

# UN-REDD PROGRAMME



## Africa Sub-Regional Knowledge Exchange on Tenure and REDD+

**11<sup>th</sup> November to 13<sup>th</sup> November 2015,  
Lusaka, Zambia**

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## Introduction

UN-REDD with the support of USAID organized a Sub-Regional Knowledge Exchange on Tenure and REDD+ in Lusaka, Zambia from 11th November to 13th November 2015. Attending the event were participants from six countries including Madagascar, Zimbabwe, Malawi, Uganda, Kenya, and Zambia- and covering a diverse background -government forestry departments, universities, civil society organizations, and local communities.

The objectives of the Sub-Regional Event were to:

1. Gain a better understanding of tenure issues in the context of REDD+ and be motivated and better equipped to address these issues
2. Identify areas of work that should be considered by UN-REDD, national governments, and other stakeholders in order to create enabling tenure conditions for REDD+ implementation.
3. Establish a community of practice/knowledge platform to promote a collaborative approach to work across countries on tenure issues

In order to meet these objectives, the workshop was structured with thematic sessions that allowed participants to share their experience and lessons learned in addressing tenure challenges in their respective countries. Introductory lectures were included to contextualize approaches, methodologies and tools, and to provide space for open discussion and dynamic exercises.

This report provides a brief summary of the discussions and documents the key messages from the sessions.

## Background- Tenure and REDD+

Tenure is defined as “the set of institutions and policies that determine how land and its resulting resources are accessed, who can benefit from these resources, for how long and under what conditions.” *Tenure clarity* refers to gaining a solid understanding of local tenure systems in terms of who owns, manages, uses and depends on forests while *tenure security* refers to the certainty that a person’s rights to land will be protected. These three concepts are useful in developing a common understanding for discussing experience on tenure in the region.

The importance of addressing tenure under REDD+ is affirmed in the Cancun Agreements which request developing country partners to address land tenure issues. Underlying this statement is the evidence that land tenure security is associated with less deforestation, regardless of the form of tenure. The tenure-associated abilities to exclude, enforce rules, and resolve disputes are seen as key elements that determine the effectiveness of forest management. While securing tenure is a necessary enabling condition, it is not sufficient to achieve reduced deforestation and degradation and other governance factors will come into play in determining forest outcomes. It is also important to keep in mind that beyond

securing tenure, REDD+ will only be effective if the maintenance of forests can compete economically with other potential land uses (e.g. timber, oil palm, soy).

Research shows that in Africa the vast majority of land is owned by the State or Private Individuals with only 13% designated and 5% owned by indigenous people or local communities. The treatment of customary tenure is an important issue in many African countries. Customary tenure is often not recognized in statutory law, but it provides a number of key attributes that address real needs in many countries.

To address tenure in the context of REDD+ countries must review and amend when needed policies across many different sectors. These policies may include national development plans and programmes, policies on environmental services, land and land use policies, rural development policies, community forestry policies, and agricultural policies. The administration of tenure, valuation and taxation, spatial planning and zoning, and dispute resolution systems may also require attention. Under a nationally driven process, it is important to facilitate a public debate on tenure policy and a participatory process to prioritize interventions and develop an action plan.

#### KEY MESSAGES

The tenure-associated abilities to exclude, enforce rules, and resolve disputes are seen as key elements that determine the effectiveness of forest management.

Customary tenure is often not recognized in statutory law, but it provides a number of key attributes that address the real needs of many countries.

## Country Presentations

Participants from the **six UN-REDD partner countries** represented, gave their perspectives on tenure and REDD+ in their countries, based either on recent assessments or provided in-depth knowledge of the sector from their respective contexts. This section provides a very brief summary of each presentation along with key messages.

## Madagascar

Madagascar conducted an assessment of its tenure regime in the context of REDD+ as part of a Country Needs Assessment (CNA) whilst it also looked at the country's REDD+ vision, intersectoral dialogue and the National Forest Monitoring System/ Monitoring Reporting and Verification (NFMS/MRV). The study set out to identify issues and obstacles affecting the responsible governance of tenure, considering historical trends, social dynamics, and the legal and policy framework. The CNA was also aimed at triggering a process to improve land security in forests and collaboration among administrations. There were 2 primary expected results: 1) Integration of explicit concerns specific to the forestry sector in a circular on land policy and 2) development of a detailed roadmap to guide future action on tenure.

The cases of Boeny and Analamanga regions of Madagascar were presented where in both areas deforestation was directly linked to access to new land parcels and migration. For example in the area of Boeny where there are 3 communes, one park and seven local community associations, loss of forests has been widespread and the cause of deforestation is linked directly to the access to new land parcels. Also, degraded forests are most affected by population pressures, and the main driver is the discontent of the local population. Even, community-managed forests have been affected by deforestation and migration.

Similarly, in the Analamanga region where there are two communes, one park, and three local community associations – the forests on titled land are the most affected by pressures. An underlying driver is the discontent of the local population living in the area before the park was established. Community managed forests are the most affected by deforestation and the primary cause are city residents. It is evident that there is a loss of forests everywhere and that the cause of deforestation is linked directly to access to new parcels of agricultural land.

