

# Review of tenure issues and needs identified by UN-REDD countries

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**UN-REDD**  
PROGRAMME

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# Review of tenure issues and needs identified by UN-REDD countries

## Summary

This document provides an overview of tenure issues and needs identified by countries with UN-REDD national programmes<sup>1</sup>. The following table has been compiled with information collected from Readiness Preparation Proposals, National Programme Documents and the Country Needs Assessment<sup>2</sup>. The information has been organized around three themes extracted from the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#). These themes include **(1) Legal recognition and allocation of tenure rights and duties**, **(2) Transfer and other changes to tenure rights and duties** and **(3) Administration of tenure**. An extra section documents the identified risks and conflict dynamics in relation to tenure and tenure changes as well as the needs for conflict resolution/grievance mechanisms: **(4) Risks/conflict and conflict resolution mechanism**. Section **(5) REDD+ and tenure reforms** takes stock of suggested or initiated legal, administrative and organizational reforms, mentioned by countries to address tenure as part of their national REDD+ strategy. The objective of the review is to assess which aspects of tenure countries consider most significant for REDD+ implementation.

Below are some general conclusions that one can draw from the table:

### 1. Legal recognition and allocation of tenure rights and duties

- With a few noticeable exceptions, most REDD+ countries have legislation in place that address the recognition and allocation of tenure rights and more specifically forest tenure rights. However, nearly all countries included in this review mention legal gaps and/or lack of clarity over tenure, in some cases due to overlapping or conflicting legal texts, lack of law enforcement and application, conflicting and contested tenure rights, and needs to revise outdated legacies.
- Tenure systems can take different forms and be private, public or customary. The State usually has ultimate tenure rights over forests, in particular in Africa. While African forests are used under customary tenure systems, these systems are not legally recognized. A different set up can be found in Latin America, where large territories are controlled and managed by indigenous peoples. Legislation in some countries recognize the free, prior and informed consent of indigenous peoples when activities and projects are developed within their territories.

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<sup>1</sup> There are 16 countries with UN-REDD national programmes: Bolivia, Cambodia, Democratic Republic of the Congo (DRC), Ecuador, Indonesia, Nigeria, Panama, Papua New Guinea, Paraguay, the Philippines, Republic of Congo, Solomon Islands, Sri Lanka, Tanzania, Viet Nam and Zambia

<sup>2</sup> *Draft, A Country Needs Assessment On REDD+ Readiness Among UN-REDD Readiness among UN-REDD and FCPF Members Countries*, 26.06.2012, Santa Marta, Colombia.

## **2. Transfer and other changes to tenure rights and duties**

- Seven countries have provided rather limited information on the transfer and other changes that are made to tenure rights and duties<sup>3</sup>. Such changes include allocation of forest land to ethnic minorities, establishment of public-private partnerships, and conversion of customary land into land available for private business.

## **3. Administration of tenure**

- The thirteen countries that provided information on the administration of tenure described in most cases the insufficiencies and the lack of capacities to deal with tenure questions. For example the difficulties to adjudicate and record tenure rights efficiently were reported, as well as the lack of operational capacity in land administration, in particular in relation to fiscal policy and adjudication of concessions. Few countries have however ascertained a clear definition of responsibilities and rights of forest stakeholder and a shift towards community forest management.

## **4. Risks/conflict and conflict resolution mechanism**

- Although thirteen out of sixteen countries have raised concerns about conflicts in relation to tenure, few of them have sought to analyze the nature and extent of conflict risks in relation to tenure and REDD+. However, in some African countries, there is a specific concern that REDD+ could challenge the status quo of tenure and in such a way revive social tensions or conflict. Other fears include potential conflict between customary and public tenure systems as well as between migrants and communities in place. Concerns were raised also over stakeholder exclusion, gender issues, and weak capacities to resolve tenure conflict.

## **5. REDD+ and tenure reforms**

- Eleven countries either indicate the need for or suggest to undertake extensive measures to be able to address tenure in REDD+. Measures that were identified include tenure reforms, the promotion of legal certainty for local populations and indigenous peoples, the recording of tenure rights and the development of benefit sharing models for the clear allocation of carbon rights. In Africa there are also suggestions to conduct policy and legal reforms to introduce or reinforce local communities' rights and responsibility to use and manage forests which is expected to improve forest tenure security for these communities.
- Only few countries have formulated or initiated a legal and policy framework for carbon rights and benefits. Tenure uncertainty is often presented as a key obstacle to

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<sup>3</sup> Within the Voluntary Guidelines *Transfer and other changes to tenure rights and duties* refers to the governance of tenure of land, fisheries and forests when existing rights and associated duties are transferred or reallocated through voluntary and involuntary ways through markets, transactions in tenure rights as a result of investments, land consolidation or other readjustment approaches, restitution, redistributive reforms or expropriation. See the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, Committee on World Food Security (CFS), Food and Agriculture Organization of the United Nations (FAO), Rome, 2012, p. 19.

ensure legal clarity with regard to property and management of carbon services. Some Asian countries have however already defined carbon ownership and management.

- The recognition of local and indigenous peoples as potential beneficiaries of REDD+ is a reoccurring issue that is given prominence by most countries. Several countries, especially in Africa, outline a lack of recognition of indigenous and customary tenure rights and aim at clarifying these.

## Tenure issues identified by UN-REDD countries in RPPs, NPDs and the CNA

### 1. Bolivia

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• 3 types of granting control of forest rights</li> <li>• Use of forests in indigenous territories, local associations and forest concessions</li> <li>• New forest law 2010</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Law 1715 and Law 3545 of Communal Reorganization – which reform Law 1715 and its corresponding regulations – establish procedures for distribution of fiscal lands in the country</li> <li>• Legal uncertainty of lands that have not yet been titled or identified as fiscal lands</li> <li>• 55 million ha still has to be titled and taxed and 13 million still in process</li> <li>• Regulations on land-use not fulfilled</li> <li>• Nationally protected areas defined</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• Nationally protected areas, municipally protected areas and private reserves are defined in the Environment Act no. 1333, the Law of Municipalities no. 2028 and the Forest Law no. 1700.</li> <li>• The National Service for Protected Areas is in charge of managing such areas</li> </ul>
Indigenous peoples (IP) and other communities with customary tenure systems	<ul style="list-style-type: none"> <li>• In Article 395 of the <i>New Political Constitution of the State</i> the distribution of fiscal lands gives special attention to peasant and indigenous communities who do not own their lands</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	No information provided
3. Administration of tenure	

