

Can the existing tenure system foster effective REDD+ implementation?

Reflections from five REDD+ projects in Indonesia

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Objective

- To understand the practices of forest tenure in and around REDD+ projects in Indonesia, and the relationship between these realities and the effectiveness of REDD+ implementation.

Research Question

- Tenure insecurity can affect forest management adversely (e.g., Gillis 1988; Okali and Eyog-Matic 2004)...
- Can the existing tenure system in Indonesia foster effective REDD+ implementation?

Legal base for forest lands

- Forestry Law 1999: all forest lands are state lands
- 70% (133 million hectares) of Indonesia's land area = state lands
- State control of forests recognizes the rights of customary communities "in so far as they exist, their existence acknowledged, and in so far as they do not contradict national interests".

Methods

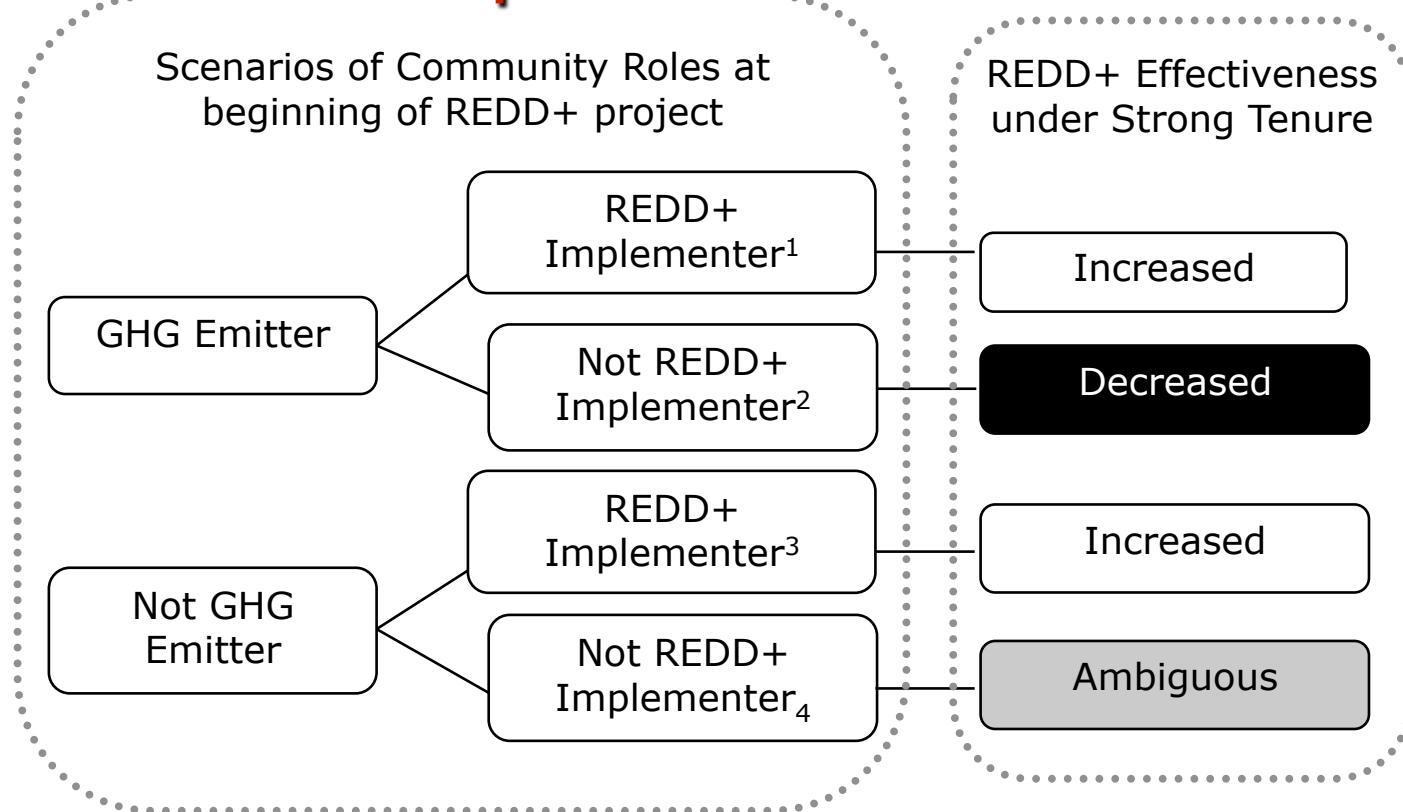
- Part of CIFOR Global Comparative Study on REDD+
- Designed in two phases (before + after) and in two types of research villages (control + intervention) → BACI
- Scope of study: communities in and around REDD+ project
- Survey-based interviews at village (32) and household levels (789)
- Proponent interviews



REDD+ projects studied and activities

| Site | Project goals | Leading proponent(s) or type of project | Research approach and number of villages |
|----------------------|--|--|--|
| Aceh | Water conservation; avoiding deforestation and degradation | Provincial government | Village (8) and HH |
| West Kalimantan | Secure Village Forest management rights (Hutan Desa); conservation; avoiding deforestation and degradation | Conservation NGO and village communities | Village (8) and HH |
| Central Kalimantan 1 | Reforestation and peat rehabilitation | Donor with national partnership; Demonstration Activity; | Village (8) and HH |
| Central Kalimantan 2 | Peat rehabilitation, Avoiding deforestation, Conservation, Local livelihood improvement | Private sector; Restoration Ecosystem Concession | Village |
| Central Kalimantan 3 | Peat rehabilitation, Avoiding deforestation, Conservation, Social programs | Private sector; Restoration Ecosystem Concession | Village |