In Madagascar, forest tenure may be classified to four types: 1) Natural forests included in State protected areas, 2) Natural forests included in mixed protected areas, 3) Natural forests outside of protected areas, and 4) Planted forests. Madagascar's Roadmap focused around three pillars:

1. Establishment of land tenure maps
2. Creation of a law specific to forest land tenure (art. 38 of the 2005-038 law)
3. Political engagement of the stakeholders initiated by the forest and land tenure administrations.  
One of the key actions prioritized is the formalization of the rights of local communities with registration in the State private domain

One of the key lessons learned from the tenure assessment is that land reform in the forest sector cannot be done without: 1) connecting both land and forest administrations, 2) involving regional actors in national debates related to tenure, and 3) integrating of REDD + reform proposals related to the legislative and regulatory framework in the larger land reform process..

### KEY MESSAGES

**Internal migration in Madagascar is linked to tenure insecurity and has a significant impact on forests**

**One of Madagascar's key actions prioritized is the formalization of the rights of local communities with registration in the State private domain**

## Malawi

Malawi's land tenure situation is challenging due to the country's high population density and growth (2.8% per annum), combined with high levels of poverty and a high dependence on smallholder agriculture. Malawi used to have the largest planted forest in Africa, but now it is all cleared and total forest cover is only 20%. Large commercial estates remain as a legacy of the colonial era, associated with alienation from customary lands. In Malawi, the 1994 Constitution vested all land in the State while the 1965 Land Act sets out three classes of land: Public (15-20%), Private (10 – 15%), and Customary (65 – 75%). Tenure types can be either freehold, leasehold or customary. There are a number of pieces of legislation currently under debate including the Land Bill, the Customary Land Bill, the Chiefs' Act and the Environmental Management Bill. In addition there is a need to align sectoral policies.

In Malawi land tenure insecurity relates to the eviction of communities to establish forest reserves and protected areas without paying any compensation. However, a new National Land Policy was approved in 2002, which aims to ensure land tenure security and equitable access to land and land based resources. The land policy introduces transparent and participatory mechanisms for land allocation and encourages registration of customary land as private customary estates with land tenure rights that preserve the advantages of customary ownership, but also ensure security of tenure. Over the past five years, the Government of Malawi implemented a number of initiatives including reallocation of land to poor households largely through the Community Based Rural Land Development Project (CBRLDP) and introduction of land administration and management courses at tertiary level.

In Malawi, under the context of REDD+ the focus is on targeted and shorter-term improvements to understand tenure aspects that have broader implications for reform at the national level and can provide co-benefits in sustainable resource management and livelihoods improvement. These co-benefits include delineating local rights and issues with security and strengthening local land and forest institutions to incentivize communities to participate in REDD+ and enable them to participate meaningfully and equitably. In Malawi, (as in many other countries in Africa) secure tenure rights on paper don't translate into secure tenure rights in practice; therefore it is key to know how both de jure and de facto systems interrelate. The internationally-accepted Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests provide a useful framework for analysis as well as guiding principles in the process of reform.

The challenges faced by Malawi in relation to tenure work are linked to gaps in the legislative framework governing customary tenure of forest lands, lack of information on land tenure in practice (incomplete titling under existing laws), reforms initiated/but stalled, lack of coordination and transparent decision-making across sectors, conflicts over land use, drivers of deforestation and forest degradation that are

### KEY MESSAGES

Local institutional frameworks need to be strengthened to ensure they represent legitimate tenure holders.

Enforcement needs to be strengthened to ensure leakage/displacement doesn't occur.

There is a need for realistic mechanisms for cooperative planning and decision-making on forest resources across sectors.

not addressed in a coherent way across sectors and a lack of compliance and enforcement of forest tenure.

Malawi undertook a tenure assessment in order to make recommendations on how to leverage REDD+ to support targeted tenure reforms that support national policies and REDD+ implementation and feed into the national REDD+ Strategy. The assessment revealed that in Malawi, on customary land, forest tenure is regulated by customary law, which varies with each region. However all customary land is held in trust by village headmen usually charged with allocation of parcels of land among the community members. Village Forest Areas (VFA), were initially established in the 1920s and then reinstated under the 1997 Forest Act. On customary land, VFAs are really the only source of standing forests that could be eligible for a REDD+ project activity.

Specifically with respect to tenure – there are issues with whether the VNRMC (Village Natural Resource Management Committee) or the village headman would be the appropriate conduit for establishing community-based REDD+ initiatives and the legitimacy of both varies considerably. There are also a number of other organizations that have been formed at the local level for natural resource management that create another layer of complexity when it comes to who has decision-making authority over forest management and protection.

At the same time, there are conflicts with some traditional authorities on the lack of enforcement, meaning that even where co-management has succeeded, outsiders continue to exploit the resource, undermining the benefits that communities get from their protection. However, some benefits have been realized – livelihood improvements (through beekeeping, etc.) and fuel wood but not commensurate with the level of effort required of communities. Implementation of a new legal framework could support tenure clarity and security, but nonetheless there are gaps.

## Uganda

In Uganda, 20% of the land is titled and 80% is under the customary tenure system. There are four land tenure systems in Uganda. These are mailo land<sup>1</sup>, freehold, customary and leasehold, all of which have advantages and disadvantages. In 1900 customary tenure was abolished and the people became squatters on their own land, while crown land laid the foundation for protected areas.

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<sup>1</sup> The basic unit of the *mailo* system is a square mile, hence the derivation of mailo, which is also equivalent to 640 acres. The term is used in Uganda to describe a land tenure system that came into effect when the kingdom of Buganda signed an agreement with the British-administered Uganda Protectorate there in 1900. Mailo tenure provides security of tenancy since land ownership is permanent and passed on from one generation to another, hence favouring long term investments.



