in statutory forest tenure in LMICs (2002-2013)



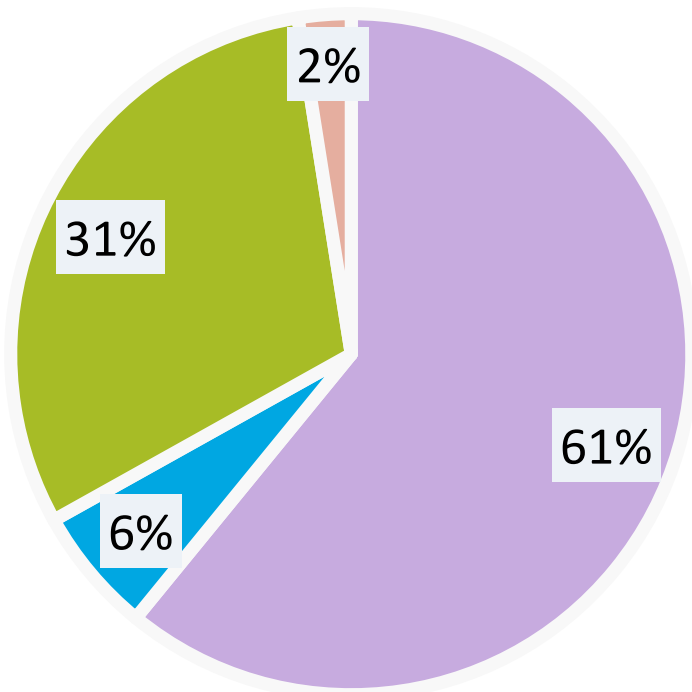
Fewer and weaker tenure instruments created since 2008

Tenure instruments created since 2002, by region and category



None of the frameworks created since 2008 confer ownership

At a glance- Statutory forest tenure in Asia (2013)

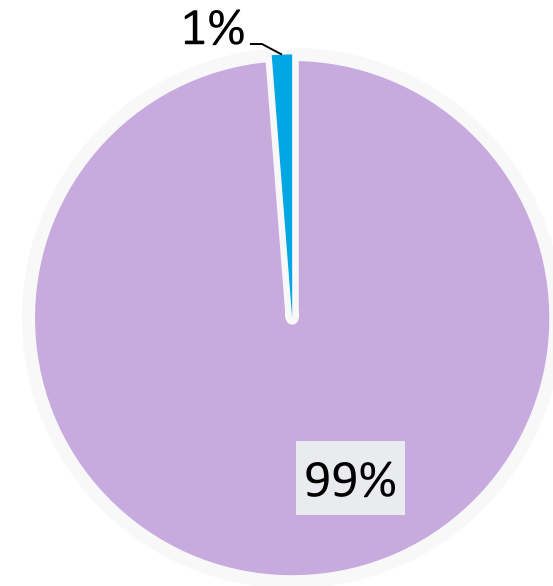


- Impact of China & Papua New Guinea
- Impact of India and JFM

- Government administered
- Designated for Indigenous Peoples and local communities
- Owned by Indigenous Peoples and local communities
- Owned by individuals and firms

