

**PROGREEN**



# Advances, Challenges and Good Practices in Securing Forest Tenure

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# Role of Forest Tenure Globally

3.3 billion or  
41%

of World's population  
lives within one  
kilometer of forests

500 million

forest-dependent  
people in the World

200 million

forest-dependent  
indigenous people in  
the World

# Role of Forest Tenure Globally

**At least 21%**

of global land mass  
is managed by  
indigenous peoples  
and local  
communities

**Only 10%**

of those have legal  
recognition

**36%**

of World's intact  
forest landscapes  
are in areas  
managed by IPs and  
local communities



# State Forest Areas

73% of World's forests are owned by public or state

Country	Forest Area of Total Area	Total Population Living in Forest Area
Lao PDR	68 %	24 %
Indonesia	63 %	14 %
Philippines	53 %	n/a

Formalization of land rights is often restricted within State Forest Areas

# Tenure Security Can Reduce Deforestation



**Benin:** village land use plans and land demarcation → deforestation ↓ 20%.

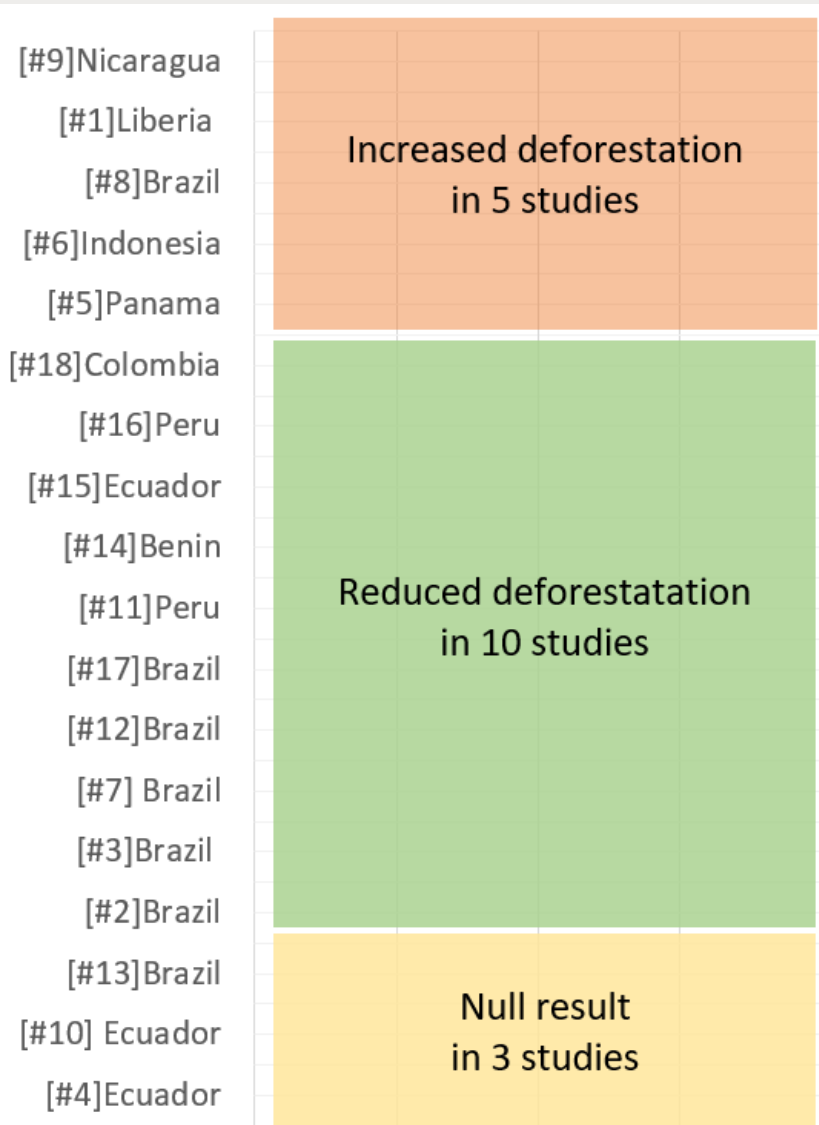
**Peru:** titling Amazonian IPs communal lands → deforestation ↓ 75%.

**Bolivia/Brazil/Colombia:** titling IPs forestlands → deforestation ↓ 50-75% and US\$25-34 billion carbon benefits.

**Brazil:** formalizing private lands → deforestation ↓ 12% and indigenous lands by 23%.

**Indonesia:** Plantation Forest Licenses → deforestation ↓ by 83% in degraded forests.

# Systematic Literature Review



## Formalization of land rights is not a silver bullet to reduce deforestation

- Outcomes are highly context-dependent.
- Formalization of IPs lands or governance by IPs generally leads to best results
- Combining formalization with environmental obligations generally leads to better results
- In settings where clearing forests provides rights to the land, formalization leads to increased deforestation.