Responsibilities	<ul style="list-style-type: none"> <li>• Stakeholder analysis p. 63-66</li> <li>• The administration of tenure and forest management can be addressed under the Ministry of Rural Development and land</li> <li>• Vice-Ministry of Planning and Coordination under the Ministry of Sustainable Development and Planning: elaborating and proposing land-use and zoning policies</li> <li>• Vice-Ministry of Land: design and enforce policies and programs regarding land access, delivery, redelivery and reorganization, ensure the observance of land tenure rights</li> <li>• National Service for protected areas (SERNAP) is currently managing protected areas in Bolivia</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Considering the creation of a conflict and controversy resolution mechanism within the legal framework</li> <li>• Recognized risk among potential beneficiaries of REDD+ resources</li> <li>• Uncertainty regarding reference scenarios, mechanisms for transferring resources and MRV issues</li> </ul>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Proposal of Adjustments to the Legal and Normative Framework related to REDD+ issues. In November 2009, an analysis of the current legislation on forestry, land and environmental issues took place in Bolivia</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Implementing the proposals of benefit transfer and distribution systems for REDD+ in pilot projects</li> <li>• Part of the REDD+ national strategy: analyzing and adjusting legal, political and institutional issues regarding REDD+, as well as monitoring and carbon ownership</li> </ul>
Registration	<ul style="list-style-type: none"> <li>• Need to complete a rural-land registration system, the need to reinforce the territorial planning and monitoring of land use by means of remote sensing</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>• Pilot REDD+ projects are advised to take into consideration the type of land use and land tenure in the area of the project</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• A complete forest and land-use monitoring system was planned to be implemented by the end of 2010</li> <li>• Normative instruments for regulating land-use in order to optimize benefits.</li> </ul>
IP and local communities (LC)	<ul style="list-style-type: none"> <li>• In the case of intercultural communities, a lack of knowledge on the potential of forests and on the adequate management of lowlands and forest lands (ecosystem management customs in highlands)</li> </ul>

## 2. Ecuador

<b>1. Legal Recognition and allocation of tenure rights and duties</b>	
Forest	<ul style="list-style-type: none"> <li>• Forests in Ecuador are primarily owned by the Ecuadorian State and by the indigenous peoples and nations (62.5% legalized and 37.5% about to be legalized)</li> <li>• Private owners have small areas</li> </ul>

	<ul style="list-style-type: none"> <li>• Uncertainties related to the ownership of forests land</li> <li>• The State has the ultimate rights over forest resources</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Land tenure can be either individual or collective</li> <li>• Approximately 65% of native forests in Ecuador are in the hands of ancestral populations and indigenous communities</li> <li>• Private owners have small areas</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• 44 protected areas making 19% of the national territory</li> </ul>
Indigenous peoples and other communities with customary tenure systems	<ul style="list-style-type: none"> <li>• More than 7 million hectares of the forest surface area owned by indigenous peoples and more than 9 million hectares is property of the state (FAO, 2005), 50% of which there are conflicts over use and ownership of the land.</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	<ul style="list-style-type: none"> <li>• Since the application of land adjudication rules at the State Forest Heritage (Patrimonio Forestal del Estado) and Protective Forests and Vegetations, around 270,000 hectares have been conferred, primarily benefitting indigenous peoples</li> </ul>
3. Administration of tenure	
Responsibilities	<ul style="list-style-type: none"> <li>• Ecuador's Ministry of Environment, as well as the National Institute for Agrarian Development (INDA) have the authority to regulate land tenure/possession</li> <li>• The legal responsibilities of securitization and titling/ taxation of INDA's land tenure were allocated to MAGAP (Ministry of Agriculture, Livestock, Aquaculture and Fisheries)</li> <li>• The administration of tenure and forest management can be addressed under the Ministry of Rural Development and Land</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• Analysis of how to include criteria to ensure an equitable distribution. It should include the definition of criteria for strengthening monitoring processes, conflict resolution and accountability at the community level</li> <li>• Four types of conflict identified by SNAP (National System of Protected Areas)</li> <li>• Within the SNAP Strategic Plan (2007-2016): Improve the Política Ambiental Nacional (PAN) governance through the management of land tenure conflicts</li> </ul>
5. REDD+ and tenure reforms	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Reorganization of land tenure and to its legal certainty for local population that lives in the forest areas</li> <li>• Increased recognition of ancestral lands ownership</li> </ul>
Carbon tenure	<ul style="list-style-type: none"> <li>• According to Art. 74 of Ecuador's 2008 Constitution, environmental services (ES) are not liable to appropriation, and it is the State's</li> </ul>

and PES	<p>responsibility to regulate their use and exploitation</p> <ul style="list-style-type: none"> <li>• In 2010 studies were developed regarding the legal, financial and institutional context, the technical aspects of ES and the international context of carbon schemes</li> <li>• A consultancy was established with the objective of setting up a proposal for the —financial architecture</li> <li>• Problems regarding property and management of carbon and ecosystem services</li> <li>• Cash payments are planned</li> <li>• Indigenous, Afro-Ecuadorian and Montubio peoples are recognised as potential beneficiaries of the REDD+ Program because they own the land with the most extensive native forest</li> </ul>
Registration	<ul style="list-style-type: none"> <li>• Expensive and inefficient adjudication processes</li> <li>• Problems with the regularization of land tenure processes. For example, many rural counties do not have a cadastre or have difficulty managing it</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>• Pilot projects need to integrate regularization of land ownership for REDD in indigenous territories</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• Land regularization for equitable and rational access to forest resources, a management plan and cutting program for legal conversion area</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• It is essential to ensure the multiple benefits of implementing REDD+ for indigenous peoples and forest-dependent communities and their ecosystems</li> <li>• Indigenous peoples should retain ownership of their communal lands</li> </ul>

### 3. Panama

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Article 10 of Law 1 of 1994 states that the forest patrimony of the State includes all the natural forests, lands where these forests grow, and government lands that are well suited for forests.</li> <li>• The government acknowledges, through indigenous territorial laws, the existence of forest areas within the indigenous territories as part of their collective property</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Panama is divided into nine provinces, seven indigenous communities, and eleven traditional structures, of which five are indigenous territories</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• The National Program of Land Titles is a key element in strengthening the Sistema Nacional di Àrias Protegidas (National System of Protected Areas)</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Public lands, could have a carbon ownership regime different than those under the jurisdiction of indigenous territories</li> </ul>
Indigenous peoples and other	<ul style="list-style-type: none"> <li>• Law 41 specifies that consultation procedures should be voluntary, informed, and with prior consent oriented toward establishing agreements regarding IP's rights and practices, compensation</li> </ul>