In 2003, the NFTP (National Forest and Tree Planting Act) established the following forest tenure systems: 1) CFRs (Center for International Forestry Research) under management of NFA (National Forestry Authority), 2) WCAs (Wildlife Conservation Area) under management of UWA (Uganda Wildlife Authority) , 3) LFRs (Local Forest Reserves) under management of local governments, 4) community forests under the management of community institutions appointed by the Minister, 5) private forests owned and managed by the land owners (corporate, family, or individual) or held under license in CFRs and LFRs, planted or natural, and 6) forests owned and managed by traditional institutions recognized in law. With the 1995 institutional reforms key tenure-related concerns have been apparent: land grabbing by the elite, fear of foreigners taking over land, over-centralization of the land administration, and corruption in the land office. However, in Uganda ownership, control and the right of exploitation of the important natural resources (land, water, minerals, oil, and forests) are vested in the people, with the State as the guarantor of their interests. Constitutional land tenure reforms have been introduced with the aim to redress the injustices that were brought in by the Land Reform Decree of 1975 and address the effects of the colonial administration's rules which had effectively made people squatters on land that had been customarily theirs. Reforms also aimed to resolve tenure conflicts and commoditize land. Consequently the Government took the decision to reform the sector through policy, legal and institutional reform as well as the development of a sector investment plan.

#### KEY MESSAGES

**Key tenure-related concerns in Uganda have included: land grabbing by the rich & and powerful, fear of foreigners taking over land, over-centralization of the land administration, and corruption in the land office.**

**The Government has taken a decision to reform the sector through policy, legal and institutional reform as well as the development of a sector investment**

Overall there were a number of achievements underscored in Uganda such as: 1) policy, legal and institutional reviews took place in the late 1990s and early 2000s; 2) initiation of testing tenure reforms e.g registration and declaration of private and communal/community forests (through the FAO Funded project –'Enhancing forest tenure and governance in Uganda'); 3) promotion of collaborative forest management among communities adjacent to the Central Forest Reserves and 4) participation of non-State actors in supporting initiatives that would enhance land and/or forest tenure. Despite these achievements there were certain challenges: governance of forests has become complicated by the existence of numerous institutions each with different mandates over land and forest tenure whilst encroachment is a major threat to the security of tenure of protected areas. Also different tenure rights especially on privately-owned land has led to the conversion of forested land into agriculture with total disregard for the law. At the same time, restoration of cultural and traditional institutions has raised concerns over ownership and management of forest resources.



## Zimbabwe

Zimbabwe has a population of approximately 14 million and a land area of 390,580 square km. Historically, Zimbabwe's land was divided into four areas: 1) the European area, 2) the tribal trust land, 3) native purchase, and 4) the national land; whereas currently there are four main forest tenure categories: 1) State land, 2) communal land, 3) resettlement land, and 4) private land.

Communal land tenure in which 66% of the population reside, is governed by the Communal Lands Act and constitutes 42% of Zimbabwe's land.

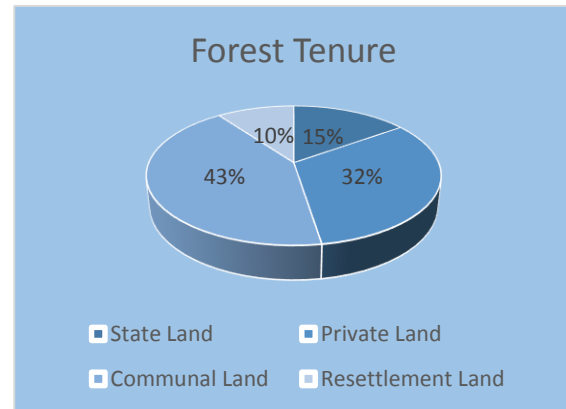
Private land on the other hand (32% of the country's land) is mainly for registered landowners with exclusive property rights and with full control and belongs essentially to private individuals and corporate bodies. However control is regulated by statutory provisions e.g. cover public water courses, exploitation of timber resources and wildlife. Resettlement land tenure is a post-independence tenure type-that is inheritable but not sold whereby small scale farmers are allocated plots up to 5 ha and commercial farmers may receive up to 2000 ha. However, this type of land tenure witnesses the highest deforestation rate.

State land belongs to local authorities - Rural District Councils (RDCs) and urban municipalities covering 15% of Zimbabwe's land. Management varies based on the perceived value and utility of forest woodlands. RDCs exert greater control over forest with commercial value, keep communities out, and seek collaborative arrangements such as concessions.

One of the challenges for REDD+ is the lack of a clear regulatory and policy framework on customary land to protect the rights of smallholders. In addition, there are conflicts among resettled groups, fear of eviction among commercial farmers, and an erosion of the powers of traditional leaders who have acted as stewards of the environment. Emphasis is needed on building the capacity of local level institutions so that communities are enabled to take collective responsibility.

Of benefit to REDD+, farmers have acquired skills to sustainably utilize land and communities have received technical training to reduce soil degradation and to manage gardens for better new nutrition, thereby reducing pressure on forest products. Communities have also received fire management training to minimize forest fires. Similarly, direct employment opportunities have been generated for the communities from project operations e.g. fire protection measures, nutritional garden establishment and game scouting.

