Community Forest Tenure in the Mekong

Links to Forest Conversion

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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)

- 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

Source: RRI 2014
Change in statutory forest tenure in LMICs (2002-2013)

<table>
<thead>
<tr>
<th>Category</th>
<th>2002</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administered by Government</td>
<td>71.4%</td>
<td>61.3%</td>
</tr>
<tr>
<td>Designated for IPs &amp; Communities</td>
<td>3.0%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Owned by IPs &amp; Communities</td>
<td>18.2%</td>
<td>24.0%</td>
</tr>
<tr>
<td>Owned by Firms &amp; Individuals</td>
<td>7.4%</td>
<td>8.7%</td>
</tr>
</tbody>
</table>

Source: RRI 2014
Fewer and weaker tenure instruments created since 2008

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

Source: RRI 2014
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

Source: RRI 2014
At a glance – Global comparison (2013)

- **Mekong Region**: 99%
- **Asia**: 61%
- **LMICs**: 24%

**Source**: RRI 2014

- 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)

Source: RRI 2014
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?

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