

CONTEXT



African land tenure systems are complex and diverse

- They depend on local histories and norms, as well as on state law and policy
- State-issued titles or certificates may offer tenure security, notably in post-conflict situations when customary systems have been seriously disrupted.
- When customary systems remain strong, and states are weak, customary tenure may be more secure as titles/certificates come with their own risks:
 - They may increase or entrench inequalities
 - They may undermine local safety nets along with local cultural systems



Customary systems have been under threat for a long time

External threats: Colonialism, private investment, migration

- Colonial regimes sought to replace customary tenure with systems based on western notions of property, weakening customary institutions – a practice continued under post-colonial governments.
- There is a risk that national governments have allocated customary lands to investors with little or no consultation with land users.
- Migration has placed pressure on customary tenure.
- In this context, state recognition of customary tenure can offer protection or better options for negotiation.



State policy may disincentivize tree planting

- In some countries, the state claims ownership of all land.
- In others, the state claims ownership of all untitled land, all forests and/or all trees.
- Such policies disincentivize FLR practices like tree planting and natural regeneration protection.
- Locals may fear FLR projects will lead to community lands and resources being taken away.



Women & minorities face specific challenges in land tenure & FLR

- In many customary tenure systems, women often have weaker rights to land and trees.
- Even when gender equality is established by national law, these laws are rarely enforced.
- Women's representation in decision-making is also often more limited.
- Limited access to resources and lack of representation limit women's ability to make decisions on forest landscape restoration.



LESSONS ON LAND TENURE AND FOREST LANDSCAPE RESTORATION IN AFRICA

CIFOR-ICRAF and GIZ Joint Policy Brief



PROBLEMATIC ASPECTS OF CURRENT FLR APPROACHES

Many FLR projects tend to:

- Focus on numbers of trees and hectares planted.
- Pay inadequate attention to local needs and preferences.

FLR needs to be:

- Built on the aspirations of local communities.
- Rooted in multistakeholder spatial and territorial planning processes.

FLR guidance documents emphasize these principles, yet FLR practitioners struggle to integrate them.



LESSONS LEARNT



Build on the strengths of customary tenure systems

- Customary systems represent distinct worldviews on the relationship between people and nature.
- Many societies throughout sub-Saharan Africa have customary tenure systems that promote forest and land stewardship.
- Principles embedded in customary tenure systems:
 - Emphasis on the collective
 - Social right to land
 - Sustainable management/stewardship
 - Adaptability/flexibility



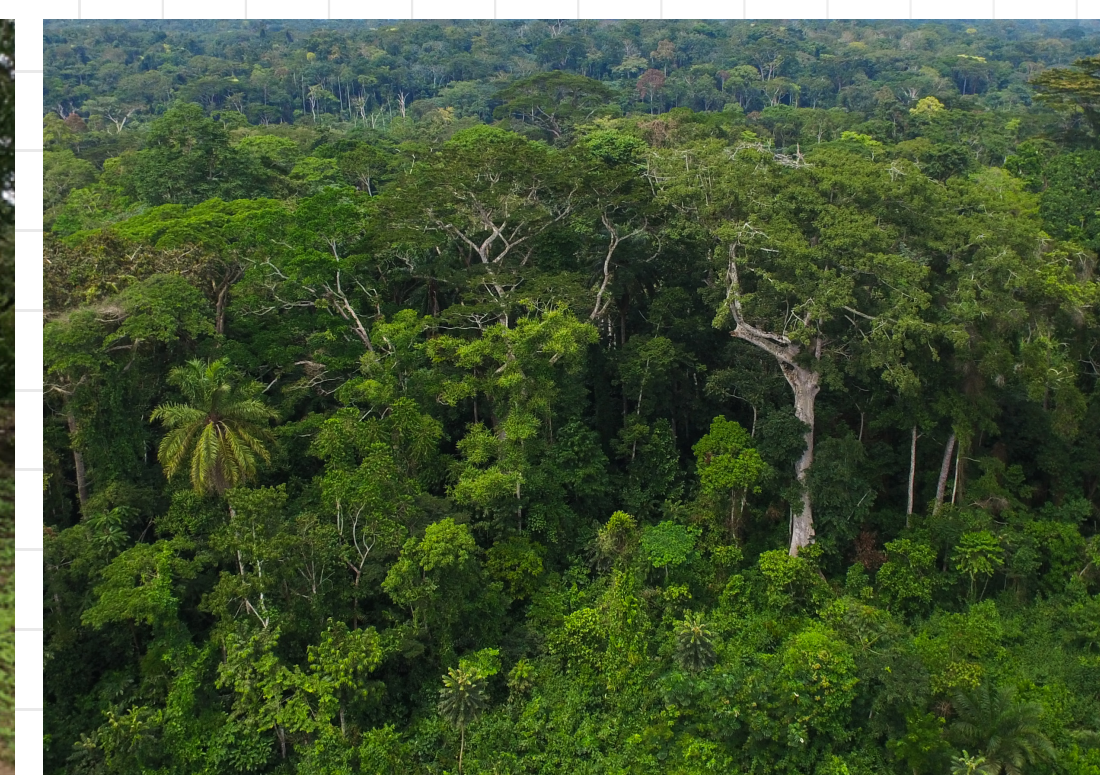
Communities need to see the benefits

- Secure tenure alone is not enough
 - FLR programs must consider local preferences and needs; food security is often paramount.
 - Adopt the principle of "The right tree in the right place for the right purpose".
 - Aim to solve challenges defined by Indigenous Peoples, local communities and smallholder farmers themselves.



Support transparent and accountable local governance

- Recognize that customary systems are not perfect:
 - They may provide weaker rights to women, minority ethnic groups, recent migrants.
 - Traditional authorities or other community leaders may be autocratic and self-serving.
- Ensuring these traditional institutions reflect solid governance principles can help leaders become more accountable to local women and men.



Planting trees can sometimes strengthen tenure security

- Planting trees can bolster land claims and tenure security:
 - Marking boundaries using fruit or exotic species signals the land is in use and is a sign of ownership.
 - Tree planting symbolizes commitment to stewardship and long-term occupancy.
 - Multiple planted trees amplifies evidence of ownership, evidence that is often recognized in state legal systems.

LEARNINGS + OUTPUTS

Community Toolbox developed by the project



POLICY RECOMMENDATIONS

IN BRIEF

- Provide multiple legal options for formalization of customary and collective tenure
- Coordinate across ministries, sectors, laws
- Let communities lead the way
- Hire skilled facilitators for community engagement
- Use gender transformative approaches and similar tools to ensure equity
- Encourage private sector and donors in FLR to support enabling conditions for community-led FLR



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