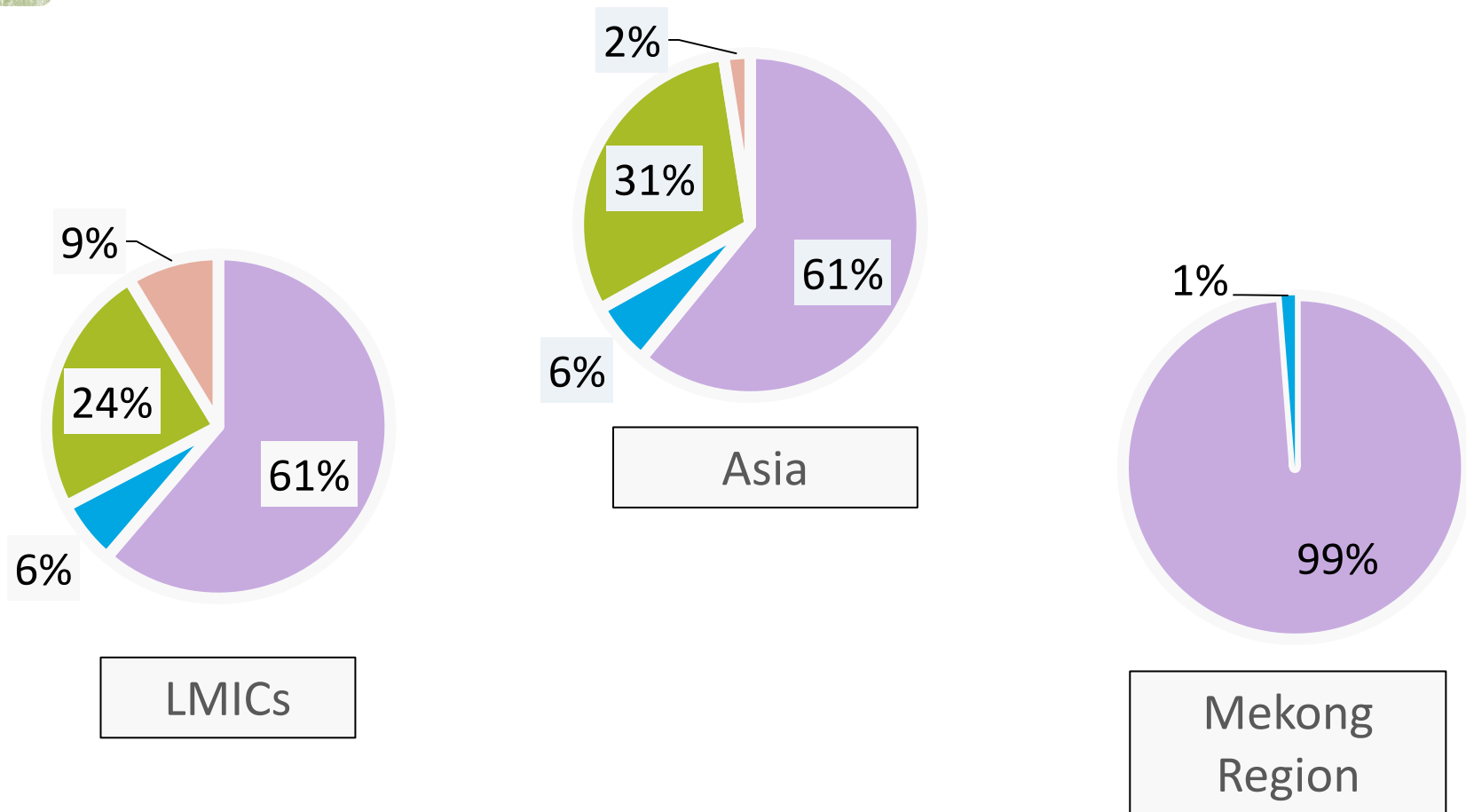
At a glance- Statutory forest tenure in Mekong Countries (2013)

- One of the highest concentrations of state administered area globally
 - On par with Congo Basin
- Vietnam – household level recognition 26% of forests but time-bound



