Responsible Land Governance in Land Degradation Neutrality Programmes

Insights from Benin and Kenya

Global Soil Week Synthesis Report

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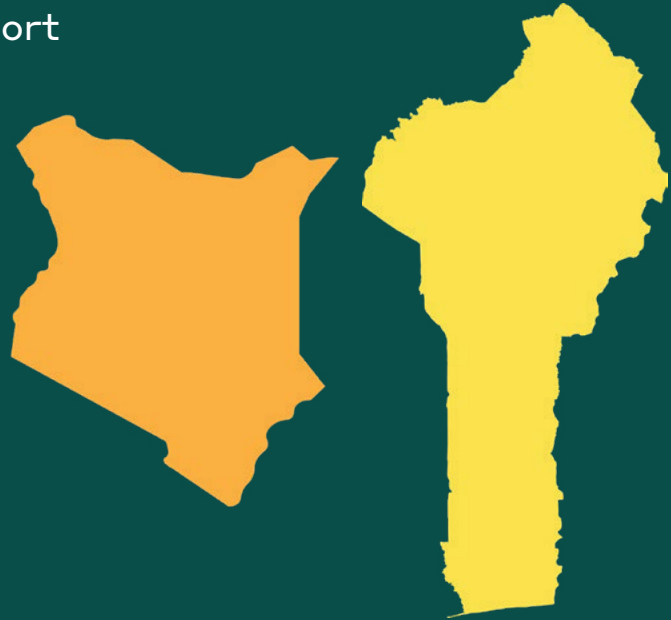Global Soil Week Synthesis Report

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Acronyms

APIC	Association pour la Promotion des Initiatives Communautaires
CADASTA	The Cadasta Foundation
CFA	Community Forest Association
CGUA	Cellule de Gestion de l'Unité d'Aménagement
CTAF	Cellule Technique d'Aménagement Forestier
CVGF	Cellule Villageoise de Gestion de la Forêt
DFRN	Direction Générale des Ressources Naturelles
DGEFC	Direction Générale des Eaux, Forêts et Chasse
FAO	Food and Agriculture Organization of the United Nations
GIS	Geographic Information Systems
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German national development cooperation agency)
GPS	Global Positioning System
GSW	Global Soil Week
IFAD	International Fund for Agricultural Development
INSAE	Institut Nationale de la Statistique et de l'Analyse Economique [National Institute for Statistics and Economic Analysis]
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
ITPS	Intergovernmental Technical Panel on Soils
KENVO	Kijabe Environment Volunteers Organization
KFS	Kenya Forest Services
KICOFA	Kereita Integrated Community Forest Association
LDN	Land Degradation Neutrality
TSP	Target-Setting Programme
NGO	Non-Governmental Organisation
PELIS	Plantation Establishment and Livelihood Improvement Scheme
PFMP	Participatory Forest Management Plan
RGPH4	4ème Recensement Général de la Population et de l'Habitat
SDGs	Sustainable Development Goals

SLM	Sustainable Land Management
TMG	Töpfer Müller Gassner – Think Tank for Sustainability
UNCCD	United Nations Convention to Combat Desertification
COP	Conference of the parties
UN	United Nations
UNDP	United Nations Development Programme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure for Land, Fisheries and Forests in the context of National Food Security

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Key messages

1. To restore soil and land sustainably, we need to mainstream tenure issues in restoration processes and monitor the impact of Land Degradation Neutrality (LDN) and land restoration measures.

2. Forest-adjacent communities have a key role in sustainable land management and in achieving LDN. For them to become stewards and beneficiaries of sustainable land use, they need support in claiming their rights and securing access to forest and land resources.

3. To support communities in recognising and claiming their legitimate land rights, grievance mechanisms for land conflicts involving co-management structures and institutions need to be established.

4. Land tenure is a sensitive topic affecting power, identity, and the inner fabric of communities. Yet, we believe it is not only necessary but also possible to progress through smart partnerships with key actors at different levels and sectors.