communities with customary tenure systems	<p>benefits for the use of their resources, knowledge, and lands</p> <ul style="list-style-type: none"> <li>• Importance to promote certainty on land tenure for the indigenous and farming communities territories as part of their collective property</li> <li>• Pending requests for territorial recognition of collective lands of indigenous communities</li> <li>• There are indigenous communities outside the adjudicated collective lands of indigenous communities with pending requests for territorial recognition</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	<ul style="list-style-type: none"> <li>• Article 13 of Law 1 of 1994 establishes that forest activities in indigenous lands must be approved by the relevant indigenous communities. This law is under revision.</li> </ul>
3. Administration of tenure	
Responsibilities	<ul style="list-style-type: none"> <li>• Law 41 of 1998 created the National Environmental Authority as an autonomous government entity with the mandate to manage natural resources and the environment in order to ensure the enforcement and application of the laws, regulations, and national policy</li> <li>• Article 13 of Law 1 of 1994, states that ANAM<sup>4</sup> will be responsible for the management of forests and lands which constitute the forest patrimony of the State</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	No information provided
5. REDD+ and tenure reforms	
Tenure changes and reform	No information provided
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• A transparent payment and benefit system validated and operational and a comparative cost-benefit analysis of alternative land use</li> <li>• Preliminary formulation of the legal structure to implement the REDD national strategy, including recommendations on carbon ownership (consensus on carbon ownership, which is under discussion, reached by 2011) and clarity on land possession</li> <li>• Defining carbon ownership for the different indigenous and non-indigenous areas</li> </ul>
Registration	<ul style="list-style-type: none"> <li>• REDD+ outcome: national inventory and monitoring system for forests and carbon</li> <li>• Train national technical staff and indigenous technicians involved in the implementation of the inventory and monitoring</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>• Implement demonstrative pilot projects for forest inventory and monitoring</li> </ul>
Forest and land-	<ul style="list-style-type: none"> <li>• Strengthen capacity at the different levels through awareness and</li> </ul>

<sup>4</sup> National Environmental Authority.

use, planning	training on specific REDD measures such participatory monitoring and land use planning
IP and LC	<ul style="list-style-type: none"> <li>• Need for clear land tenure, particularly in regard to the indigenous communities' requests to have their lands recognized</li> <li>• Improved land tenure security for the indigenous communities who live in those ecosystems is important to the conservation and provision of ES</li> <li>• Develop research and a consultancy community protocol on indigenous lands is an indicative activity for the REDD strategy</li> </ul>

## 4. Paraguay

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• According to estimations made in the last decade, the forests of Paraguay cover an approximate 11 million hectares, of which protected 6 million hectares are included within protected areas, or 15,04% of country's surface</li> <li>• Inequitable land distribution policy, limited to the distribution of forestlands</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Participatory design of proposal for a mechanism for formalization of land tenure</li> <li>• Lack of compliance with regulations by land owners and lack of capacity by authorities to monitor compliance</li> <li>• Law N° 2524/04 Zero Deforestation Law prohibits any activities of land use change and/or conversion of areas with forest cover in eastern Paraguay</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• In general, protected areas have proven to be effective in protecting the forests within their boundaries; however the buffer zones have suffered losses of 30% or more of their forest cover</li> <li>• Insufficient resources (financial, technical and human) allocated to sustainable forest, land and protected areas management</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Annex D Legal Framework: Law N° 3001/06 Environmental Services Law which establishes incentives for conservation through payment for environmental services</li> </ul>
Indigenous peoples (IP) and other communities with customary tenure systems	<ul style="list-style-type: none"> <li>• Recognition for the UN Declaration on the Rights of Indigenous Peoples –in accordance with their customary rules, regardless if they have or not a property title issued and registered by the Paraguayan State</li> <li>• The agrarian policy was unequally and inadequately applied with little technical assistance and addressing only land tenure</li> <li>• IP have suffered forced displacements and have also been victims of the absence of public policies to integrate them into the economic and social development within a framework of respect to their cultures and their territories</li> <li>• Out of 412 communities, 185 do not have their land tenure situation resolved</li> <li>• All REDD+ activities will be initiated under the free, prior and</li> </ul>

	<p>informed consent (FPIC) of IP or communities</p> <ul style="list-style-type: none"> <li>• Governments and others shall try to reach written agreements on the demarcation and titling of indigenous lands, restitution, compensation and/or recovery of the lands in the event of an interference caused by a REDD Activity, benefit sharing</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	No information provided
<b>3. Administration of tenure</b>	
Responsibilities	No information provided
Land planning, registration and zoning	<ul style="list-style-type: none"> <li>• Identified lack of capacity of the Directorate of Cadastre, a lack of adequate land zoning and planning at the national departmental and municipal levels</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Insufficient means to support the resolution of land tenure problems</li> </ul>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	No information provided
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• The payment system will consider a mechanism for registry of areas with carbon stocks and data on the property of such areas</li> <li>• Assessment of legal, political and institutional issues related to ownership of forest resources and carbon</li> <li>• By April 2014 the National Carbon Accounting System developed and the unit's staff trained</li> <li>• By November 2012 a system of payments and benefit sharing is in place</li> <li>• By June 2013 staff from at least 30 government and civil society organizations have received trained</li> </ul>
Registration	No information provided
Pilot projects	No information provided
Forest and land-use/ planning	No information provided
IP and LC	<ul style="list-style-type: none"> <li>• The ownership of forest resources and carbon has to be assessed for indigenous peoples territories regarding natural resources- and preparation of a proposal for delimitation, demarcation and titling as well as the environmental restoration of indigenous peoples' lands</li> </ul>

## 5. Democratic Republic of Congo

<b>1. Legal Recognition and allocation of tenure rights and duties</b>	
Forest	<ul style="list-style-type: none"> <li>• Two forestry categories defined for active management: forestry business that belong to the private state domain and protected areas</li> </ul>

	<p>which fall under public state domain</p> <ul style="list-style-type: none"> <li>• Forest land that belongs to the state can be simultaneously considered as community property</li> </ul>
Land	No information provided
Protected areas	No information provided
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Lack of recognition of indigenous peoples' rights and customary land rights and hence the current system of legal dualism</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	No information provided
<b>3. Administration of tenure</b>	
Responsibilities	<ul style="list-style-type: none"> <li>• Lack of coordination of the political process for decisions relating to the use of land</li> </ul>
	<ul style="list-style-type: none"> <li>• Necessity of a comprehensive land reform, which implies a prior clarification of DRC Government's policy and vision of what should be the core principles/characteristics of the land tenure regime in DRC</li> <li>• DRC does not have a territory development plan</li> <li>• There is no effective political coordination process relating to territory development</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Interpretation of the statutory law varies from province to province and there might be confusion between national legislation and customary laws</li> <li>• Lack of clarity in property rights and incoherence between three different types of laws: the 2006 Constitution, written/statutory law and customary law</li> <li>• REDD activities could challenge the status-quo of tenure sensitive issues, revive social tensions</li> </ul>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Tenure reforms and benefits sharing models are mentioned as key targets for the REDD+ programme, continuing throughout 2013</li> <li>• The clarification of land tenure rights, clarification of overlapping legal texts</li> <li>• Need for a comprehensive land reform and ambitions to build a functional institutional framework by the end of 2012</li> <li>• Conversion of former industrial titles into new ones based on management development plans has begun</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Different types of law are problematic for clear allocation of carbon rights</li> <li>• Enforcement of benefit-sharing provisions of the Mining and Forest Codes of 2002</li> </ul>

Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• Several pilot projects could be tested within this framework, such as eco-tourism development in certain protected areas which generate alternative livelihoods</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• Attempts of policy and legal reform in the forest sectors are mentioned for the statutory laws (regulations) on 'Community Forests'</li> <li>• Developing a Land Use and Development Plan by 2015</li> <li>• Work on producing zoning data for more efficient and coordinated territory management is planned</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• "Protected Forests" areas are identified and their management gradually transferred to local communities. This transfer is part of a larger community management plan</li> </ul>

## 6. Nigeria

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Each of the 36 States and the Federal Capital Territory have their respective forest policies and forest acts</li> <li>• Most predate the creation of the States (before 1970s) and need to be reviewed</li> </ul>
Land	<ul style="list-style-type: none"> <li>• The Land Use Act of 1978 vests ownership of all land in the country to the state government</li> </ul>
Protected areas	No information provided
Indigenous peoples (IP), communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Cross River State had established Forest Management Committees (FMC) which give formal recognition to forest community management and can also award concessions for PES through a new law which includes a mechanism for the sharing of timber royalties between the government and forest communities</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	No information provided
3. Administration of tenure	
Responsibilities	<ul style="list-style-type: none"> <li>• Stakeholder mapping for REDD+ in Nigeria and Cross River State p. 99 of the NPD</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• There might be conflict between migrants and indigenous communities and there is a need for adequate involvement of all stakeholders</li> <li>• Land tenure issues are a major concern, especially with regard to gender and women's ownership of land.</li> </ul>
5. REDD+ and tenure reforms	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Legal review, including customary laws and law by-laws associated with land use plans, and proposed legal/policy reforms to enable a REDD+ mechanism in Cross River State (CRS)</li> </ul>

Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Conduct an analysis of issues related to Carbon rights and forest Carbon tenure and implications for benefit distribution</li> </ul>
Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• Establishing REDD pilots in 3 forest states in Nigeria – this project will support the development of pilots in Cross River State as well as Ogun and Ondo States</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• Support community-based land use planning incorporating multiple benefits</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Free, prior &amp; informed consent (FPIC) for REDD+ and Resources Mechanisms</li> <li>• Particular needs identified in a Statement of Cross River Stakeholders. Among those are land tenure carbon rights, fair benefit-mechanisms, and guidance how to address community conflict in the context of REDD+</li> <li>• Bottom-up approach is recommended because of Nigeria’s federal administration and communities’ rights over forests. There are pilot projects in Cross River State which give high importance to community ownership</li> <li>• Legal review will look at customary law, land use plans and proposed legal/policy reforms to enable a REDD+ mechanism in CRS</li> <li>• Regional workshop inviting civil society and forest peoples’ representatives, was organised on FNIC for REDD+</li> </ul>

## 7. Republic of Congo

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• The State forest estate is divided between the non-permanent forest estate and the permanent forest estate</li> <li>• Article 35 of the Forest Law provides that the State recognizes ownership rights of private forest owners, based on tenure titles or customary tenure rights, as recognised by the 1991 Sovereign National Conference.</li> <li>• The State remains the main owner of Congolese forests</li> <li>• Forest legislation has been adopted before the recognition of traditional tenure rights represents a major weakness of the forest legislation</li> <li>• Legislation is strong for resources exploitation rights and Forest ownership rights for public and private individuals but weak for the natural resources usage rights of local communities</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Land tenure reform and development of a land-use plan respecting all rights and preventing user conflicts are missing</li> <li>• Under Congolese law, the prerequisite for tenure rights is to obtain a written land title. Regulations pertaining to rural tenure provide for the recognition of customary tenure rights, which can be registered</li> </ul>

Protected areas	<ul style="list-style-type: none"> <li>• 3,531,820 hectares, or 10.3 % of the country's total area, have been classified as protected areas</li> </ul>
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Principle of ownership rights for local collectivities is in effect but the transfer has not been implemented</li> <li>• Registration of customary titles is still problematic</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	<ul style="list-style-type: none"> <li>• Absence of land-use plan</li> </ul>
<b>3. Administration of tenure</b>	
Responsibilities	No information provided
	<ul style="list-style-type: none"> <li>• Local populations face many challenges (illiteracy, tax and administrative constraints pertaining to registration) to register their tenure rights in the official mortgage registry</li> <li>• Administration is poorly equipped for the control over national territory, according to the World Bank this concerns in particular fiscal and adjudication of concessions.</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Definitions of the State Forest Estate are seen as incompatible with rights claimed by the populations and lead to numerous conflicts</li> <li>• Customary law often clashes with written State laws and lack recognition by local populations this source of conflict could prevent rural populations from participating in REDD+ actions</li> </ul>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Recommendations for the REDD+ Strategy options: Improve tenure security by adopting a land-use plan (PNAT), to enhance the network of protected areas and analysing tenure security</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Objectives for the existing legal and institutional framework: tenure rights, customary tenure rights, forest- resources usage rights should be clarified to define ownership rights of avoided or removed carbon and related legal titles</li> <li>• Congolese law does not take into account the legal status of carbon or CDM credits</li> <li>• The State could play a central role in carbon credit transactions. It would have the full ownership of carbon credits and would be the only legally able authority to transfer the legal title to third parties)</li> <li>• Suggestion to legally designate an authority designated to carry out negotiations and transactions on behalf of the State</li> </ul>
Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• Pilot projects on carbon ownership options are part of the REDD+ implementation framework</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• The main impacts of these weaknesses are conflicts on land-use, which might be a limiting factor for the development of REDD+ activities</li> </ul>

	<ul style="list-style-type: none"> <li>• There are Specific REDD+ Actions relative to Land-Use Monitoring</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Government of the Republic of the Congo introduced a bill which is being reviewed at the Parliament, with the objective of promoting indigenous populations' rights and recognition of customary tenure and cultural rights</li> </ul>

