

Report on the seminar "Securing Forest and Community Land Rights - Challenges, Trends and Ways Forward"

On the 10th of September, the seminar "Securing Forest and Community Land Rights - Challenges, Trends and Ways Forward" took place at the University of Gothenburg. The event was hosted by Land Rights Research Initiative (LARRI), in collaboration with Rights and Resources Initiative (RRI), Focali (Forest, Climate & Livelihood research network), Swedish International Agricultural Network Initiative (SIANI) and the Swedish International Development Cooperation Agency (Sida) and attracted about 80 of participants from the academia, Swedish government authorities, the private sector, civil society organizations and networks specializing in forest and land rights issues.

The topic of the seminar was on forests and community lands of crucial importance for the food security and livelihoods of poor rural communities in many developing countries. These areas, constituting valuable resources, are in many cases regulated by communal and customary arrangements, but formally owned by the state. Although these lands are often utilized and managed by local communities, weak and unclear land rights makes them increasingly vulnerable as the



global demand for land is growing at an enormous pace. Central to the seminar were discussions on the balance between promoting much needed investment in developing countries and at the same time protecting the rights and livelihoods of local communities. It was stated that there is a global demand for resources and local demand for justice. How these two demands can be reconciled is a central question both from a human rights perspective, and an economic development perspective.

The seminar consisted of a brief introductory part followed by two longer thematic sessions and a couple of final remarks. The first thematic session in the morning focused on trends and challenges of forest and community land rights (FCLR). In the afternoon session focus was shifted to possible ways forward of how to tackle these challenges. The main focus of both the seminar and this report is on session two, where future approaches to tackling the challenges within FCLR are put forward and elaborated. With that said this report also includes a review of the morning session. Both sessions included presentations and panel discussions; in the latter the audience was encouraged to take part by asking questions and contribute with their own reflections. At the end of the seminar, the audience were divided into discussion groups and provided with thematic questions to discuss, which was later elaborated in a final discussion.

Introductory speeches

Senior Professor Arne Bigsten, Director of Gothenburg Centre of Globalization and Development on behalf of the University welcomed the participants. He stressed the topic of this seminar is more important today than ever as the issue of forest and land rights is receiving increased attention and international recognition and lifted the central question of how we can relate land rights and justice issues with economic development and growth. From the research projects that he directs at GCGD he underlined that economic investments in Africa's nations are necessary and a key factor for economic take-off. With this in mind he hopes that the participants will move beyond a debate on if investments are necessary or not and instead focus on the impact of these investments to sort out who wins and who loses in the current state of affairs – and what can be done about it.

Arvind Khare (Executive Director, RRI) started by expressing how excited he and his colleagues from RRI were to be a part of this seminar.. Seven years ago RRI held a large seminar together with Sida on how to tackle what was then called “the last great land grabbing” where global capital look for new land to invest in and some of their predictions from that time turned out to be true. The conflict over land and forests are increasing between local communities and global capital. With that said Khare also agreed with Bigsten about the necessity of attracting foreign direct investment while at the same time protect the rights of local citizens.



Marie Ottosson (Head of Department, International Organizations and Thematic Support, Sida/INTEM) mentioned that issues of land rights and land tenure are recurring topics of discussion at the Swedish aid agency. Sida's current interventions to handle the complex nature of land and forest rights issues are through decentralized natural resource governance, secure tenure and locally controlled forestry. She then stated that she looked forward the debates during the day to get new insights through shared knowledge.

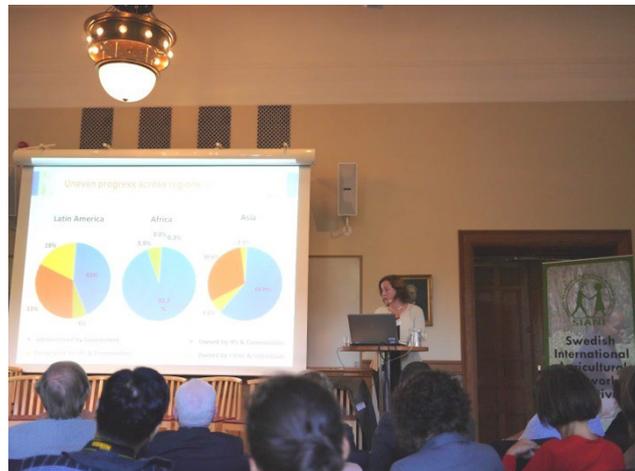
Finally, she announced Sida's brand new contribution on 100 million SEK for establishing an international land and forest tenure facility. This new facility is to be a global fund and knowledge hub with the aim to support and speed up local processes for clarification and securing of land and resources tenure for local communities, smallholders and indigenous people. Ottosson concluded that the project will take extra consideration of women's tenure rights.