The main challenges related to the land tenure system is that where large part (70%) of land is classified as communal, it compromises ownership and accountability and it does not complement climate change mitigation



### KEY MESSAGES

**Challenges for REDD+ include the lack of a regulatory and policy framework for customary land, resolution of conflicts in resettlement areas, and reinforcement of the role of traditional leaders as environmental stewards**

**Emphasis is needed in building the capacity of local level institutions so that communities are enabled to take collective responsibility**

initiatives especially in state forest and rangeland areas. Furthermore there is a lack of a clear regulatory and policy framework on customary land to protect the rights of smallholders. Other challenges include insecure land rights, conflict amongst resettled groups, commercial farmers' fear of eviction, and the lack of a legislative framework to regularize informal settlements in urban and peri-urban areas.

## Kenya

The issue of land rights is highly contested in Kenyan politics. Land ownership, use and management was one of the issues addressed by Kenya's new Constitution whereby in chapter 5 of the Constitution of 2010 it is stated that "all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals." At present, different pieces of legislation apply to these different categories of land. Rights to land in Kenya are classified as: i) public land vested in and held by National and County Governments in trust for the people of Kenya and people resident in a county respectively, ii) community land vested and held by communities identified on the basis of ethnicity, culture and interest and iii) private land registered and held by any person under either freehold or leasehold tenure.

Kenya faces a number of challenge related to tenure security. The proposed Community Land Bill promises to address the issue related to trust land and un-alienated government land by establishing Land Administration Committees and Community Land Boards to hold and manage community land on behalf of those communities. It is important that this bill is passed in Parliament, otherwise insecurity of tenure over community land will continue to hinder sustainable management and utilization of community land. Enacting this legislation will protect the rights of forest dependent communities and facilitate their access, co-management and derivation of benefits from the forests. Secondly, some laws regarding tenure are unclear. For instance, while the National Land Policy calls for repossession of "irregularly" acquired public land, existing laws including the Land Act, 2012 do not provide guidance on how to achieve such repossession. Furthermore, there is no clear guidance on what is to be considered "irregularly" acquired land or bonafide ownership of land. Thirdly, despite much of Kenya's forest being located on community land, there is no agreed or clear definition of "community" or of "community land". It is not clear whether this refers to both communities of common descent and communities of common residence, or to only the latter. Such lack of clarity may hinder sustainable utilization of land and forests. The Constitution defines communities on the basis of ethnicity, culture or 'community of interest'. While culture and ethnicity are intuitive, it is less clear what 'community of interest' means. Yet this concept might be the key to defining communities in a way that promotes national cohesion and co-existence. Finally, many laws and policies relating to land and natural resources such as forests have evident gaps. For instance, the Forest Act is not aligned with the Constitution of Kenya, 2010, the Land Act and the tenure categorization that they have established.

### KEY MESSAGES

Regulation of access should address unsustainable consumptive usages of forest resources

Formation of grassroots CBOs should be designed to support equity in benefit sharing.

State management of forests alienates communities from conservation practices. Collaborative management should be encouraged.

Guarantee of ownership and rights in land tenure improves investments and provision of incentives for conservation.

## Voluntary Guidelines on the Responsible Governance of Tenure

The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) were introduced as a guiding framework for reform on tenure in the context of REDD+.

The VGGT represent the first global soft law instrument on tenure and a broad consensus on internationally accepted practices on tenure. It serves as a reference point for improving the governance of land, fisheries and forest tenure. The process to develop and adopt the VGGT took place between 2000 and 2012 when they were finally endorsed by the Committee on World Food Security.

The guiding principles include the importance of recognizing, respecting, and safeguarding legitimate tenure rights as well as the provision of access to justice and prevention of disputes. There are however certain critical lessons underlying the VGGT which include the importance of:

1. Recognizing tenure rights as a bundle of rights and this refers to access, withdrawal, extraction, management, exclusion, and transfer/alienation. Ownership is commonly understood as the collection of these rights
2. Understanding existing property rights systems before launching a natural resources management program –and this has to do with wherever natural resources exist. Some type of property rights system nearly always exists (e.g. refugee shelters in Sudan, rights over wildlife).
3. Recognizing and building on customary property rights that frequently retain de facto authority and institutions that continue to regulate and enforce property rights, sometimes regardless of national laws. Customary property rights systems often retain more legitimacy than statutory rights. Also customary rights tend to be more flexible and adaptable under changing economic, social, and political environments.
4. Providing incentives for sustainable management to user groups by securing property rights. Access to and use of resources should be clearly defined and rights based, and cognizant of existing property rights, rules and institutions. Particular attention should be given to the duration of rights
5. Where possible, clarify property rights, reducing conflict over land and natural resources. Harmonize plural legal systems such that property rights emerging from the various legal systems are consistent. Also where possible identify and acknowledge users of various resources, in particular secondary resources.
6. Avoid reduction or elimination of rights. Reduction or elimination of rights has enormous potential for creating poverty, livelihood insecurity, and conflict. Where necessary to reduce or eliminate rights to various primary and secondary users of land and natural resources, provide meaningful compensation.

There are a number of e-learning tools on [FAO website](#) on the [Responsible Governance of Tenure](#) that are made up of five smaller courses and teach the user about: making access to land, fisheries and forests

more equitable, how to protect people's tenure rights, options to simplify the administration of tenure and make it accessible to all and how to ensure disputes are resolved before they degenerate into conflict.