## 8. Tanzania

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Following review of the National Forest Policy in 1998, the government enacted Forest Act No 14 of 2002</li> <li>• The policy encourages community and private sector involvement in forest management</li> <li>• The forest resources in the unclassified or general land (57% of area) are open access resources due to unclear ownership, absence of security of tenure and formal user rights</li> <li>• Over 17 million hectares of forests are general land with no properly defined management regime, severe deforestation and forest degradation is occurring under this category</li> </ul>
Land	<ul style="list-style-type: none"> <li>• There are two main types of tenure: customary land rights and granted right of occupancy</li> <li>• The National Land Act and Village Land Act of 1997 provide the legal framework for the three land categories: general land, reserved land and village land</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• Out of 35.3 million hectares of forests and woodlands in total, about 18.3 million hectares are reserved forests of which 1.6 million hectares are set aside for water catchment, biodiversity and soil conservation and 2 million hectares are wildlife protected areas</li> </ul>
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Two major approaches to the implementation of participatory forest management (PFM) are Community-based Forest Management and Joint Forest Management</li> <li>• 4.1 million hectares forests and woodlands are under PFM</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	No information provided
3. Administration of tenure	
Responsibilities	No information provided
	<ul style="list-style-type: none"> <li>• Lack of proper land use plans limited spread of PFM unsustainable harvesting practices</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• Establishing mechanisms for dispute/grievances resolution at all levels is among the REDD Strategy options</li> </ul>
5. REDD+ and tenure reforms	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Issues that need to be addressed before REDD+ strategies can be finalized: ownership and tenure security arrangements, security on</li> </ul>



	<p>land ownership</p> <ul style="list-style-type: none"> <li>• The government is responsible for the registration of village land and the harmonization of the National Land Act and Village Land Act</li> </ul>
Carbon tenure and PES	No information provided
Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• Pilot-projects and approaches to organise REDD at local level will have governance and tenure as a key focus</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• Lack of remote sensed data and ground data on carbon stocks as well as lack of proposed land use plans and insufficient implementation of PFM</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Consultations with key stakeholders and interest groups, including forest-dependent indigenous peoples in transparent manner</li> </ul>

## 9. Zambia

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Forest management is carried out by the Forestry Department, whose mandate includes both protected forest areas and forests on customary land.</li> <li>• The government has absolute power over all aspects of forest management and manages forests on behalf of the citizens but does not stipulate any rights for forest dwelling communities</li> <li>• The President has vested the Forestry Department to manage all trees on state and customary land, whilst trees on private land are owned by the lease holder</li> <li>• Forests on customary land are only managed in terms of extraction through concessions and licensing</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Draft Land Policy, 2006: This policy includes a number of relevant clauses including: "Introduce group land rights to allow for registration of village, family and clan land as well as co-operatives." The Land Draft policy 2006 is supportive of REDD+ implementation as long as this land policy is translated into legislation</li> <li>• The Land Act 1995 governs the allocation and administration of land</li> <li>• Two major categories of land tenure exist - state and traditional.</li> <li>• This Land Act allows for the conversion of customary to state land through land alienation</li> <li>• Debate on whether land tenure on customary lands should be reformed</li> <li>• Major part of the country is officially designated as customary land (an estimated 94%)</li> </ul>

	<ul style="list-style-type: none"> <li>• 29% of State land is held under leasehold agreement by private individuals</li> <li>• Resources on communal lands are public, and are held by the president on behalf of the people</li> <li>• Many people do not have the ownership of land and resident communities do not have legal privileges to manage natural resources although they are granted rights to the benefits</li> <li>• Lack of clarity of rights is considered a legal obstacle to the benefit distribution system of potential revenues and could discourage communities to invest in REDD+</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• Protected Areas (PAs) in Zambia consist of national parks and Game Management Areas (GMA) (32% of the land area), forest estates (9%), national heritage sites and RAMSAR sites</li> <li>• The Zambian Wildlife Authority (ZAWA) is responsible for the PAs delineated by the national legislation</li> <li>• Recently, a decentralisation of decision-making processes to local communities has reduced the pressure on PAs and game management areas</li> </ul>
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Despite the states' ownership of the land, headmen of villages carry out de facto land allocation under the customary system</li> <li>• Customary land or resources cannot be privatised</li> <li>• Postharvest forest management is left to the local communities who do not benefit from the fees paid by concession licensees</li> <li>• There is no legislation governing community participation or benefit-sharing schemes</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	<ul style="list-style-type: none"> <li>• Review of the Forestry Policy of 1998 and the amendments to the Forests Act No.7 of 1999, developing the articulation of rights and obligations of local communities, other stakeholders, and public private partnerships</li> </ul>
<b>3. Administration of tenure</b>	
Responsibilities	No information provided
	<ul style="list-style-type: none"> <li>• There is an absence of guidelines on forest resource tenure, roles and responsibilities of stakeholders, costs and benefit-sharing arrangements which explains why forest management is not efficient</li> <li>• In contrast to customary land, state land is said to be organized and managed in a structured manner</li> <li>• The Joint Forest Management (JFM) System is the collaborative management of forests by local communities and the Forestry Department, and enshrines forest resource tenure, access rights and financial arrangements</li> <li>• The different PA types are governed by different management entities and separate policy instruments with little cross-departmental coordination</li> <li>• The government commonly grants 99-year leases. This land tenure system potentially provides a viable vehicle for private investment and long-term commitment of land to REDD+ operations</li> </ul>

4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• Forced removals or social injustice are associated with the customary's authority to lease land</li> <li>• Traditional leaders and their interest could clash with the government</li> <li>• Land-uses for tobacco farming and Jatropha curcas oil could have a negative impact on REDD+</li> <li>• Risk of administrative costs for REDD+ that will leave insufficient funds for incentivising communities and revenue-sharing</li> </ul>
5. REDD+ and tenure reforms	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Measures for group land rights under Customary Tenure.</li> <li>• Establishing and operationalization of institutional arrangements, including capacity enhancement, strengthening legislative framework for REDD+ implementation: assesses carbon ownership rights under different land tenure systems, activities related to the approval of a benefit sharing framework under REDD+</li> <li>•</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Carbon ownership and benefit sharing are key concepts under REDD+ that need to be resolved and will require in-depth research</li> </ul>
Registration	<ul style="list-style-type: none"> <li>• In order to advance the advantages of customary tenure practice, the government will introduce group land rights to allow for registration of village, family and clan land as well as co-operatives and many other measures</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>• Joint Forest Management (JFM) incorporates local community groups into national forest management objectives, empowering them to manage and conserve forests within the areas in which they live, and share in benefit schemes</li> <li>• The potential for REDD+ project integration with forestry on both a national scale and a grassroots level exists through JFM</li> <li>• Pilot projects are intended to be applied to potential future management of PAs, and to assist with the integration of successful conservation management across larger areas</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• In order to assist in the mainstreaming of REDD+ into municipal land use planning (LUP), funding from REDD+ (such as this NJP) may need to be channelled to government to expand the capacity of local government to conduct LUP and ensure its implementation</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Community-based Natural Resource Management is well-established and the participation of local municipalities in land use planning and REDD+ are considered essential</li> </ul>