Session 1: Forest and community land rights in the current development conjuncture – trends and challenges

Session 1 consisted of three introductory speakers, followed by three presentations and one panel discussion.

The three speakers were **Jenny Springer** (Director of Global Programs, RRI), **Samuel Nguiffo** (Secretary General, Centre for Environment and Development) and **David Bray** (Professor, Department of Environmental Studies and Director, Institute for Sustainability Science in the Latin American and Caribbean Centre, Florida International University).

Springer started off this first session by offering an insight on trends and challenges within global forest and community tenure. During the years of 2002 to 2013, global forest transition, meaning recognition of customary rights to forests and acknowledgement of the effectiveness of community management of forests, has continued to spread over the world - although with an uneven progress across regions. However, development has slowed down since 2008, with fewer and weaker tenure frameworks created, partly due to the global financial crises. Forest tenure transition was also put forward as an effective reform to tackle climate change, as community forests sequester massive amounts of carbon. A great challenge within this context according to her is the fact that customary rights are in place in many countries, while formal rights are often still limited, as in the case of many African countries. Hence, what is needed is a stronger legal recognition of these community forest and land rights.



With great investments come great expectations. However, within research on forest and land management today, the empirical findings suggest that poor people tend to lose out, even when full legal rights are provided. This is evident in the case of Cameroon, an example presented by Nguiffo, where pressures on forest communities are high. He provided the audience with an example of a 73 000 hectare palm oil concession now owned by an American company where 25 000 farmers and hunters live. As the forest within this concession needs to be clear-cut in order for the investor to produce palm oil, the villagers were offered the creation of 7000 jobs. "What about the rest?" asked Nguiffo. The rights to the land were given to the company by the government, based on the argument that the country needs foreign investment. The price was one dollar per hectare per year, while the farmers can make up to 3000 dollars per hectare per year growing coco. According to Nguiffo tensions will increase with increased demand for land, where we can expect more costly conflicts as a consequence, resulting in neither the investors nor the communities getting what they want. It is not investment in itself that is the problem, but it is the purpose of the investment

that makes the difference, he stated. Wealth generating investments without distribution is problematic as the money from the investment will not reach local communities, and this is due to lack of governance. Investment in a very poor governance system will lead to the weak losing out, it was argued.

On a slightly more positive note, Bray in his presentation emphasized that forests can be engines of economic development and poverty reduction if full rights are acknowledged and government support is provided. Offering another country example, he turned the focus to Mexico, which is considered a positive outlier case internationally. The factors put forward to explain the success were the recognition of more legal rights and the role of formal community governance. According to Bray, the devolution of rights together with government support has resulted in positive forest outcomes. The commercial values have gone up, while community engagement has increased as well. However, he did also emphasize the challenges with community action, as strong economic inequality is present within these societies.

Panel Discussion



In the following panel discussion, the speakers were joined by **Susanne von Walter** (Senior adviser, Department for Rural and Urban Development, Swedish University of Agricultural Science), **Gunnar Köhlin** (Associate Professor, Department of Economics and Director of Environment for Development), and **Sten Nilsson** (Guest Research Scholar at the University of Gothenburg, International Institute for Applied Systems Analysis).

The subject of discussion did to a large extent centre around the legal rights and the issue of governance. . S. Nilsson stressed that although legal rights are important components, it is not enough. What is needed to increase the well-being of people is a bigger picture, where societal contexts are also taken into account. On a similar note, Köhlin emphasized the need to deepen the analysis based on empirical data since there are many indications on how poor people lose out even if full legal rights are given. These challenges require cooperation, good management of distribution and the involvement of local researchers in order to fully grasp the complexity of the issue.