# GLASGOW LEADERS' DECLARATION ON FORESTS AND LAND USE

FEBRUARY 11, 2021



141 countries pledged to stop deforestation in part by:



“  
...recognising the rights of Indigenous Peoples, as well as local communities, in accordance with relevant national legislation and international instruments;...”

”




# **Good Practices for Forest Tenure Recognition and Formalization**



## Legal Recognition and Protection



- Recognize customary land rights in areas incorrectly classified as state lands
  - 30 out of 54 African countries recognize customary tenure in their legal frameworks
- Protect customary land rights even if they are not registered or formalized by:
  - Acknowledging also *de facto* land holders when expropriating land or granting concessions
  - Compensating unregistered lands



Good Practices

## Forest Rights and Environmental Regulations

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- Combine forest tenure formalization with environmental regulations:
    - Brazil's Rural Environmental Cadaster (CAR) requires private land holders to declare areas to be protected within their lands
    - Limiting rights formalization or transactions only to land uses that increase forest cover.



Good Practices

# Institutional Arrangements

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- Shared vision and objectives of land, forest and IP agencies is required
    - Building trust and relationships
    - Understanding each other's processes and targets
  - Good practices:
    - Combine, pilot and streamline processes
    - Don't replicate expertise of the other agencies – Use them as service providers

## Formalizing Rights - Systematic Land Registration (SLR)

- Systematic Land Registration =  
Surveying, adjudicating and registering all land rights (private, communal, indigenous, state and public) simultaneously in a territorial process.
  - Ensures that all land claims are recorded and treated equally
  - Reduces overlaps of rights
- In forest areas, SLR often needs to be complemented with:
  - Forest zoning
  - Forest conversion


Good Practices

# Public Awareness Sensitization and FPIC



Good practices:

- Utilize Free, Prior and Informed Consent (FPIC) practices even if beneficiaries are not IPs:
  - Involve all key stakeholders
  - Use local languages
  - Consent, which can be withdrawn
- Utilize CSOs and IP organizations

An aerial photograph of a forested area with a green overlay. The text 'Good Practices' is in the top left. 'Forest Zoning' is in the center left. 'sberg Protected Environment' is written vertically along the green area. 'ransition Zone' is written vertically at the bottom right.

Good Practices

## Forest Zoning

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- Internal forest zoning defines the bundle of rights that can be acquired.  
  
Often doesn't acknowledge the customary uses of local communities
  - Good practices:
    - New zoning: Aling with customary rights and uses
    - Existing zoning: Review as part of the land rights formalization process.

# Forest Conversion

- Conversion of “forest land” to “non-forest land” is often required before land holdings can be formalized
- The legal process are made for development projects causing real land use change
- Good practices:
  - Separate “real conversion” from “administrative conversion” in legal framework.
  - Simplify requirements for “administrative conversion”


A photograph showing a person's hands holding a surveying instrument (a total station or similar) in a field. The instrument is mounted on a tripod and has a yellow top and a black body. The person is wearing a dark cap and a light-colored shirt. In the background, another person is visible, holding a clipboard and writing. The field is lush green.

Good Practices

## Survey and Adjudication

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- Utilize fit-for-purpose land administration practices:
    - Use remote sensing data combined with participatory mapping to delineate large parcels;
    - Allow lower survey accuracy requirements;
    - Social verification of boundaries and owners, instead of strict burden of proof
    - Avoid strict temporal thresholds





Good Practices

## Single Registry of Rights

- Single registry of rights to avoid overlaps.
  - If not possible, enhance interoperability of systems
- Good examples:
  - Turkey's Land Registry and Cadastre Information System
  - Colombia's National Land Administration System



Good Practices

## Monitoring and Enforcement

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- Monitoring illegitimate forest encroachment requires knowing existing rights
  - Good examples:
    - Brazil's monitoring system links land rights information with land use restrictions and near-real time deforestation alerts.
    - Informs encroachment directly to enforcement agencies

**Thank you for listening**

## G13: Securing forest tenure Strengthening multi-stakeholder action. Session Forests and Climate

**Intervention Mr. Gustavo Adolfo Marulanda Morales**  
**Director General**  
**Agustín Codazzi Geographic Institute - IGAC**

### HOW TO GUARANTEE FOREST TENURE?

**You have been working to develop a rural cadastre in your country, why is this effort important and how could it help protect forest tenure rights and reduce illegal deforestation?**

