

# REDD as Threat to Tenure Security

## Comments by Dr. John W. Bruce, LDSI

- Market in carbon requires clarity in property rights.
- Carbon is trees, land, habitats, local livelihoods. Legal severance is dangerous.
- History of dispossession by state, broad assertion of public ownership, and unrecognized customary land rights create insecurity.
- Forests are a strong historical focus of appropriation impoverishing local people.
- Clarity is not enough, if it simply means assertion of public ownership to the exclusion of local, customary rights.

# Ethics and Incentives

- Why is clarity of public ownership not enough? Governments often neglect local livelihoods in pursuit of revenue.
- These are ethical issues, which have a practical side (reputational risk).
- And other practical reasons: achievement of REDD objectives requires a mix of incentives for local people and enforcement.
- Enhanced property rights both empower and create incentives for local communities and their members.

# Delivering land rights recognition

- How to make legal recognition real? The classic approach is systematic adjudication and registration of household rights.
- But often these programs individualize tenure, neglect community rights, weaken position of wives.
- Some options:
  - 1) Register customary rights as customary rights.
  - 2) Upgrade customary land administration
  - 3) Community rights titling and registration.
- Ask: What do people want?

# The Community Titling Option

- Community titling in Tanzania, Mozambique
- IDLO Community Land Titling Initiative (Rachel Knight): Ghana, Uganda, Mozambique
- Legislation needed? Time-consuming...
- But on public land, tenure can be created using contractual documents, grants or other.
- Care not to distort custom, but also important to conform to national legal categories.
- Critical: Identifying clearly 1) the community, 2) the rights/responsibilities, and 3) the land.
- Conditionality? Or earning tenure? Is the monitoring machinery there? Will it be abused by those administering it?

# Limits Posed by Transaction Costs

- REDD creates a need for government to address local land rights, but addressing them increases transaction costs.
- Roles for NGOs/paralegal in sensitization, training, strengthening community institutions and giving voice to local communities
- Existing tenure regime will have shortcomings, and it is tempting to attempt tenure reform, but this will increase transaction costs
- There will however be a need for interventions to include forest users traditionally excluded from customary rights (women, castes, etc.).
- Golden rule: keep interventions as simple as possible!