## Tenure Rights Recording and Mapping- Customary land tenure recording in Zambia

Tetra Tech is working with USAID on the advancement of climate change mitigation and adaptation efforts whilst focusing on the securing of rights to natural resources. USAID's Tenure and Global Climate Change (TGCC) program, which was launched in 2013, is a five-year project aimed at identifying and testing models that strengthen resource tenure governance. In Zambia Tetra Tech is working with local partners to implement activities to strengthen farmers' tenure security, enhance land management rules, and provide training and inputs for climate-smart agricultural practices like agroforestry.

The majority of land in Zambia (estimated at 84% in 2005) is held under customary tenure. Under customary law, the land is held by individuals, families, clans, or communities from generation to generation, without temporal limitation. Customary tenure applies to individual plots, forest land, common land within a village, and communal grazing land. Most smallholder subsistence farmers cultivate customary land held in common ownership with the community, although the rights of farmers are individualized. The land does not have formal documentation (e.g., certificates, titles) and the landholders do not pay land tax. All land not held under customary tenure is state land. The state grants different types of leases and the conversion of customary land to leaseholds requires approval of the chief and any individual whose interests will be affected by the conversion.

Customary law often recognizes occupancy rights of residents, which may protect their interests against other potential occupants but offers no protection from eviction by government. The majority of land in Zambia, including that of millions of smallholder farmers, is administered by traditional authorities such as chiefs and village headpersons. As investment flows into Zambia, communities are increasingly looking to traditional authorities for guidance, support, and protection of individual and community land assets. Historically, traditional authorities have not documented their land allocation or land dispute decisions, leaving community members vulnerable in the event of a change in leaders or outside pressures emerging for land.

USAID's Tenure and Global Climate Change project aims to address this issue by working with district land alliances to support traditional leaders in mapping customary lands and producing land certificates for communities and households within their chiefdoms. This mapping of village boundaries, resources and individual household land rights, provides a powerful tool for land-use planning and helps some chiefs better understand the remaining wetland and forest resources within their jurisdiction. It also helps these chiefs engage in longer-term land-use planning, management and monitoring of the resources within the chiefdom. The availability of registered rights provides a powerful tool for resource planning and creates incentives for households to engage in climate-smart agricultural practices, like agroforestry. USAID focuses on building land administration capacity at the village and chiefdom levels, encouraging local leaders to become advocates for transparent land administration, and helping traditional authorities form positive working relationships with provincial and district governments. However there are a number of challenges faced in the process including a lack of all of the following: customary land documentation,

transparency in land allocation and administration; consistent application of resource management law, engagement of government on customary land, and lastly documentation of household land.

Tetrattech/USAID is addressing the lack of documentation on customary lands in Zambia using a step-wise approach. First, Tetrattech facilitates a process of building local consensus around communal and village boundaries, documenting tenure practices and inheritance rules, and employing para-surveyors to carry out mapping work. Next, systematic registration of customary land takes place following a step-by-step procedure including a notification period, demarcation, and adjudication. Tetrattech also engages in an awareness campaign using radio and community theatre to increase awareness of the program. The final step is certification. The ODK software package is used to enable the collection and storage of data.

## Tenure rights recording and mapping using Open Tenure in Uganda

In Uganda, securing of land rights has been hampered by expensive and bureaucratic procedures for registration of land. A simple alternative for registering customary land rights was introduced as a pilot project in 2015 to support local authorities in issuing customary certificates of ownership (CCOs). The project objective was to contribute to securing tenure, especially for the poor, vulnerable and marginalized groups with a specific focus on women, girls and youth. The project has been implemented by FAO in collaboration with the Kasese District government and Makerere University, and with financial support from the UK Department for International Development.

Prior to project start, Kasese took its own initiative to issue CCOs to customary land owners as a means of presenting a document that could be used to access credit and document land rights. Subsequently and as part of the project, the Open Tenure application was introduced to help improve the mapping and digitization process of these CCOs. With the support of the project, CCOs for each parcel are now associated with digitized data and maps. Open Tenure is a mobile open source application that can be downloaded from Google Playstore and installed on smart phones or tablets. Open Tenure is easy to use and is designed specifically to support community mapping and supports a crowd sourcing approach to the collection of tenure data. Once the community has discussed and agreed on the way tenure claim data will be collected, a community server will be established and community members with specific roles in this process will be trained. Typically the recording of tenure rights will include community information dissemination, downloading of map imagery, collection of field data, uploading and display of claims on a community server, review and moderation of claims, and publishing of community endorsed tenure rights on the community server.

Lessons learned
<b>Importance of rights identification whether individual or collective.</b>
<b>Awareness raising throughout the process for all stakeholders involved.</b>
<b>Local leaders' engagement from the onset.</b>
<b>Importance of training –looking at length and mode of training.</b>

The benefits of open source software is that it facilitates a low-cost solution to improving land tenure security and encourages a process which is consistent with the principles of the Voluntary Guidelines. It provides a short-cut to tenure rights recording by directly engaging tenure right holders in tenure governance processes.