## 10. Cambodia

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• The Forestry Law (2002) defines the Permanent Forest Estate in Cambodia as being comprised of private forest areas and what is known as the Permanent Forest Reserve</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Comprehensive system of land classification and land ownership rights. It includes important provisions on social and economic land concessions (SLCs and ELCs), indigenous land rights, land</li> </ul>

	<p>registration, and land dispute resolution</p> <ul style="list-style-type: none"> <li>• A declaration on Land Policy in July of 2009, which lays out broad principles and goals relating to land management principles in the country</li> <li>• Land concessions, poor implementation of land laws and a lack of state land registration and forest estate demarcation are identified as drivers for deforestation</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• Protected Areas in the country are also classified as State public property. These areas include Community Protected Areas where co-management is decentralized to local communities</li> </ul>
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Forest-lands can be transferred to local indigenous peoples through indigenous communal land titling and registration procedures</li> <li>• There are 20 recognized indigenous groups in Cambodia, making up approximately 1.3% of the population</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	<ul style="list-style-type: none"> <li>• Plan for long-term management of Cambodia’s forestry estate. The Updated National Strategic Development Plan (NSDP) sets a national target of 60% forest cover</li> <li>• 450 approved community forests (currently there are 420)</li> </ul>
<b>3. Administration of tenure</b>	
Responsibilities	<ul style="list-style-type: none"> <li>• Forest land is demarcated, classified and registered by the Ministry of Agriculture, Forestry and Fisheries (MAFF) and then entered on to the land register by the Ministry of Land Management, Urban Planning and Construction (MLMUPC)</li> </ul>
	<ul style="list-style-type: none"> <li>• Limited capacity and relaxed enforcement at the level means that most protected areas are effectively multiple-use areas</li> <li>• The NFP sets a target of maintaining 60% forest cover by 2015, based on the Cambodia Millennium Development Goals (CMDGs), with 120,000km of forest boundaries demarcated by 2029</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Land grabbing, weak enforcement of the law, limited implementation of land registration (private and state) and insufficient land-use planning as well as overlapping/unclear jurisdictions</li> <li>• Migration and occupation are challenges to resolve and reinforce land tenure issues and land-use planning</li> <li>• Mechanisms for conflict resolution under REDD+ (carbon rights, IP land tenure, others) are needed</li> <li>• Responsibilities for land conflicts defined as follows: National Coordination Committees (NCCC), Council for Land Policy, under the Supreme Council of State Reform, with responsibility for resolving conflicts over state land classification and determining which government agency has primary responsibility for particular programs and policies, National Authority for Land Disputes/Conflict Resolution: Chaired by the representative of the Prime Minister. Cadastral Commission (2001 Land Law): responsible for facilitating and adjudicating on land ownership/possession disputes</li> </ul>
<b>5. REDD+ and tenure reforms</b>	

Tenure changes and reform	<ul style="list-style-type: none"> <li>Assessment to incorporate multiple benefits of forests in areas such as land use and spatial planning within national programs and REDD strategies</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>Majority of forest carbon in Cambodia is state property</li> <li>The Ministry of Economy and Finance (MEF) acts as the executive agency of the RGC in managing state properties (including forest carbon) in terms of selling, leasing, transferring, and other arrangements, and granting of various state concessions or contracts on management of state property</li> </ul>
Registration	<ul style="list-style-type: none"> <li>MEF is also responsible for maintaining an inventory of state properties, management of state revenue and the national budget</li> </ul>
Pilot projects	<ul style="list-style-type: none"> <li>The RGC rapidly started to implement pilot REDD+ projects following the Bali Conference of the Parties in 2007</li> <li>These pilot projects are amongst the most advanced in the Greater Mekong region with an explicit priority on maximizing transparent and equitable local benefit-sharing to communities</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>Strategic objective of the National Forestry Programme: Macro land-use planning that allows for holistic planning across sectors, jurisdictions and local government borders</li> <li>Demonstration of specific mainstreaming interventions at three key sites (including community land-use tenure, community contracts and incentives for biodiversity supportive land-use practices)</li> <li>Integrating REDD+ into land-use planning processes at sub national scales</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>Indigenous peoples' traditional territories are closely related to areas of highest carbon density within Cambodia, making their engagement in the development of any REDD+ process critical</li> <li>Private forest owners, either individuals or recognized indigenous communities with communal title, have the right to sell their own forest carbon.</li> <li>The Rectangular Strategy prioritizes community forestry as the principal vehicle for obtaining payments for carbon, through voluntary carbon markets and REDD</li> </ul>

## 11 . Indonesia

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>Based on Forestry Law No. 41/1999 and its revise Law No. 19/2004, forest and forest related issues are the responsibility of the Ministry of Forestry, but with significant management responsibilities at the local level except management of forest for conservation purposes</li> <li>Need for improved coordination/ communication for issues such as forest tenure, forest/wood processing industry restructuring, fires, illegal logging</li> </ul>
Land	No information provided

Protected areas	No information provided
Indigenous peoples (IP) , communities, customary tenure systems	No information provided
2. Transfers and other changes to tenure rights and duties	
	No information provided
3. Administration of tenure	
Responsibilities	No information provided
	No information provided
4. Risks/conflict and conflict resolution mechanism	
	No information provided
5. REDD+ and tenure reforms	
Tenure changes and reform	No information provided
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Within the Ministry of Forestry, the Directorate General of Forest Plan (DGPlan) is responsible for the Forest Resource Inventory System (FRIS) which is integrated into the National Carbon Accounting System (NCAS)</li> <li>• NCAS, which monitors all terrestrial carbon, is an integrated effort to measure all green house gas emissions related to terrestrial carbon</li> <li>• It will also include a REDD registry to list REDD related operations and for serving payment mechanisms</li> <li>• Measurement protocols and sampling design for a national forest carbon inventory with reporting capability at provincial level, building on the existing Indonesian national forest inventory system as well as implementation of the forest carbon inventory in pilot provinces to assess carbon stock and carbon stock changes</li> </ul>
Registration	No information provided
Pilot projects	No information provided
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• District based consensus on land – and forest use allocation</li> </ul>
IP and LC	No information provided