A great challenge put forward in the discussion was how to communicate the expectations from the local communities and strengthen them in negotiations with governments and investors, as stakeholder consultations, involving local people are still very weak. Walter, drawing from her expertise on REDD+ argued the importance of decentralization of tenure rights as benefit sharing, stakeholder consultations, and involvement of the local people since these are weakly developed within the programme.

Session 2: Actions for advancement of forest and community land rights

Session 2 consisted of two presentations by **Arvind Khare**, (Executive Director, RRI), **Lou Munden** (Chairman, The Munden Project) followed by a panel discussion where the participants in a collective effort tried to establish concrete actions for the advancement of forest and community land rights (FCLR).

First to take the stage was Khare, who stated that even if one can see mixed, unstable, unclear and unpredictable patterns among governments and international organizations when it comes to land tenure, two stable trends can be noted - global demand for resources and local demand for justice. According to Khare, we need strategic and intelligent networks and strategies as launching points to be able to detect, understand and formulate tailored responses and measures. Also, the importance of forging engagement between sources of capital and local community groups was emphasized. In addition, specific points of priority in efforts to secure better forest and community land rights were offered, where the central ones were continued support for local and indigenous organizations, engaging with financial institutions, companies and supply chains, as well as scaling-up investments in implementing tenure reforms. Khare also took the opportunity to raise what he considered to be two important initiatives: The Interlaken 'call for action', which is an effort to bring stakeholder groups together for more concerted action including the Interlaken Group concerning company standards, and The International Land and Forest Tenure Facility, which will be a source of funding and technical support for tenure reform projects while serving as a meeting point to coordinate commitments and develop shared strategies.

The focus then turned to the question of how to engage the private sector by integrating tenure risks in investment decisions with a presentation offered by Munden. The Munden Project that he represents is a boutique consultancy that provides solutions for problems posed by asset management, climate change and/or economic development. According to Munden, we cannot talk about the Private Sector, as there is no



such thing. What he meant was that there isn't an actual entity called private sector, there are rather different responsibilities and interests within this context. Therefore, it was argued, there ought to be strategic approaches while engaging with such interests. In his attempt to exemplify what he meant by strategic engagement, he listed three types of businesses with quite diverse interests and responsibilities: mining companies, private equity funds and sovereign wealth funds. As a point of engagement, he suggested strategies such as selling the same story to each of them, sending divergent messages with the same data, concessions, etc. That is, there should be a strategic mode of engagement when approaching these diverse responsibilities and interests so that more

info, knowledge and understanding about the sector and what it does can be established, i.e., a strategic interface aimed at understanding and influencing their interests and practice in the field of forest and community land rights.

Panel Discussion

Following the two presentations ensued a panel discussion, including the presenters plus **Vicky Tauli-Corpuz** (Executive Director, Tebtebba and UN Special Rapporteur on the Rights of Indigenous Peoples), **Margareta Nilsson** (Senior Programme Manager, Department for International Organizations and Thematic Support, Sida/INTEM/Global Programmes), **Christina Olivecrona** (Analyst Sustainability, Second Swedish National Pension Fund - AP2) and **Don Roberts** (President and CEO, Nawitka Capital Advisors Ltd). During this session, each of the participants put forward their suggestions on concrete actions for the advancement of forest and community land rights.

Commencing the discussion, M. Nilsson, on behalf of Sida, suggested ways forward across two levels - at a government and a community level. One important aspect of Sida's work is to support the capacity of communities to organize, for instance through training programs, and the formation of paralegals on behalf of the community. At the government level the Swedish aid agency can strengthen motivation of governments, coordination between ministries, support for national research capacity and support in legal processes.



Community support was also brought up as a central action by Tauli-Corpuz, who emphasized community support in terms of helping local communities use their traditional knowledge system, influence international organizations, and claim their rights. Furthermore, Tauli-Corpuz requested more responsible governance at the level of leadership and pressed on the importance of monitoring how states are implementing the rights of indigenous peoples as well as advising governments about what needs to be done to improve the lives of those groups.

A slightly different suggestion was offered by Roberts, who stressed the importance of private - public - community partnership. He said that as large-scale commercial agricultural investment will increase, so will the volume of bad capital (capital with less moral and sustainability considerations) in the market. The most important question, according to Roberts, will then be how to attract good capital and how to differentiate the good capital from the bad. One method to attract good capital suggested was the formation of private-public-community partnership, offering opportunity for win-win situations to be established. Furthermore the risky nature of the business was

emphasized, followed by the suggestion to make investments more bankable through back up arrangements, such as insurance and finance mechanisms in order to make private-public-community partnership work.