- This effort is important because Colombia has a historical gap between urban and rural, and it is in rural areas where informal tenure and legal insecurity over land is concentrated. Currently, there are deficiencies in the quality of information and in many areas of the country there is a backlog of almost twenty years in rural areas. We seek to provide cadastral information with a multipurpose approach, i.e., relevant for decision making in different sectors and levels of government. Above all, it is about strengthening territorial governance schemes, key for peace building, and contributing to the clarification of property rights.
- In the case of tenure in areas of special environmental interest, we are promoting a transition. The traditional cadastre, particularly in its economic component, is not sufficiently receptive to the challenges facing the country in terms of environmental conservation, reduction of deforestation or adaptation to climate change. We are changing this in two ways. The first is that through the economic valuation of a property we can measure and qualify its conservation levels and ecosystemic contributions. This is achieved by incorporating variables such as vegetation cover, internal and external qualities of the soil, climate and relief into the information inputs on which the appraisals are based, from which the level of conservation of an area or a particular property can be measured. In addition, in the weighting of these variables, it is possible to qualify it and give greater weight to the variables that contribute more to the ecosystem. For example, when the pilot of this methodology was carried out in the Chingaza páramo, the variables related to water production and regulation were weighted in a special way, since this is the essential characteristic of the ecosystem. We have called this methodology Environmentally Homogeneous Areas and it has been designed so that it can be applied to different types of areas of environmental interest.

- The second is through monetization, i.e., assigning value to the properties according to their degree of conservation, so that the more conserved properties are worth more. This proposal has important potential, since by inverting the factors for which a property has a high value (previously associated with strictly productive factors, now associated with environmental factors), it helps to mitigate the development of activities with negative impacts because it will affect the value of the property. In addition, it can be used to generate incentives, for example, tax reductions or exemptions (via property taxes), or direct payments to households for the care of protected areas. These incentives are key to maintaining secure tenure and containing deforestation.

**Addressing land issues and clarifying the status of land ownership is a critical component of the Peace Agreement in Colombia. How does this peace agenda contribute to forest protection and how does it help meet Colombia's climate change objectives?**

Tenure issues contribute to forest protection and to meeting Colombia's climate change objectives in the sense that:

- It contributes to peace building and guaranteeing non-repetition since the origin of the Colombian armed conflict was related to land access and concentration. In this sense, it is essential not only to address the structural factor of the conflict but also to implement policies and plans that allow for the reestablishment of rights and a more equitable occupation of the territory. This change reduces the impact on protected areas by reducing informal occupation and pressure on their boundaries.
- It promotes legal security (rights and duties) for people settled in ecosystems, in addition to formalizing tenure relations in areas where collective territories of ethnic communities overlap with protected areas. This formalization is key for the governance of these territories, and for maintaining conservation and management agreements for strategic territories.
- It is not a minor fact to have geographic and cadastral information that allows the identification of deforestation and environmental impacts for decision making at different levels of government. This input contributes to the protection of zones since it allows the design of strategies focused on these areas and, most importantly, involves multiple stakeholders, starting with communities and organizations that exercise rights over these areas.

- The National Development Plan “Colombia World Power of Life” recognizes the Amazon or the Serranía de Chiribiquete as environmental and cultural assets of humanity. This recognition is based on the significance of these territories in the context of climate change, and the country's objectives for its mitigation. Understanding, protecting and managing these territories has only been possible in a post-conflict scenario and, in particular, in peace building, which also involves nature as a subject of rights and special protection on a global scale.

**What is the most important message you want this audience to take away from your work?**

- We are working on the construction of a cadastre with a multipurpose approach that will allow us to build a single territory and a single truth about it, with the appropriate detail and characteristics to facilitate decision-making by the public and private sectors and, in particular, by an empowered society in a new governance model that will allow us to build a geography for life that contributes to the fulfillment of the National Development Plan of a Colombia that is a world power of life.

## **G13: Asegurar la tenencia forestal - Fortalecer la acción de múltiples partes interesadas.**

### **Sesión Bosques y Clima**

**Intervención Sr. Gustavo Adolfo Marulanda Morales  
Director General  
Instituto Geográfico Agustín Codazzi - IGAC**

#### **¿CÓMO GARANTIZAR LA TENENCIA FORESTAL?**

**Usted ha estado trabajando para desarrollar un catastro rural en su país. ¿Por qué es importante este esfuerzo y cómo podría este ayudar a proteger los derechos de tenencia de los bosques y reducir la deforestación ilegal?**