## 12. Papua New Guinea

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Forestry Act, 1991 provides for much tighter controls in the acquisition and allocation of land for forest development</li> <li>• Main legal components of the amended Forestry Act include: requirements for informed consent from customary resource owners, subcontracting of rights and obligations under logging permits</li> </ul>
Land	<ul style="list-style-type: none"> <li>• 97 percent of the land is under customary ownership and usually managed among landowners through Incorporated Land Groups (ILGs)</li> <li>• Three percent of the total land area in PNG is held privately under a 99-year State Lease or is government land</li> <li>• 2009, the National Parliament passed the <i>Land Groups Incorporation (Amendment) Act 2007</i></li> <li>• Under PNG law, there are five ways that customary land can be brought out from under the statutory protection and be used for development.</li> </ul>
Protected areas	No information provided
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Customary land enjoys strong statutory protection under PNG law</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	<ul style="list-style-type: none"> <li>• The recent amendments introduced by the Land Registration (Customary Land) Act 2007 have added another option to make customary law available for development purposes, namely, registration of customary title as ‘registered clan land’</li> </ul>
3. Administration of tenure	
Responsibilities	<ul style="list-style-type: none"> <li>• In terms of process, the amendments create a Director of Customary Land Registration who is responsible for overseeing the new registration process</li> </ul>
	<ul style="list-style-type: none"> <li>• Customary land representing 11 percent of PNG’s total land area has passed into the hands of national and foreign corporate entities</li> <li>• Conversion to freehold is potentially very destructive of the traditional system because it results in the permanent —alienation of the land from customary control</li> <li>• Given the land tenure system in PNG, determining the opportunity costs of logging and providing appropriate payments is difficult (most previous efforts to provide them have failed)</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• Disputes over land, resources and benefit sharing remain key justice issues at the local level</li> <li>• Legislative reforms aim to improve land administration, land dispute settlement processes and customary land development</li> <li>• The Land Groups Incorporation Act 1974 contains very detailed dispute settlement provisions to address disputes which arise after incorporation has taken place but not for any other kind of dispute</li> </ul>
5. REDD+ and tenure reforms	

Tenure changes and reform	No information provided
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• The use of landowner companies and currently, Incorporated Land Groups (ILG), are poor mechanisms to enable equitable benefit sharing</li> <li>• A carbon rights study will review and identify gaps in the existing legislation in PNG relevant to carbon rights</li> <li>• The Forest and Climate Change Framework for Action 2009-2015 (FCCFA) sets forth a future climate change policy with focus on the forestry sector in PNG and a general implementation and monitoring framework, including for the CDM mechanism and REDD+</li> </ul>
Registration	No information provided
Pilot projects	No information provided
Forest and land-use/planning	<ul style="list-style-type: none"> <li>• Incorporated land groups are arguably broad enough to enable an ILG to enter into an agreement for REDD+ activities on their customary land and to distribute REDD+ revenues through the ILG structure if desired</li> <li>• PNG's capacity for land use planning at the local, provincial and national levels is limited. Spatial planning is therefore an important factor that enables the integration of REDD+ into consistent sectoral plans</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Safeguards ensure that the rights of indigenous peoples and local communities are respected, and that significant social and environmental co-benefits are delivered</li> </ul>

### 13. Solomon Islands

1. Legal Recognition and allocation of tenure rights and duties	
Forest	No information available
Land	<ul style="list-style-type: none"> <li>• About 87% of the total land area is owned by local communities, on the basis of customary tenure arrangements. The remaining 13% of state lands consists largely of land purchased from local communities during the colonial period</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• There are no formal protected areas</li> </ul>
Indigenous peoples (IP), communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Extensive consultation with the tribal owners will be essential, and this will be done in accordance with the FCPF and UN-REDD Programme Guidelines on Stakeholder Engagement in REDD+ Readiness to respect key international conventions and declarations on rights</li> </ul>
2. Transfers and other changes to tenure rights and duties	
	No information provided



3. Administration of tenure	
Responsibilities	No information provided
	<ul style="list-style-type: none"> <li>• Weak coordination and cooperation within and among customary ownership groups. Negotiations with logging companies are often conducted with and by the elite, few within a community</li> <li>• Little communication about the process with other tribal members</li> </ul>
4. Risks/conflict and conflict resolution mechanism	
	<ul style="list-style-type: none"> <li>• Capacity building among the stakeholders, particularly customary ownership groups, to defend and apply their rights so as to ensure a greater share of benefits from timber harvesting, whilst also generating REDD+ revenues</li> <li>• Challenges: weak coordination and cooperation within and among customary ownership groups; and weak formal governance structures</li> </ul>
5. REDD+ and tenure reforms	
Tenure changes and reform	No information provided
Carbon tenure and PES	No information provided
Registration	No information provided
Pilot projects	No information provided
Forest and land-use, planning	No information provided
IP and LC	<ul style="list-style-type: none"> <li>• Extensive consultation with the tribal owners will be essential</li> </ul>

## 14. Sri Lanka

1. Legal Recognition and allocation of tenure rights and duties	
Forest	No information provided
Land	<ul style="list-style-type: none"> <li>• A large proportion of land in Sri Lanka is under State ownership</li> <li>• The Land Reform Law set a ceiling on an individual's land holdings and a considerable amount of arable land was acquired by the State and vested with the Land Reform Commission</li> <li>• Some lands (both privately and publicly held) in environmentally sensitive areas are gazetted as Environmental Protection Areas (EPAs) under the National Environmental Act</li> <li>• In some parts of rural Sri Lanka, there are people living with no clear title, though they are the owners of the land</li> </ul>
Protected areas	<ul style="list-style-type: none"> <li>• Substantial system of protected areas, covering more than 14% of the land area</li> <li>• Some lands (both privately and publicly held) in environmentally</li> </ul>

	<p>sensitive areas are gazetted as Environmental Protection Areas (EPAs) under the National Environmental Act (NEA).</p> <ul style="list-style-type: none"> <li>• All development activities in EPAs need prior permission from the Central Environmental Authority (CEA), but the CEA lacks capacity to ensure compliance by developers</li> </ul>
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Between 200,000 to 400,000 indigenous peoples, known as <i>Veddhas</i></li> <li>• Local communities including indigenous peoples should be supported to engage fully and effectively in the REDD+ design and implementation process and their rights to FPIC should be upheld in accordance with the UN-REDD Guidelines on FPIC</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	No information provided
<b>3. Administration of tenure</b>	
Responsibilities	No information provided
	<ul style="list-style-type: none"> <li>• There are very clear policies and plans for forest management, namely the National Forest Policy of 1995 and the Forestry Sector Master Plan of 1995, which spans the period 1995-2020</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• Blurred line between formal and informal tenure and rights, ad between statutory and customary rights</li> <li>• No reliable information on what constitutes customary rights, or how to resolve conflict between formal and informal systems</li> <li>• Activities under REDD+ strategies may potentially constrain or limit customary rights of local and indigenous communities</li> </ul> <p>Resolution of conflicts related to available guidelines/legal boundaries with the locals to clarify forest boundary disputes</p>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	<ul style="list-style-type: none"> <li>• Land ownership and resolving of land tenure issues will be prioritised before engaging rural communities in REDD+ work</li> </ul>
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Studies of other existing benefit distribution systems and financing mechanisms are conducted while there has been no study on land tenure under various state land grants to people</li> <li>• Forest carbon on private lands is under private ownership, although the ownership of forest carbon is not currently formalized in Sri Lanka</li> <li>• the concept of 'Carbon rights' is completely new</li> <li>• Develop a clear system for defining which stakeholders have the right to make decisions regarding forest carbon rights and benefits</li> </ul>
Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• The forest department has pilot tested and implemented many models for benefit sharing from agro-forestry</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• Livelihoods of local people (including indigenous communities) and their legitimate land tenures under present laws of the country</li> </ul>