Executive summary

By adopting the SDGs, UN Member States have made commitments to "strive to achieve a land degradation neutral world" (SDG 15.3). National commitments have been translated into Land Degradation Neutrality (LDN) targets together with a formulation of policy actions and measures intended to support land restoration efforts. For countries such as Benin and Kenya, which depend heavily on their forests to meet their commitments to international agreements and agendas, LDN target-setting and policy formulation largely focus on forest protection and conservation and some measures targeting agricultural lands and wetlands.

Various institutions refer to LDN as both a target and a mechanism to achieve a land-degradation-neutral world and to protect ecosystems. Despite its potential to accelerate the achievement of the SDGs, land restoration without a human rights perspective may jeopardize the achievement of certain sustainability objectives and exacerbate poverty among forest-dependent communities. The findings of a pilot research implemented by TMG Research in Benin and Kenya to support the implementation of UNCCD COP 14 Decision 26 on tenure rights stress the need to account for communities' legitimate tenure rights, and especially their rights to forest land and resources within processes of LDN implementation and forest restoration. Moreover, the studies show how a failure to prioritize tenure issues in the implementation of policy mechanisms may inadvertently produce outcomes that undermine the achievement of larger objectives.

In Kenya, TMG Research partnered with the Kijabe Environment Volunteers Organization (KENVO), the Kereita Integrated Community Forest Association (KICOFA), and the Kenya Forest Service (KFS) to document, in a participatory mapping process, the tenure rights of the community living adjacent to Kereita Forest in Kiambu County. The mapping results reveal that forest-adjacent communities are highly dependent on secure access to forest resources for household food security and income. The findings also show that LDN measures that focus on forest conservation and restoration by restricting access to forests directly impact the tenure rights of forest-adjacent communities and, in turn, affect their food security and livelihoods. Finally, the studies indicate that, although co-management structures are provided for in the legal and institutional frameworks for forest management, enforcement can be hindered by the limited capacity of community organizations to participate in decision-making.

In Benin, TMG Research worked closely with a local non-governmental organisation, the Association pour la Promotion des Initiatives Communautaires (APIC) to conduct a participatory mapping of tenure rights targeting the communities of Kabanou, a village adjacent to the Three Rivers gazetted forest[1]. The findings reveal that forest-adjacent communities depend critically on the Three Rivers gazetted forest for their livelihood needs. Although access to forest land is formally managed through the participatory forest management plan, which also sets out the framework and conditions for communities' participation in forest management and decision-making, those provisions are not effectively enforced. In some cases, they are applied on a selective basis with a focus on forest surveillance and the collection of communities' contributions (fees) to forest management. This causes numerous conflicts between different forest-adjacent communities, and between forest officers and forest-adjacent communities. TMG's findings also reveal that, beyond the framework and processes established by the participatory forest management plan, there exist various informal processes that undermine effective collaboration between the forest officers and the forest-adjacent communities. These informal processes jeopardize the foundations of community participation in forest management and hinder the successful reconciliation of forest conservation goals with communities' legitimate rights to forest land and resources.

In summary, it is worth emphasizing that in both countries the acceptance and widespread implementation of LDN measures will depend on securing communities' legitimate rights to forest land and resources. This can only be achieved if legitimate tenure rights holders are prioritized, responsible land governance structures established, and smallholder farmers supported to actively participate in forest and resource conservation.

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1 Gazetting refers to the process of mapping and legal recognition of a forest by the state. Gazetted forests are reserved and protected under forestry and environmental laws.

This synthesis report builds on two comprehensive country reports that summarized the findings of a collaborative research project by TMG Research in Benin and Kenya. The findings provide the basis for TMG Research and partner organisations to develop a monitoring approach that can support the implementation of LDN measures and the UNCCD Land Tenure Decision at national scale.