Linking on to the subject of the role of investors, Olivecrona emphasized the need for investors to be more knowledgeable (by having, for e.g. in-house knowledge base) and more transparent. Responsible investor approaches according to Olivecrona, are to not invest in countries where there are no functional land tenure rights and instead focus on countries where land tenure rights are more stable and guaranteed. The chase should not be on fast and high returns, but on stable returns, she argued.

Interactive discussion session

The last session of the seminar was made out by questionnaires being administered to the audience, followed by an interactive discussion connected to the questions.

Which are/could be the two to three most concrete actions/strategic initiatives to secure better forest and community land rights? Why?

One main trend observed in the answers to this question was an emphasis on government level measures to tackle the issue, for instance, introduction of stronger legislations, land tenure reform, government transparency and accountability and the like, which is a trend that gives us a considerable clue as to how a focus on macro/policy level changes may contribute to the betterment of FCLRs.



Another significant trend was the emphasis on processes that can empower local communities and indigenous groups. Some of these answers suggest respect for local community rights, recognition of existing social stratification and power relationships, supporting and strengthening local communities and indigenous groups to claim their rights and become stronger negotiators as an equally important way forward in this regard.

What can donors do to strengthen forest and community land rights at the local level?

The most common suggestions to this question were a strong focus on the importance of capacity building and awareness raising work. Also that donors should work in partnership with national governments at a policy level, creating mechanisms that can have an impact on national land administration and registration policies.

Other suggestions included the creation of land audit mechanisms, making donors responsible for investments that they contribute to and tying aid with government achievement .

How can the private sector best engage to secure better forest and community land rights?

As for the third question, a more diverse variety of suggestions were made including for instance development and application of codes of conducts, establishment of ethical standards, be careful about business investments that can trigger conflicts, setting good examples, etc. Even though most of these suggestions were more or less varied in their nature, one can still observe that when it comes to the role of the private sector in the betterment of FCLR, much of the onus seems to be on the shoulder of private investors and corporate interests.

Which are the main research gaps related to forest and community tenure rights of relevance for the proposed concrete actions?

A much more varied picture appears when one analyzes the fourth question, i.e., main research gaps that exist in FCLR. While some participants believed that, among others, there are research gaps in the area of global capital versus local demand, public-private-community business model, modalities for participatory land use planning and such, others maintained that there are gaps in the area of analyzing fair value-chain, more understanding of the interest of communities, local inequalities and so on.



Concluding remarks

Towards the end of the seminar, concluding remarks were given by **Marie Ottosson** (Head of Department, International Organizations and Thematic Support, Sida/INTEM) and **Lasse Krantz** (Project Leader, LARRI).

After expressing her gratitude for the event, Ottosson emphasized the importance of continuing these kinds of discussions in the future. She also argued that a holistic approach is crucial if this sort of discourse is to be meaningful. This means that we need to acknowledge the fact that good legislations are not sufficient by themselves, i.e. strengthening the capacity of governments by working in partnership is important while at the same time enhancing efforts at making local communities/indigenous peoples and women, among others, understand their rights is also crucial. Ottosson finalized her remarks by highlighting the fundamental importance of fighting corruption if efforts and results are to trickle down to the poor.

Krantz on his part commenced his remarks by explaining that this seminar should be seen as an effort in the context of establishing land and resource rights as an area of knowledge building and research at the University of Gothenburg. He emphasized that LARRI is an initiative that strives to stimulate discussion and promote policy relevant research which could be of relevance for Swedish development cooperation and other actors involved in this subject area. He therefore noted with satisfaction the great interest shown by Sida for the seminar. Moreover, Krantz suggested that an important area for research in this context would be to analyse experiences and lessons learned from the implementation of land tenure reforms at the local level, i.e. trying to find answers to what is working or not and why. He underscored that this is a kind of policy-oriented research that LARRI intends to focus more on in the future.



In the following table, an attempt has been made to summarize suggestions made by participants in the questionnaires wherein a broad range of views on ways forward have been reflected.