	<p>will not be compromised due to REDD+ activities</p> <ul style="list-style-type: none"> <li>• Deliver better support for management of the permanent forest estate in accordance with the existing policies, plans and laws</li> <li>• The key feature underlying encroachment has been identified as the lack of clearly marked permanent boundaries for much of the forests</li> <li>• Inadequate mechanisms for effective participation of local communities in land use decisions could seriously compromise the delivery of both local and global benefits and the long-term sustainability of REDD+ investments</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• Engagement of local communities in forest protection and management</li> <li>• In areas where rights have remained ambiguous or poorly defined, there will be increased pressure to clarify the rights to ownership, and thus the right to benefit from this increase in value</li> <li>• In the effort to define land rights, the interests and rights of indigenous peoples, and other forest-dependent communities, should not be adversely affected</li> </ul>

## 15. The Philippines

<b>1. Legal Recognition and allocation of tenure rights and duties</b>	
Forest	<ul style="list-style-type: none"> <li>• The Constitution provides for the full, efficient and rights-based use of natural resources</li> <li>• Approximately 6 million ha. of forestlands have been covered by some form of community forest management under various government programs, each with corresponding management regimes</li> </ul>
Land	<ul style="list-style-type: none"> <li>• The Philippines has a total land area of 30 million hectares broken down into certified alienable and disposable land (14.195 million hectares or 47%) and forestlands (15.805 million hectares or 53%)</li> <li>• Out of the total forestlands, 15.050 million hectares have been classified and the rest remain unclassified</li> </ul>
Protected areas	No information provided
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• The Indigenous Peoples Rights Act of 1997 (IPRA Law), in particular, recognizes and promotes all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)</li> </ul>
<b>2. Transfers and other changes to tenure rights and duties</b>	
	No information provided
<b>3. Administration of tenure</b>	
Responsibilities	No information provided
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	No information provided

5. REDD+ and tenure reforms	
Tenure changes and reform	No information provided
Carbon tenure and PES	No information provided
Registration	No information provided
Pilot projects	No information provided
Forest and land-use, planning	No information provided
IP and LC	No information provided

## 16. Vietnam

1. Legal Recognition and allocation of tenure rights and duties	
Forest	<ul style="list-style-type: none"> <li>• Since 2000 the National Assembly has passed a number of laws with implications for how forests are owned and managed in Vietnam</li> <li>• Notably the Land Law (Decision 13/2003/QH11 dated 26/11/2003) which helped to clarify the framework for forestry land tenure and created for the first time the opportunity to allocate forestry land to communities as well as to individual households</li> <li>• In 2005 the Forest Protection and Development Law (Decision 29/2004/QH11 dated 3/12/2004) which recognizes distinct categories of forest ownership, with varying responsibilities and rights for forest management</li> <li>• Only 55 percent of land classified as forest land had been allocated (i.e. granted land use rights certificates as compared to 81 percent of all agriculture land)</li> </ul>
Land	No information provided
Protected areas	No information provided
Indigenous peoples (IP) , communities, customary tenure systems	<ul style="list-style-type: none"> <li>• Continuing lack of allocation of adequate forest use rights to the local communities</li> <li>• Giving the ownership to households or communities where they can benefit from the forest area will provide incentives for them to protect the area and help to stop encroachment.</li> </ul>
2. Transfers and other changes to tenure rights and duties	

	<ul style="list-style-type: none"> <li>• The government has already promulgated some policies to give top priority to allocate forests and agricultural land for ethnic minorities and local people in the Central Highlands</li> <li>• Political program that aimed to complete forest allocation and leasing to local communities and legal entities by the end of 2010</li> </ul>
<b>3. Administration of tenure</b>	
Responsibilities	<ul style="list-style-type: none"> <li>• In the framework of implementation of policy on payments for forest environmental services, the Ministry of Agriculture and Rural Development (MARD) has a plan to formulate a new decision on the responsibilities and rights of different forest stakeholders</li> </ul>
	<ul style="list-style-type: none"> <li>• In 2006 the Department of Forestry implemented the Community Forestry Pilot Program (CFM) which highlights a growing interest and move towards community forestry in Vietnam</li> <li>• There is a general lack of capacity and ability to ensure that the 'plans' for agriculture and forestry are adhered to</li> </ul>
<b>4. Risks/conflict and conflict resolution mechanism</b>	
	<ul style="list-style-type: none"> <li>• The privatization of forest plantations and rapid development of private sector may cause potential conflicts between local communities and private forest companies</li> <li>• Unclear, contested or overlapping rights to forest carbon and the possibility of conflict resulting from some households receiving benefits and others not. In the Decision No. 2282/QD-TTg, Prime Minister requests the MARD to formulate a regulation on these issues for period from 2011-2012</li> </ul>
<b>5. REDD+ and tenure reforms</b>	
Tenure changes and reform	No information provided
Carbon tenure and PES	<ul style="list-style-type: none"> <li>• Ownership or rights to forest carbon is new</li> </ul>
Registration	No information provided
Pilot projects	<ul style="list-style-type: none"> <li>• Vietnam is the first country in Southeast Asia to pilot a scheme of Payments for Forestry Ecological Services (PFES)</li> <li>• In order to support for the REDD+ and PES implementation, the Prime Minister has requested MARD to prepare a proposal of the National Forest Monitoring and Assessment Program (NFMAP) for the period from 2011-2015</li> </ul>
Forest and land-use, planning	<ul style="list-style-type: none"> <li>• The reform of State Forest Enterprises (SFE) has been a major policy push since the late 1980s. These enterprises, which were recently transformed into State Operating Companies (SOCs), continue to control around 37% of forest land</li> <li>• Need for improved systems for data and intelligence sharing and monitoring adherence to national and provincial plans through appropriate third party verified monitoring</li> </ul>
IP and LC	<ul style="list-style-type: none"> <li>• For REDD+ any legal framework should clearly define rights, particularly those of communities living in and around forest areas, allow for a financial mechanism that enables REDD+ funds to reach the local beneficiaries</li> </ul>

	<ul style="list-style-type: none"><li>• The difference between the Civil Code and other Law and Policies on legal recognition of communities should be resolved</li><li>• Recently with the policy to decentralize ownership and management there has been more interest in CFM as a model of use rights in Vietnam</li><li>• There is already an ambitious National Program in place to ensure forest use rights to local groups which needs to be built upon.</li></ul>
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