1. Introduction

According to the United Nations Convention to Combat Desertification (UNCCD), "healthy and productive land can play an unparalleled role as an engine of economic growth and a source of livelihood for billions worldwide, including the most vulnerable populations. Achieving land degradation neutrality can become an accelerator of achieving SDGs across the board" (UNCCD, 2021a). However, 33% of the Earth's soils are currently degraded, and over 90% are at risk of becoming degraded by 2050 (FAO and ITPS, 2015; IPBES, 2018), making it impossible to reach the SDGs, especially those directly affecting smallholder farmers[2].

Land Degradation Neutrality (LDN) has the potential to mitigate the loss of productive land through the recovery of degraded areas[3]. Hence, it is a critical mechanism to address land degradation and contribute to reaching various SDGs (UNCCD, 2021b). While the urgency of LDN is evident, its widespread implementation, especially in regions suffering most from land degradation, will depend on efforts to ensure social justice and good governance (Dallimer & Stringer, 2018).

Unfortunately, in many countries suffering from high levels of land degradation, efforts to put smallholder farmers at the centre of LDN processes are often hampered by insecure access to land or coercive management approaches, especially of forest resources. In both Kenya and Benin, LDN measures focus heavily on forest protection and the rehabilitation of millions of hectares of land, and the government promotes forest plantations despite frequent complaints from forest-dependent communities of growing soil infertility and shrinking space for cultivation and grazing. The call for a "zero tolerance policy" in addressing communities'

encroachment into forest land, as expressed in Benin's LDN target-setting programme, does not consider the severe risk of violating forest-dependent communities' legitimate tenure rights in accessing the resources they depend on for their livelihoods. While policy measures formulated in the Kenyan LDN target-setting programme appear less severe, there is an absence of information on how they will be complied with and enforced (Gichenje et al., 2019).

For smallholder farmers to become the drivers of sustainable land management, and to actively participate in the achievement of LDN at national level, it is essential that governments, civil society organisations and development partners promote responsible land governance and support the adoption and enforcement of the Voluntary Guidelines on the Responsible Governance of Tenure of Soil, Land, Fisheries and Forests (VGGT)[4]. This means guaranteeing tenure security for smallholder farmers and other marginalised resource users. It is against this background that the landmark Decision 26 on land tenure was reached at the 14th Session of the Conference of the Parties to the United Nations Convention to Combat Desertification (UNCCD COP 14) in New Delhi in 2019.

This report synthesizes the results of a pilot research project on participatory mapping conducted by TMG Research in Benin and Kenya to support the implementation of the above-mentioned UNCCD decision. It explores innovative ways to integrate communities' tenure rights in forest conservation and LDN policies. It especially analyses the role and relevance of digital tools (including participatory digital maps and platforms) in reconciling forest conservation priorities with dependent communities' legitimate rights to land and forest resources. The pilot studies were implemented as part of a research project implemented by TMG Research with technical and financial support from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the German Ministry for Economic Development and Cooperation (BMZ).

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2 SDG 1 (no poverty), SGD2 (zero hunger), SDG 5 (gender equality), SDG 10 (reducing inequalities), SDG 15 (life on land)
3 https://www.unccd.int/actions/achieving-land-degradation-neutrality
4 https://www.fao.org/tenure/voluntary-guidelines/en/

2. Mapping community land and usage rights

The same mapping process was followed in both Kenya and Benin. From the initial meetings with the main stakeholders to the final validation of the mapping products, a five-phase process was followed that included situational analysis, community mobilization, mapping preparation, mapping of tenure rights, and the validation of mapping products (see Fig. 1).

The first phase (situation analysis) consisted of desk and field research to understand communities' needs and perspectives on the implementation of the Participatory Forest Management Plan (PFMP) and processes to access forest land and forest-based resources. These insights helped to refine the following phases.

The second phase (community mobilization) involved sensitizing community members on the project objectives, clarifying the mapping processes, and using mapping outputs and products. About twenty-five village representatives (enumerators) received a short training course on the mapping tools and processes in both countries. This improved communities' engagement with the mapping process and increased the legitimacy of mapping outputs.