Suggestions from Participants			
Most concrete actions/strategic initiatives to secure better FCLR*	Donors' role to strengthen FCLR at the local level	Best possible engagement areas for the private sector in FCLR	Main research gaps that exist in FCLR
Government regulation of bad capital	Capacity building	Demonstrating long-term perspectives and planning	The very definition of a community
Monitoring	Education		Local inequalities
Recognizing local inequalities	Awareness raising		Influence of global capital on local level/ demand for land
Build upon and give local communities voice from the specific local context. Consider and identify social stratification and differentiation	Create opportunities for weak groups to take part in tenure reform processes	Develop and apply code of conduct	Synthesize and analyze good examples (should be multidisciplinary)
Legal framework in place and institutions in place to follow and implement the law	Provide means for capacity building, process facilitation, marketing and developing some standard to secure land rights and alternative business model	Investing with respect to community land rights and community partnership in search of win-win situation	More understanding on interest of family, communities and indigenous peoples
Private investors respect and consider the community rights and legal frameworks	Fund proper GPS, land audits	Who is the private sector? Big extractive industries vs 'kick starters'; 'good vs bad'	Analyse fair value chain
Importance of land ownership (private or community owned); empowerment of land owners	Mitigating risks for these private investors so that risk-averse private sector donors can enter into these kinds of investments, experiment with innovative new models that pursue social good in less paternalistic and dependency-inducing manner	Program-related investment set aside funds within development donors, funding multilaterals, etc.	Develop public-private community partnership as alternative business model

Land/forest reforms, that needs to be adapted to the country's context since what worked in Sweden maybe will not work in other countries	Build capacity of communities and create spaces for negotiation with governments	Increase awareness of tenure risk, ensure investments don't exacerbate tenure conflicts and possibly support community based production	Comparative study of how community forest enterprises are organized, including how benefits are shared
Enable local communities producer organizations to become more like business partners than welfare recipients	Tie government funding to achievement of concrete actions	Give good proposals, show good examples	Simple models assess the economic models, will help fight corruption, efficiency, productivity (job creation, etc.)
Produce good examples for investors	Educate people	Bankable projects	Modalities for legal incorporation of the community with statutes that ensure equity among rights holders
Strengthening the local organization of family, community and indigenous to claim their land rights (policy discussion, advocacy, marketing rights and right to association	Work with government, civil society at all levels	Internalize the 'free informed prior consent' standards	Modalities for participatory land use planning which lead to land classification that allows community ownership too
Enhancing respectful partnership (public-private community partnership) to develop alternative business models which can help poverty reduction and increase forest cover	Facilitate PPP	Establish clear a priori principles for benefit sharing	
Scale-up alternative models that are oriented to the future when land and other commodities are scarce - out grower/community producers	Experiment more, take more risks		

Strengthen community capacity and knowledge to be strong negotiators and exercise/claim rights	Work with governments at policy level on developing an appropriate national land policy and land administration system		
Legal awareness, capacity building for implementation of legal frameworks in the field. ensuring that tools exist to translate legal/regulatory frameworks into concrete impacts	Work with governments to develop legal mechanisms for communal land registration		
How does the private sector practically operationalize these legal frameworks in the field, asking private sectors the tough questions, transparency of these processes and practices			
Strengthening capacity and voice of Indigenous peoples/ community organizations to assert rights and negotiate with governments, private sector, others			
Demonstrate and consider governments how community-based approaches deliver better economic/development, environmental/climate and social outcomes			

Policy and legislation to recognize indigenous peoples and local community land rights			
Develop simplified and accessible (to communities) procedures to secure land title. Procedures include surveys, demarcation, registration. cost must not be prohibitive to community			
Recognizing customary tenure system can facilitate procedures. See FAO voluntary guidelines and governance of land, forests and fisheries			
Secure rights to claim future gains in terms of both timber and non-timber products value			
Security in the land itself, in future trading			
Involving consumer preferences on legal forest products, for.eg. FSC			
Community level of capacity building because the understanding at the local level guarantees sustainability			
Transparent processes			

Public awareness to the communities			
Improve access to revenue			
Accountability is important			
Implementation of 'good' laws			
Develop mechanisms to inform communities in a culturally appropriate manner of national land/forest laws and options for communities to establish their rights under such laws, including codification of customary tenure			
Strengthen communities' capacity to request land registration			