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# Good Practices for Strengthening Land Rights Formalization in Forestlands

Markus Kukkonen  
Senior Land Administration Specialist  
World Bank

# Role of Forest Tenure Globally

3.3 billion or  
41%

of World's population  
lives within one  
kilometer of forests

36%

of World's intact  
forests are in areas  
managed by  
Indigenous Peoples  
(IPs) and Local  
Communities (LCs)

Only 10%

of IPs' and LCs' lands  
have been legally  
formalized

# The Challenge

## State Forestlands

Areas legally designated as such regardless if they have forest cover or not

## Tenure Insecurity

Restrictions on land rights. Overlaps. Tedious processes.

## Restricts SLM

Unclear boundaries and right-holders. Limited enforcement

# Status of Forestland Rights in EAP

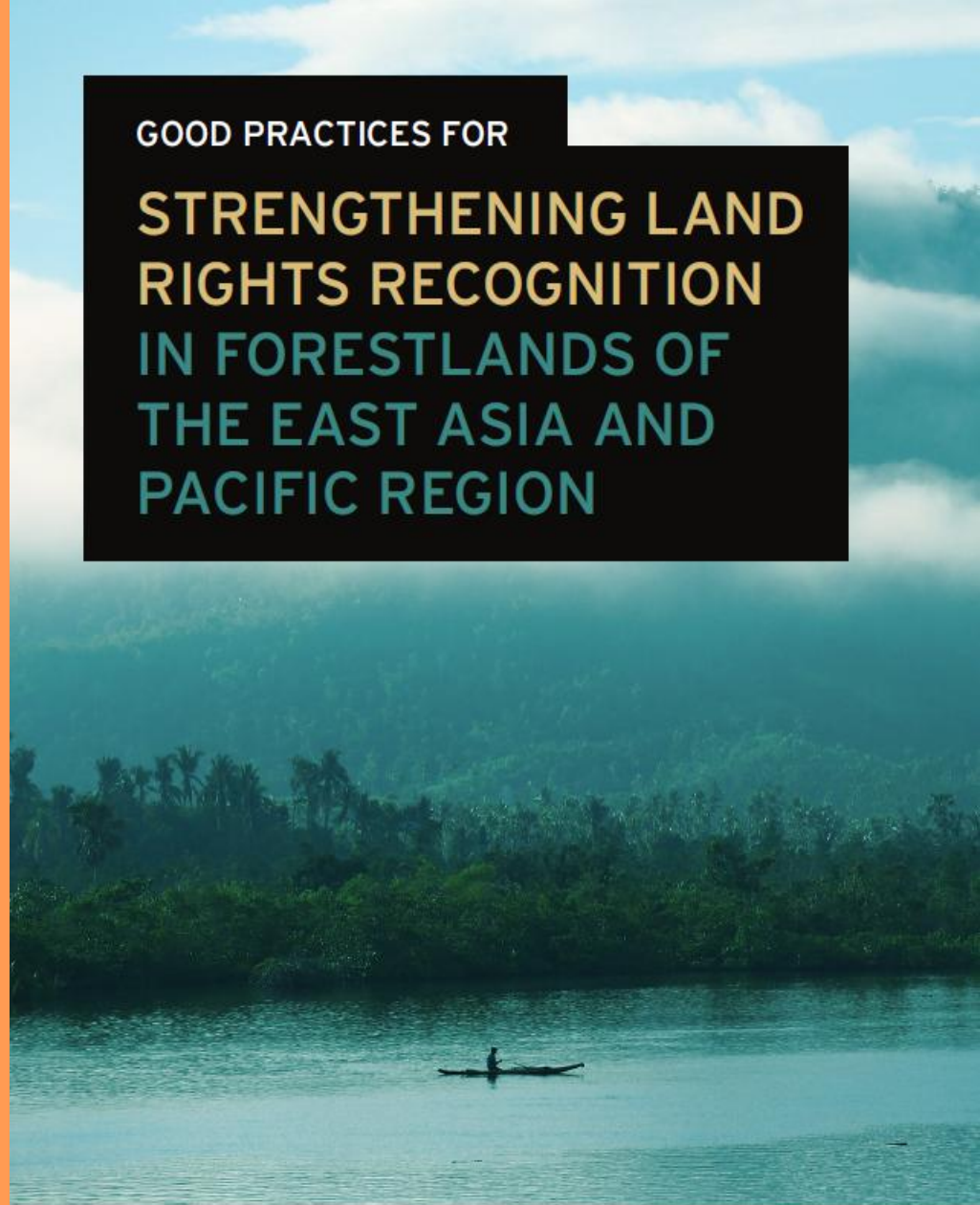
Country	Community Forestry	Full ownership / use rights	Time	Formalization Status (km <sup>2</sup> )
Cambodia	X	X	perpetual	> 5,000
China	X	X	50 years	> 1,800,000
Indonesia	X	X	perpetual	> 4,000
Lao PDR	X	in drafting		
Malaysia	X	X	perpetual	n/a
Myanmar	X			
PNG	X	X	perpetual	> 2,000
The Philippines	X	X	perpetual	> 16,500
Thailand	X	X	perpetual	n/a
Viet Nam	X	X	50 years	> 42,000