The mapping preparation phase was implemented in two stages. First, desk research was conducted to collect and digitize official maps of the Kereita and Three Rivers gazetted forests, including the boundaries of the different zones. These boundaries were then verified on the ground by a geographic information systems (GIS) specialist with the support of forest authorities.

The fourth phase (mapping tenure rights) consisted of field work to collect data and data processing using the CADASTA platform. Prior to data collection, a survey questionnaire was developed and uploaded to Survey123, an application connected to the CADASTA platform. This application was used to collect various data sets including village information, household characteristics, access to land and tenure arrangements, conflicts over resources, etc. At the end of the survey, the interviewee, accompanied by the local enumerator and field technicians (APIC and KENVO staff trained by the Cadasta Foundation) mapped farm plots using GPS devices and Survey 123 software on smartphones/tablets. Common resources such as grazing areas and watering points were also georeferenced, although this activity proved challenging due to the lack of clear delineation between areas.
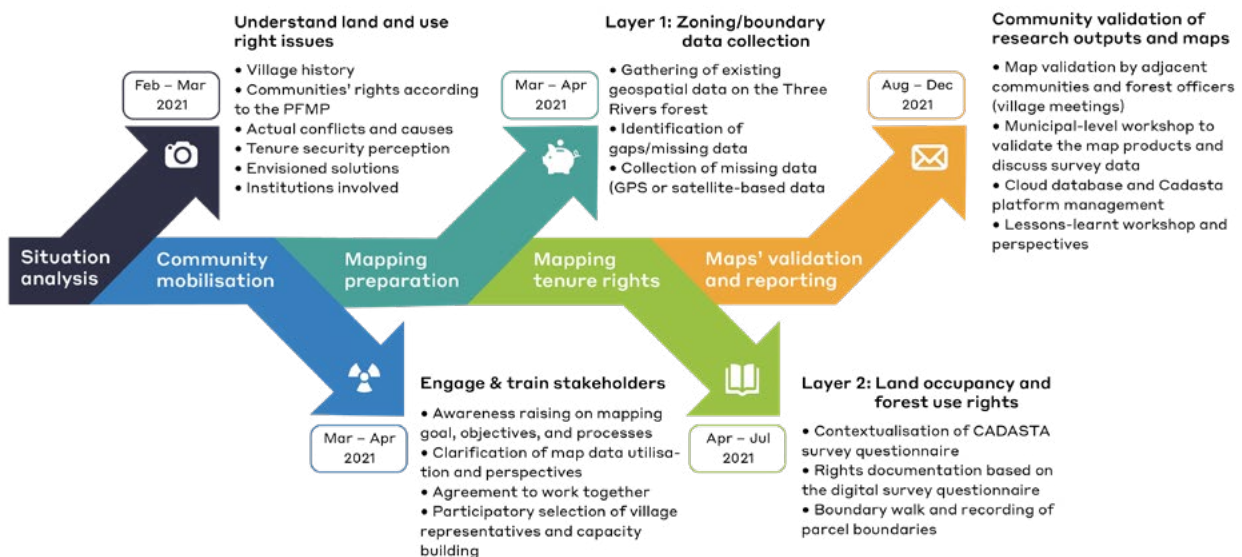
Figure 1: Mapping phases, processes, timeline, and key objectives

Data analysis was conducted to identify the forest resources that the community depends on for household food security and income, the level of dependency on these resources, and whether the forest co-management framework, as implemented in the project area, sufficiently safeguards the community's tenure rights.

The final phase of the mapping process involved the validation of mapping products with local communities and the forest administration. This took place during community meetings involving farmers whose lands had been georeferenced and representatives of farmer groups. During these sessions, the maps were presented, explained, and discussed with farmers to confirm the accuracy of the information collected and mapped, and to consider additional relevant information. After this, the maps were revised to include communities' perspectives and finally presented to the forest administration for feedback and cross-checking with relevant legal frameworks before final validation. The validation process concluded with a multi-stakeholder workshop where the mapping process and products were presented, analysed, and discussed.