Conceptual Framework



For example:

1. Illegal loggers who obtain incentives from REDD+ programs to reduce logging/switch to non-emitting activities
2. Illegal loggers not included in REDD+ programs
3. Communities who have managed their forests sustainably and want to protect their forest from imminent external threats of deforestation and forest degradation via REDD+
4. Communities who have managed their forests sustainably but outside of REDD+. Effectiveness outcomes depend on whether there are future external threats/internal interests to emit

Results: tenure condition

- **Project**

- Customary lands but de jure state lands
- Land use competition from large-scale actors
- Overlapping land use claims in Central Kalimantan
- Community-claimed ancestral rights not recognized by national law
- Pre-existing but “dormant” rights (granted by Central Government) in Aceh

- **Village**

- Lands are de jure state lands but de facto used or managed by individuals and communities
- No communities are de jure owners/managers of land
- Village boundaries often unclear

Household perceptions of tenure security aggregated at village level

Aceh

W.
Kalimantan

C.
Kalimantan

In most villages, more than 70% of households felt their tenure was secure. Each province had one village with a lower sense of tenure security than other villages (red circles)

Results: Perception of tenure security

- Villages with a lower sense of security affected by past experiences (e.g., of land grabbing - transmigration), present events (e.g., land rights being sold for personal profit by village head) and future disputes (e.g., negotiations with oil palm plantations)

Household vs Community perception of tenure security

| Ownership (De Jure) | Ownership (De Facto) | Access | Other | Village secure but not HH | Village and HH Insecure | Village and HH Secure | HH Secure but not Village |
|---------------------|----------------------|--------------------|---------------------|---------------------------|-------------------------|-----------------------|---------------------------|
| State | Community | Managed/controlled | No land documents | 2 | 2 | 2 | 0 |
| State | Community | Open | No land documents | 0 | 0 | 0 | 0 |
| State | Community | Open | Unknown | 1 | 1 | 4 | 2 |
| State | Individual | Open | No land documents | 1 | 5 | 1 | 9 |
| State | Individual | Open | With land documents | 0 | 0 | 16 | 0 |
| State | Individual | Open | Stakes | 0 | 0 | 0 | 1 |
| State | Individual | Managed/controlled | Active management | 1 | 1 | 1 | 6 |
| State | Individual | Open | Unknown | 0 | 0 | 0 | 0 |
| State | Individual | Open | No land documents | 0 | 2 | 1 | 0 |
| Individual | Individual | Managed/controlled | With land documents | 0 | 0 | 7 | 0 |
| Individual | Individual | Open | Unknown | 0 | 0 | 0 | 0 |

Results: Perception of tenure security

- Rights are perceived secure based on customary claims
- Lands with certificates (very few, almost exception)
- Lands with locally-issued land documents (village letter, tax receipts, bill of sale)

Results: Rule Enforcement, Exclusion, Disputes

- Community's ability to develop, monitor, comply and enforce rules positively correlated to perception of tenure security
- Only 9 of 24 villages had all 4 elements
- Of the villages claiming to have exclusion rights only 42% can actually exclude unwanted outsiders
- Large and small-scale players equally important unwanted outsiders

- Disputes occurred in >50% of villages with unwanted outsiders

Discussion

- Project
- Pressure on forests increasingly from large scale and from outside the forestry sector (e.g., oil palm and mining).
- Preventing conversion to these other uses is a challenge
- Can affect effectiveness in permanence of REDD+
- Ambiguities from disconnect between de jure and de facto tenure, and overlapping

Discussion

- Village communities
- REDD+ is operating in situation where de jure and de facto control over state lands is inconsistent.
- Can become an issue if division of liability and benefits of REDD+ is not clear.
- Enhanced communities' tenure (recognized rights, ability to exclude, enforce rules) protect rights to determine resource use
- Enhanced tenure of communities can affect effectiveness of REDD+ in different ways depending on role of the communities in REDD+ (framework)
- Enhanced tenure of communities engaged in REDD+ increases effectiveness by protecting their interest to reduce emissions.
- Enhanced tenure of communities not engaged in REDD+ can decrease effectiveness by protecting their interests to emit.

Discussion

- Tenure security
- The majority of villages (aggregated from HH data) perceived their tenure as secure, which were correlated to ability to enforce rules. Yet villages were not always able to exclude unwanted outsiders; and unclear village borders led to disputes. Is this adequate for effective REDD+?
- With increasing pressures and interests on lands, reliance on unrecognized customary rights and weak (and often dubious) land documents presents risks.
- Local initiatives to clarify land use and boundaries are ad-hoc and not integrated into national policy of land use planning and allocation

Conclusions

- Tenure security
- Current tenure situation presents a challenge in implementing REDD+ effectively.
- Communities need to understand the position of their tenure vis-à-vis the legal system to help them make informed decisions.
- In the absence of tenure reforms to clarify tenure, effective and fair conflict resolution mechanism should be established to prevent conflicts.
- Some window of hope: realistic options such as planting/ reforestation activities to achieve REDD+ objectives under unclear tenure circumstances.

Thank You