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**STRENGTHENING LAND RIGHTS RECOGNITION  
IN FORESTLANDS OF  
THE EAST ASIA AND  
PACIFIC REGION**



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## Legal Recognition



- Consider these aspects when drafting legal frameworks recognizing land rights in forestlands
  - What is the bundle of rights recognized?
  - Are the rights perpetual or time-bound?
  - How are holders of these rights identified?
  - How to avoid elite capture and exclusion of vulnerable?
  - What are the mechanisms to ensure rights are respected?

*Mexico's legal framework allows communal lands, such as forest, to be formalized to 'communities' (usually IPs) or 'ejidos' (group of families), and their titles cover about half of the national territory*

## Legal Protection



- Include measures to the legal framework to protect unformalized land rights also inside forestlands:
  - Require investment projects (infrastructure, mining, agriculture, forestry, etc.) to conduct land tenure assessment as part of feasibility studies
  - Require FPIC to be conducted for activities impacting IPs' lands
  - Compensate also unregistered, but legitimate, land rights in cases of expropriation

*Countries like Mozambique, Mali and Kenya provide legal protection to legitimate rights even without formalization*




## Institutional Partnerships

### Good Practices

- Foster partnership between land, forest, and Indigenous Peoples' agencies and CSOs
  - Build shared vision and trust between the agencies
  - Avoid duplication of expertise (e.g., surveying) between them
  - CSOs often have good reach to and trust of local communities
  - CSOs especially efficient in supporting community registration and mapping efforts

*Türkiye's GD of Forestry and GD of Land Registry and Cadastre seconded staff and shared resources to complete registration for 24 mil. ha of forestland*



Good Practices

## Formalizing Rights - Systematic Land Registration

Good Practices

- Utilize systematic land registration principles where all land rights (private, communal, indigenous, state) are registered simultaneously in a territory
  - Ensures that all types of claims are recorded and treated equally
  - Reduces overlaps of rights and costs

*Mozambique Land Administration Project used systematic land registration approaches to issue about 690,000 private titles and over 700 communal certificates*


Good Practices

## Legal Status and Zoning of Forestlands

Good Practices

- Acknowledge the impacts of legal status and internal zoning of forestlands
  - Internal zoning of forestlands (i.e., totally protected zones) can have an impact on bundle of rights
  - Certain areas might need to be alienated from forestlands through formal conversion process

*Community forest zoning in Nepal is conducted through highly participatory mapping, consultation and decision-making process acknowledging traditional knowledge*



Good Practices

## Land Rights and Environmental Regulations

Good Practices

- Combine formalization of private land rights with environmental / land use restrictions and incentives for positive forest cover impacts
  - Limiting land uses or transactions for land located inside forestlands
  - Requiring parts of private land inside forestlands to be protected or kept forested
  - Providing payments for ecosystem services or livelihood grants for private land holders to incentive sustainable land use

*Brazilian Forest Code requires 20-80% of private land in certain areas to be protected, which is monitored through Rural Environmental Cadaster*

Good Practices

## Public Awareness Sensitization and FPIC



Good Practices

- Public awareness, sensitization and FPIC are always integral part of systematic land registration
  - Utilize local institutions (village chief, elders, etc.) in the process
  - Disseminate information in local, indigenous and ethnic languages
  - Initiate FPIC activities early on to enhance trust and credibility of the process
  - Partner with CSOs and IPs' organizations in the process

*Lao PDR's land registration project is accompanied by a CSO project that generates awareness materials in ethnic languages*

Good Practices

## Land Surveys



Good Practices

- Utilize fit-for-purpose surveying practices:
  - Use remote sensing data combined with participatory mapping to delineate large parcels
  - Allow lower survey accuracy requirements
  - Rely on community members to agree on boundaries

*Mozambique's CaVaTeCo initiative utilizes hand-held GPS with 2-meter accuracy and satellite imagery to survey land parcels, and results are verified by community*