## Tenure and Policies and Measures (PAMs)

Policies and Measures (PAMs) are actions or interventions taken to support REDD+ activities. They form a central part of a country's National Strategy or Action Plan, and are anchored in an analysis of the drivers of deforestation and degradation. PAMs encompass a set of policies, laws, regulations, practices, programmes, and incentive systems to promote REDD+. PAMs should evolve in parallel with the development of safeguards systems and should be developed through cross-sectoral and multi-stakeholder processes. Financing and monitoring of PAMs must also be considered. In designing PAMs, countries should consider PAMs related to tenure, as a means to implement REDD+. Tenure-related PAMs could include national land use planning, improvement of forest land registration procedures, passage of community forestry legislation or revision of inheritance rules to respect women's land rights. Example of PAM for REDD+ include reforming land tenure and enforcing forest law.

REDD+ PAMs designed through a coordinated REDD+ implementation process have the potential to yield multiple benefits to stakeholders. This may include resolving possible issues and gender inequalities with forestry policies, land tenure, administration and management, forest resource use and rights, and funding structures. Conversely, without adequate planning or consideration of safeguards PAM design may result in increased risks and reduced benefits and acceptance.

Achieving land tenure security is a complex long-term process, but there are good examples of how to improve tenure security in the short term. In many countries, improved land tenure security is the main motivation to participate in forest conservation schemes and there are cases of payments for environmental services (PES) as a tool to achieve environmental goals through incentives. Many evaluations of PES schemes show that incentivizing the protection of environmental or ecosystem services was based on tenure rights over land and forest resources. Improving land tenure security can be an important component of a REDD+ incentives system but is insufficient for achieving sustainable forest management; tenure security is also a prerequisite for the implementation of PES as well as for certain REDD+ measures such as reforestation.

In many African countries, the barriers of access to land title (costs, duration, etc.) has led to the development of a parallel system of land certificates, with easy access, representing an intermediate level of tenure security. Support for access to individual or collective land titles or certificates could be explored in the context of the implementation of REDD +, either (i) as an enabling measure or to give a legal basis to the collective sustainable management of forest areas.

## Lessons Learned and Overall Recommendations

The rich discussions led to a series of lessons learned that were further debated at the conclusion of the event:

- ✦ The **Voluntary Guidelines on the Responsible Governance of Tenure** are a relatively new tool aimed at improving tenure governance can inform REDD+ countries that are developing their own strategies, policy and legal frameworks and activities. The principles and internationally accepted standards set out by the Guidelines can inform national measures to address tenure concerns as well as provide a basis for developing national land-based indicators. Tenure reform, is a massive undertaking that requires a long-term perspective and thus the Guidelines can support the process of integrating and linking REDD+ tenure work in broader land tenure reform processes. Therefore, tenure must be seen in the broader socioeconomic context to understand its implications for forest management
- ✦ In most country, **resources available to carry out national tenure reforms** in the context of REDD+ are insufficient, therefore it is important that tenure arrangements for REDD+ be developed in association with a more comprehensive approach to tenure by governments.
- ✦ The recognition of access and ownership rights of **communities and indigenous people** can improve forest management and conservation. Recognizing and protecting their rights and engaging these rights holders in REDD+ through fair negotiation and dialogue is crucial for a more sustainable, effective and equitable outcome. Therefore, there is a need to respect and recognize tenure rights, and to involve stakeholders in the process right from the beginning There is a need to protect the rights of the communities to access land and resources.
- ✦ Secure **tenure rights on paper do not necessarily translate into secure tenure rights in practice**. The weak link between de jure and de facto tenure rights reinforces the need to assess the recognition and protection of tenure rights by looking at what is actually happening on the ground, especially in terms of enforcement of rights.
- ✦ **Collaboration between networks of community forest user groups and national forestry initiatives** can be a great opportunity to strengthen tenure clarity. This collaboration can help engage local stakeholders across multiple jurisdictions and create dialogues with government ministries, thus recognizing and enforcing de facto tenure rights, as well as transferring responsibilities of forest management to the local level.
- ✦ **Cross-sectoral coordination**. Fostering collaboration between land and forest administrations, through cross-sectoral coordination is an important step to reach a common understanding on REDD+ related tenure clarification and measures adapted to the country context. It is also crucial that key stakeholders, including civil society and indigenous peoples, participate fully and effectively in dialogue and processes related to clarifying tenure issues.
- ✦ **Mapping as an empowerment tool**. Innovative technologies such as Global Navigation Satellite Systems (GNSS), satellite and aerial imagery, Geographic Information Systems (GIS), mobile phone spatial data applications, and computerization of land records are creating opportunities for the rapid and efficient recording and administration of tenure rights, provided the process is driven by political will and supported financially. This process in turn strengthens the capacity building of communities to demand their tenure rights
- ✦ **Addressing tenure issues is a learning process** and the issues are complex. Therefore it is critical to build in opportunities for self-reflection, assessment, and correction so that experiences are



shared and reflected upon, and community members are given opportunities to visit other sites where they can broaden their vision and compare different approaches.

In conclusion, a proposal to form a community of practice among the participants was put forth and in addition, participants were invited to join the [D-Group on REDD+ Legal Preparedness](#).

## ANNEX I- AGENDA

### **Africa Sub-regional Event on Tenure and REDD+** **Regional Sub-Regional Event - Africa**

#### **« Workshop on Tenure and REDD+: Sharing of Experiences and Lessons Learned»**

*Strengthening Communities of Practice*

**Venue: Lusaka**

From November 11<sup>th</sup> to 13<sup>th</sup>, 2015

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Version: 1 October 2015

#### **I. Background**

The tenure framework governing a country's lands and forests greatly influences its ability to reduce deforestation and forest degradation. The Cancun Agreements have requested developing country partners to address tenure issues within their national strategies and action plans for REDD+ (Decision 1/CP.16, paragraph 72).