- Este esfuerzo es importante porque Colombia tiene una brecha histórica entre lo urbano y lo rural, y es en lo rural donde se concentra la informalidad en la tenencia y la inseguridad jurídica sobre los predios. Actualmente, hay deficiencias en la calidad de la información y en muchas zonas del país se presentan rezagos de casi veinte años en el área rural. Buscamos aportar información catastral con enfoque multipropósito, es decir, relevante para la toma de decisiones en diferentes sectores y niveles de gobierno. Se trata, ante todo, de fortalecer esquemas de gobernanza territorial, clave para la construcción de paz, y aportar a la clarificación de los derechos de propiedad.
- Para el caso de la tenencia en áreas de especial interés ambiental estamos promoviendo una transición. El catastro tradicional, en particular en su componente económico, no es lo suficientemente receptivo a los desafíos que tiene el país en términos de la conservación ambiental, la reducción de la deforestación o la adaptación al cambio climático. Estamos cambiando esto en dos sentidos. El primero, que a través de la valoración económica de un predio se pueda medir y calificar sus niveles de conservación y aportes ecosistémicos. Esto se logra incorporando en los insumos de información sobre los cuales se elaboran los avalúos, variables como cobertura vegetal, cualidades internas y externas del suelo, clima y relieve a partir de las cuales se puede medir el nivel de

conservación de un área o de un predio en particular. Además, en la ponderación de estas variables, es posible calificarlo y al darle un mayor peso a las variables que más aporten al ecosistema. Por ejemplo, cuando se adelantó el piloto de esta metodología en el páramo de Chingaza, se ponderaron de manera especial las variables que estaban relacionadas con la producción y regulación del agua, por ser esa la característica esencial del ecosistema. A esta metodología la hemos denominado Áreas Homogéneas Ambientalmente y se ha diseñado para que pueda aplicarse a diferentes tipos de áreas de interés ambiental.

- El segundo, a través de la monetización, es decir, asignarle valor a los predios según su grado de conservación, así, los predios más conservados valen más. Esta propuesta tiene importantes potencialidades ya que al invertir los factores por los cuales un predio tiene un valor alto (antes asociados a lo estrictamente productivo, ahora asociados a lo ambiental) ayuda a mitigar el desarrollo de actividades con impactos negativos porque va a afectar el valor del predio. Además, puede ser utilizada para la generación de incentivos, por ejemplo, reducciones o exoneraciones tributarias (vía predial), o asignación de pagos directos a hogares por el cuidado de las áreas protegidas. Estos incentivos son claves para mantener la tenencia segura y la contener la deforestación.

**Abordar las cuestiones de la tierra y aclarar el estado de la propiedad de la tierra es un componente crítico del Acuerdo de Paz en Colombia. ¿Cómo contribuye esta agenda de paz a la protección de los bosques y cómo ayuda a cumplir los objetivos de Colombia relacionados con el cambio climático?**

Las cuestiones de tenencia aportan a la protección de bosques y a cumplir los objetivos de Colombia en relación con el cambio climático en el sentido que:

- Aporta a la construcción de paz y la garantía de no repetición ya que el origen del conflicto armado colombiano estuvo relacionado con el acceso y concentración de la tierra. En ese sentido, es fundamental no solo atender el factor estructural del conflicto sino también implementar políticas y planes que permitan el restablecimiento de derechos y la ocupación más equitativa del territorio. Este cambio reduce el impacto sobre las áreas protegidas, ya que reduce la ocupación informal de estas y la presión sobre sus límites.
- Promueve la seguridad jurídica (derechos y deberes) de las personas asentadas en ecosistemas, además de formalizar las relaciones de tenencia en áreas en las que se traslapan territorios colectivos de comunidades étnicas con áreas protegidas. Esta



formalización es clave para la gobernanza de estos territorios, y para mantener acuerdos de conservación y gestión de territorios estratégicos.

- No es un hecho menor contar con información geográfica y catastral que permita identificar focos de deforestación y afectación ambiental para la toma de decisiones en diferentes niveles de gobierno. Este insumo aporta a la protección de zonas ya que se pueden diseñar estrategias focalizadas en estas áreas y, lo más importante, involucrar múltiples actores, empezando por comunidades y organizaciones que ejercen derechos sobre esas áreas.
- El Plan Nacional de Desarrollo *Colombia Potencia Mundial de la Vida* reconoce la Amazonía o la Serranía de Chiribiquete como activos ambientales y culturales de la humanidad. Este reconocimiento se basa en el significado que tienen estos territorios en el contexto del cambio climático, y en los objetivos del país para su mitigación. Comprender, proteger y gestionar estos territorios solo ha sido posible en un escenario de posconflicto y en particular, de construcción de paz la cual también involucra la naturaleza como sujeto de derechos y de especial protección a escala global.

#### **¿Cuál es el mensaje más importante que desea que esta audiencia se lleve sobre su trabajo?**

- Estamos trabajando en la construcción de un catastro con enfoque multipropósito que nos permita construir un solo territorio y una sola verdad sobre el mismo, con el detalle y las características adecuadas para facilitar la toma de decisiones del sector público, privado y en particular de una sociedad empoderada en un nuevo modelo de gobernanza que nos permita construir una geografía para vida que le aporte al cumplimiento del Plan Nacional de Desarrollo de una Colombia potencia mundial de la vida.