## Adjudication



- Utilize fit-for-purpose adjudication and dispute resolution practices:
  - Rely on social verification owners and occupancy, instead of strict burden of proof
  - Avoid strict temporal thresholds (“*proven occupancy over 20 year*”)
  - Conduct public displays in easily accessible format, and utilize local language
  - Utilize alternative dispute resolution approaches, instead of strict administrative and court procedures

*The Saweto Dedicated Grant Mechanism project in Peru supported the government to streamline regulations and procedures*

# Single Registry of Rights and Enforcement

- Establish single registry of all land-related rights to avoid overlaps.
  - Titles, deeds, use rights, forest boundaries, concessions, licenses, and land use restrictions.
  - If not possible, enhance interoperability of different registries
- Link land information systems with forest monitoring to enable enforcement

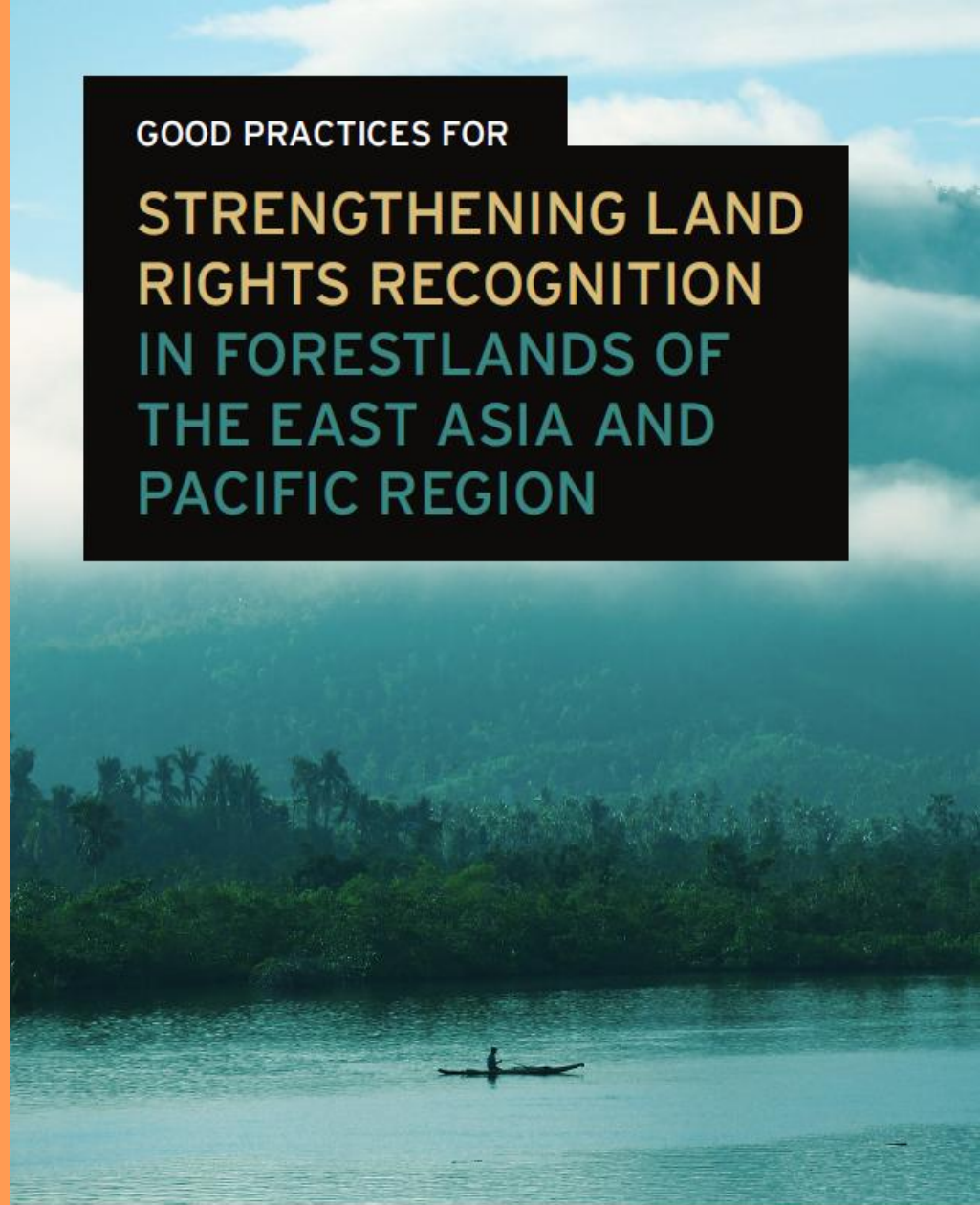
*In Brazil, near-real time deforestation detection is combined with land rights and use restriction information. Deforestation in non-permitted areas triggers automatic alarm to enforcement agency*

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