Figure 2: Recording the GPS coordinates of a farm plot in Djaoulè hamlet, village of Kabanou. © Ganiou Abou, 2021

3. Overview of the country case studies

In Benin and Kenya, the case study selection was made through a multi-stakeholder reflection process that involved officials from the forest department, researchers from local universities, the UNCCD focal points and TMG partner organizations in both countries (Apic NGO in Benin and KENVO in Kenya). It was decided to focus on gazetted forests endowed with participatory forest management plans because these provide a suitable framework to examine the complex interactions between LDN implementation and land tenure issues.

3.1 LDN implementation and land governance issues

To reverse land degradation, Benin has committed itself to restoring at least 50% (1.25 million ha) of land degraded during the 2000–2010 reference period, to limit the loss of non-degraded land to 5% (398,200 ha), and to reach a 12% (1,364,604 ha) net improvement of vegetation cover by 2030 (Global Mechanism of the UNCCD, 2018). To achieve these goals, Benin defined various targets and policy measures in its LDN target setting document (LDN TSP)[5]. Most of these focus on forest protection and restoration.

In Kenya, commitments to achieve land degradation neutrality have been translated into national targets and documented in the LDN Target Setting Programme (LDN TSP). Targets include achieving and maintaining forest cover above 10%; increasing forest cover through afforestation/agroforestry in existing forests, shrubland, grassland, wetlands, and croplands by 5.1 million hectares; increasing by 16% the net land productivity of forests, shrubland, grassland and cropland through SLM practices; increasing soil organic carbon in cropland by 319,626 tonnes through SLM practices; halting the conversion of forests to other land cover classes by 2030; and rehabilitating all abandoned mining and quarrying areas.

In both countries, strategies to achieve land degradation neutrality rely heavily on forest protection and the rehabilitation of degraded land, although specific actions targeting agricultural lands are also intended. This focus on forests is also expressed in the formulation of policy measures to achieve LDN targets.

In both Benin and Kenya, forest resource management is under the authority of the forest department of the respective national ministries of the environment. In Benin, forest regulations and management are the responsibility of the Direction Générale des Eaux, Forêts et Chasse (DGEFC). In Kenya, they are under the authority of the Kenya Forest Service (KFS).

In Benin, the management of forests, water resources, and hunting, is governed by Law No. 93-009 of July 2nd, 1993 and its implementing decision nº 96-271 of 2 July 1996, as well as by Law No. 2002-16 of 18 October 2004 related to wildlife management. Following the adoption of these laws, Benin developed a forest policy, legal and institutional framework and a priority action plan. These reforms, part of Benin's decentralization policy, led to the development of Participatory Forest Management Plans (PFMPs). The PFMPs are management tools that guarantee the participation of forest-dependent communities and adjacent municipalities in forest management, including mechanisms to access and use forest land and resources. The Three Rivers gazetted forest, which is the focus of TMG pilot research in Benin, is managed through such a plan. Figure 3 below illustrates the framework for the management of the Three Rivers gazetted forest.

The framework highlights three key stakeholder groups involved in the implementation of the PFMP. These are: (i) the state, represented by the forest administration and its decentralized bodies (CTAF); (ii) the municipalities, represented by

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[5] Benin's LDN measures and definitions of targets and hotspots can be found in the UNCCD knowledge hub: https://knowledge.unccd.int/home/country-information/countries-having-set-voluntary-ldn-targets/benin

the mayor or district and village chiefs; and (iii) local communities organized into village organisations, councils, or management committees. The interactions and relationships between these stakeholders are described in the Benin country report.