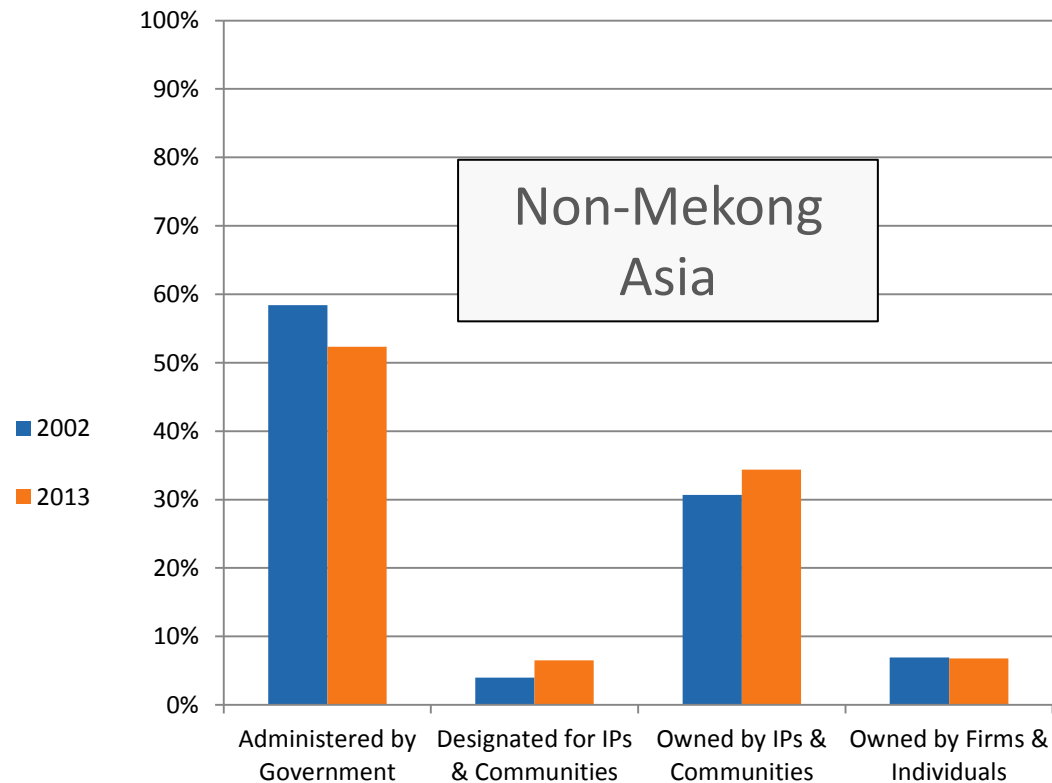
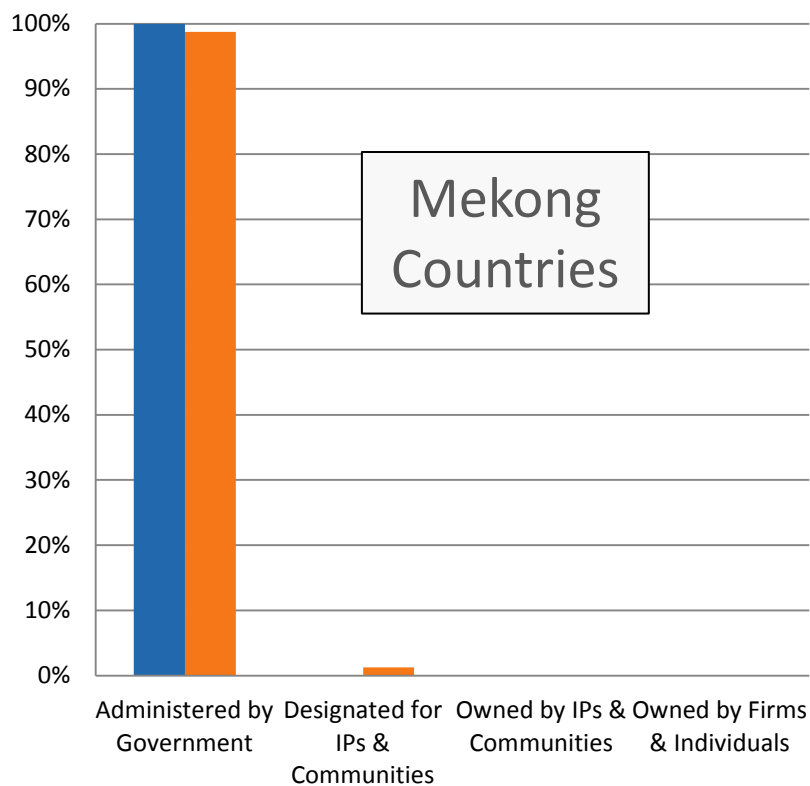
- Government administered
- Designated for Indigenous Peoples and local communities
- Owned by Indigenous Peoples and local communities
- Owned by individuals and firms

At a glance – Global comparison (2013)



- Government administered
- Designated for Indigenous Peoples and local communities
- Owned by Indigenous Peoples and local communities
- Owned by individuals and firms

Change in statutory forest tenure in Mekong countries (2002-2013)





Why are the Mekong countries so far behind?

- Historically authoritarian regimes
- Public goals skewed towards economic development
- Progressive policies and legislation unimplemented
- Opportunities for civil society engagement limited
 - As evidenced by violence against activists



Links between community land rights and forest conversion?

- Robust community rights to forestland leads to improved forest outcomes (WRI/RRI 2014)
- 15/21 (countries with R-PP, R-PIN, or NPDs) identify lack of clear tenure as a driver of deforestation and forest degradation (RRI 2014)
- Conversion of forestland can be detrimental to the livelihoods of local communities
- Where communities lack robust rights or legal recognition, they may be excluded from deals struck between government and the entities converting land to other uses



Reflections for the group

- Issue of il/legality of conversion of forests which are statutorily recognized as being the property of the state
- Tools to increase statutory recognition of lands customarily claimed by communities
- How to empower communities as counterparty in land deals struck between government and companies

Thank you!

Comments? Questions?

bogden@rightsandresources.org