The provision of clear and secure tenure rights over forests has the potential to incentivize more sustainable management of forests, since those with tenure rights often have a stronger interest to maintain the resource. Tenure is also a key factor in the identification of stakeholders whose rights, territories and livelihoods may be affected by REDD+ activities. Furthermore, the domestic laws and policies framing forest tenure systems will contribute to the implementation of REDD+ strategies and action plans since their provisions may impact how forests are managed at local and national scale. REDD+ can provide an opportunity to review and revise relevant outdated tenure policy and legal frameworks; to strengthen formal and customary tenure rights; and to empower local rights holders to participate more meaningfully in resource governance.

The UN-REDD Programme has made a commitment to support its partner countries to address issues related to tenure and REDD+ through both financial and technical support, and several countries in Africa have already started activities to research, analyse and consult on these issues. In light of expressed interest and ongoing support, UN-REDD with co-sponsorship from USAID, will organize a sub-regional event for selected African countries with the aim of increasing understanding of the tenure aspects of REDD+ readiness in the context of national tenure processes.

The workshop will use a knowledge management methodology to strengthen the African community of practice around tenure issues related to REDD+, including for example issues related to legal and policy frameworks, customary vs. statutory tenure, tenure recording and titling processes. This methodology incorporates opportunities for key country resource persons to access and exchange knowledge and best practices, and for South-South dialogue, so that a genuine African community of practice on tenure is developed and consolidated. Participants will be better equipped to identify areas of work that will contribute to enabling tenure conditions for REDD+ implementation.

## **II. Objectives and expected results**

Participants will:

1. Gain a better understanding of tenure issues in the context of REDD+ and how these relate to national tenure processes, and be motivated and better equipped to address these issues in their home countries;
2. Identify areas of work that should be considered or supported by the UN-REDD Programme, national governments, and other stakeholders in order to create enabling tenure conditions for REDD+ implementation; and
3. Establish a community of practice/knowledge platform to promote a collaborative approach to work across countries on tenure issues.

### **Participants:**

The main actors of the learning exchange will be key country resource persons who work directly on tenure issues. Participants from the following countries shall be invited:

1. Malawi
2. Zambia
3. Zimbabwe
4. Kenya
5. Uganda
6. Madagascar

The participants will include 2-3 representatives from each country for a total of 12-15 participants. Gender balance among participants will be strongly encouraged.

### **Methodology:**

The workshop will be organized in thematic sessions that involve representatives of the participating countries who will present their experiences and lessons learned in the process of addressing tenure issues in the context of REDD+, taking into account the broader national contexts.

Introductory lectures will be included to contextualize approaches, methodologies and tools and to provide spaces for open discussion and dynamic exercises.

**Outcomes:**

- Final Workshop Report
- Survey – fulfilment of expectations and objectives
- Action plans for each country on how to address tenure issues

TIME	SESSIONS AND TOPICS	SPEAKER/FACILITATOR
	<b>Wednesday, 11<sup>th</sup> November</b>	
<b>8.00-8.30am</b>	Registration	
<b>1. INTRODUCTION AND MEETING OBJECTIVES AND FORMAT</b>		
<b>09:00-10:00</b>	<ul style="list-style-type: none"> <li>- Welcoming remarks Government of Zambia-</li> <li>FAO Representative – George Okech</li> <li>UNDP Assistant Deputy Rep –Winnie Musonda</li> <li>- Framing of the agenda and expected outcomes</li> <li>- Presentation of participants</li> </ul>	Government of Zambia (Host) FAO Rep UNDP Rep MC
<b>2. SETTING THE SCENE: Tenure Issues in the context of REDD+: Global Perspective</b>		
<b>10:00 – 10:30</b>	<ul style="list-style-type: none"> <li>- Introduction to REDD+ and tenure issues</li> <li>- Reflections</li> </ul>	Amanda Bradley, Tenure & REDD+ Specialist, UN-REDD
<b>10:30-11:00</b>	<b>Coffee Break</b>	
<b>3. Africa Regional Perspective: Sharing Results from Country Experiences</b>		
<b>11:00 – 11:45</b>	<ul style="list-style-type: none"> <li>- <b>Madagascar</b></li> <li>- Main findings of tenure study Questions and comments</li> </ul>	Stefana RAHARIJAONA
<b>11:45 – 12:30</b>	<ul style="list-style-type: none"> <li>- <b>Malawi</b></li> <li>- Main findings of tenure study</li> <li>- Questions and comments</li> </ul>	Jessica Troell, Teddie Kamoto
<b>12:30-13:30</b>	<b>LUNCH</b>	
<b>4. Thematic Discussions</b>		
<b>13:30 – 14:30</b>	<ul style="list-style-type: none"> <li>- <b>Zambia</b></li> <li>- Presentation Tenure Issues in Zambia</li> <li>- Q&amp;A</li> </ul>	Nick Sitco Researcher
<b>14:30 – 15:30</b>	<ul style="list-style-type: none"> <li>- <b>Kenya</b></li> <li>- Presentation on REDD+ Tenure in Kenya</li> <li>- Q&amp;A</li> </ul>	Country Rep
<b>15:30 – 15:45</b>	<b>Coffee break</b>	
<b>15:45 – 17:30</b>	<ul style="list-style-type: none"> <li>- Discussion/Exercise on Key Challenges               <ul style="list-style-type: none"> <li>○ Stakeholder engagement</li> <li>○ Inter-sectoral cooperation</li> </ul> </li> </ul>	Moderator

TIME	SESSIONS AND TOPICS	SPEAKER/FACILITATOR
	<ul style="list-style-type: none"> <li>○ Legal and policy reform</li> <li>○ Gender issues</li> <li>○ Etc.</li> </ul>	

Thursday, 12 <sup>th</sup> November 2015		
<b>5. Identification of Country Level Work Areas</b>		
9:00 - 9:15	- Review of Day 1	Volunteer
9:15-10:30	<ul style="list-style-type: none"> <li>- <b>Uganda</b></li> <li>- Presentation on REDD+ &amp; Tenure in Uganda</li> <li>- Q&amp;A</li> </ul>	Uganda Rep
10:30 – 10:45	<b>Coffee break</b>	
10:45-11:30	<ul style="list-style-type: none"> <li>- Introduction to the <i>Voluntary Guidelines on the Responsible Governance of Tenure</i></li> <li>Interactive exercise</li> </ul>	Celestina Lwatula, FAO
11:30 – 12:30	<ul style="list-style-type: none"> <li>- Experience Integrating Secure Resource Tenure into REDD+ Policies and Actions</li> <li>- Questions and comments</li> </ul>	Matt Sommerville, Tetrattech, USAID
12:30-13:30	Lunch	
<b>7. Continued Country Experiences- Group Exercises</b>		
13:30-14:30	<ul style="list-style-type: none"> <li>- <b>Zimbabwe</b></li> <li>- Presentation on REDD+ &amp; Tenure in Zimbabwe</li> <li>- Q&amp;A</li> </ul>	Country Rep
14:30-15:30	<ul style="list-style-type: none"> <li>- Quiz Game</li> <li>- Tenure considerations in the context of REDD+ Policies and Measures (PAMs)</li> <li>- Group Exercise</li> </ul>	Amanda Bradley
15:30-16:00	Coffee Break	
16:00- 17:30	<ul style="list-style-type: none"> <li>- Group Exercise/Working Groups on proposed solutions to address challenges in addressing tenure issues</li> </ul>	

Friday, 13 <sup>th</sup> November 2015		
<b>8. Knowledge Management (KM) and Communication</b>		
9:00-9:15	- Review of Day 2	Volunteer
9:15 – 10:30	- Capturing and sharing knowledge in the context of tenure issues	Ela Ionescu, KM Specialist, UN-REDD

	<ul style="list-style-type: none"> <li>- Lessons Learned Exercise</li> <li>- A Community of Practice on Tenure for REDD+ Africa</li> </ul>	
<b>10:30-11:00</b>	Coffee Break	
<b>9. Next Steps and Debriefing</b>		
<b>11:00 - 12:30</b>	<ul style="list-style-type: none"> <li>- Next steps, action planning</li> <li>- Wrap up</li> <li>- Evaluation</li> </ul>	All participants
<b>12:30-13:30</b>	Lunch	



## ANNEX II- LIST OF PARTICIPANTS

### REDD+ Sub regional Workshop on Tenure and REDD+

#### Participants List

Country	Name	Title	Email
Kenya	Esau Omollo	Deputy Director, Kenya Forest Service and Head of forest conservation and management	ogingabig@yahoo.com
Kenya	Tecla Chumba	National Alliance of Community Forest Association (NACOFA ), Baringo CFA	teclachumba@gmail.com
Madagascar	Stefana RAHARIJAONA	Master in internal and international public law, forest law specialist, Laboratoire de Recherches Appliquées (LRA) - ESSA-Forêts	narihajacompte@yahoo.fr
Madagascar	Alexio Clovis	Lecturer, Faculty of Agronomy	alexioclovis@yahoo.fr
Malawi	Lonnie Jamali Chirambo	Forest Officer	jamilonnie@gmail.com; jamilonnie@yahoo.co.uk.
Malawi	Teddie Kamoto	Assistant Director of Forestry	teddiekamoto@yahoo.co.uk
Malawi	Jessica Troell	Senior Legal Advisor	troell@eli.org
Uganda	Brian Makabayi	Lecturer, School of Built Environment, Makerere University	mak2brian@gmail.com
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Zambia	Mathews Kalabo	Secretary General	mkalabo@gmail.com

		United Nations Youth Association of Zambia	
Zambia	Celestina Lwatula	Programme Officer	<a href="mailto:celestina.lwatula@fao.org">celestina.lwatula@fao.org</a>
Zambia	Deuteronomy Kasaro	Mitigation Specialist, Climate Change Secretariat (REDD+ Focal Point)	deuteronomykasaro@znccs.org.zm
UN-REDD	Ela Ionescu	Knowledge Management Specialist	<a href="mailto:ela.ionescu@undp.org">ela.ionescu@undp.org</a>
UN-REDD	Amanda Bradley	Tenure and REDD+ Specialist	<a href="mailto:amanda.bradley@fao.org">amanda.bradley@fao.org</a>
USAID/Tetrattech	Matt Sommerville	Chief of Party	matt.sommerville@tetrattech.com