Forest co-management in Kenya is governed by the Forest Conservation and Management Act, 2016 (No. 34 of 2016). Under this framework, the KFS signs Forest Management Agreements with Community Forest Associations (CFAs) to transfer various user rights to the community. The Plantation Establishment and Livelihood Improvement Scheme (PELIS) system is part of Kenya's co-management framework for forests, whereby forest-adjacent communities are allowed to plant food crops for subsistence and small-scale commerce provided they replant trees in sections where timber has been harvested. In such a system, the KFS allocates plots to CFA members after a mature plantation has

been harvested. The communities contribute to forest restoration by planting and tending to seedlings while cultivating crops on the cleared land (non-resident cultivation). The system depends on continuous harvesting of the plantation forest (in cycles of 2 to 3 years) which frees up new spaces that can be divided into plots and allocated among the community. Figure 4 shows the institutional framework of Kereita Forest Management.

Despite the existence of the above institutional frameworks and various policy measures that put local communities and the municipalities at the centre of forest and LDN implementation, it is important to note some contradictions and highlight concerns related to communities' legitimate rights to forest land and resources. In Benin, the call for strong enforcement of forest laws and regulations including the eviction of farmers and other users from unauthorised zones and protected areas, as expressed in the country's
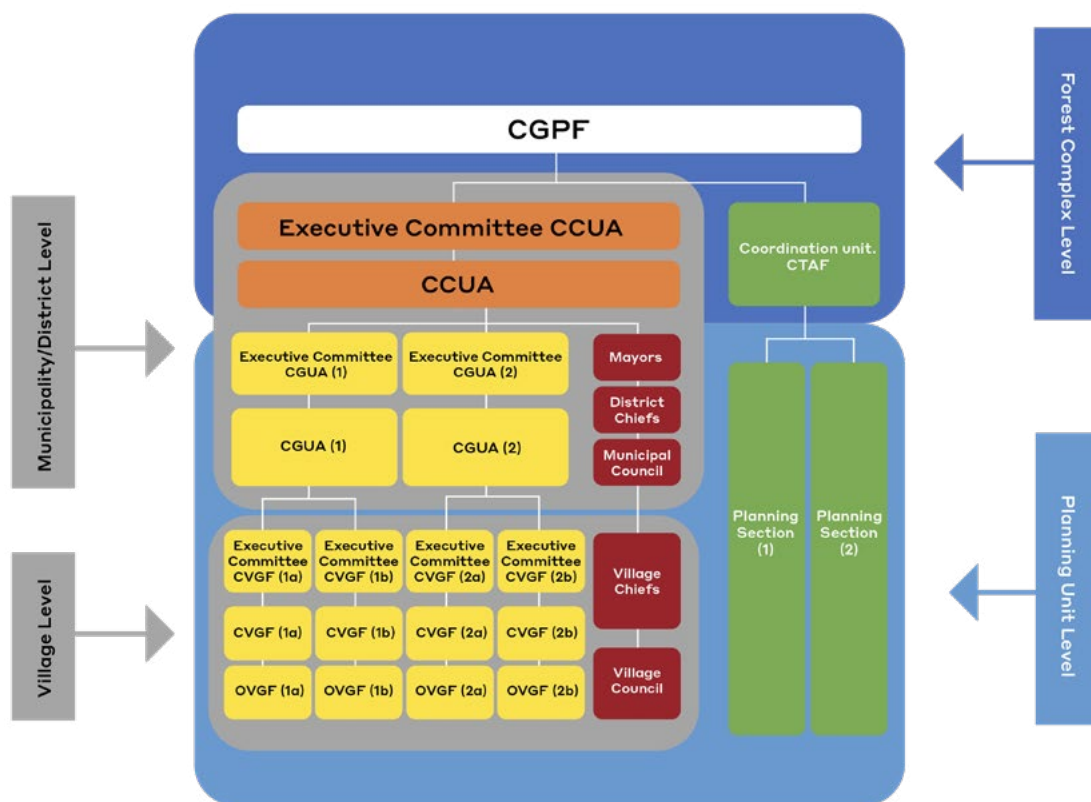

Figure 3. Implementation framework of the Three Rivers gazetted forest participatory management plan (Source: World Bank, 2020, DFRN, 2010)
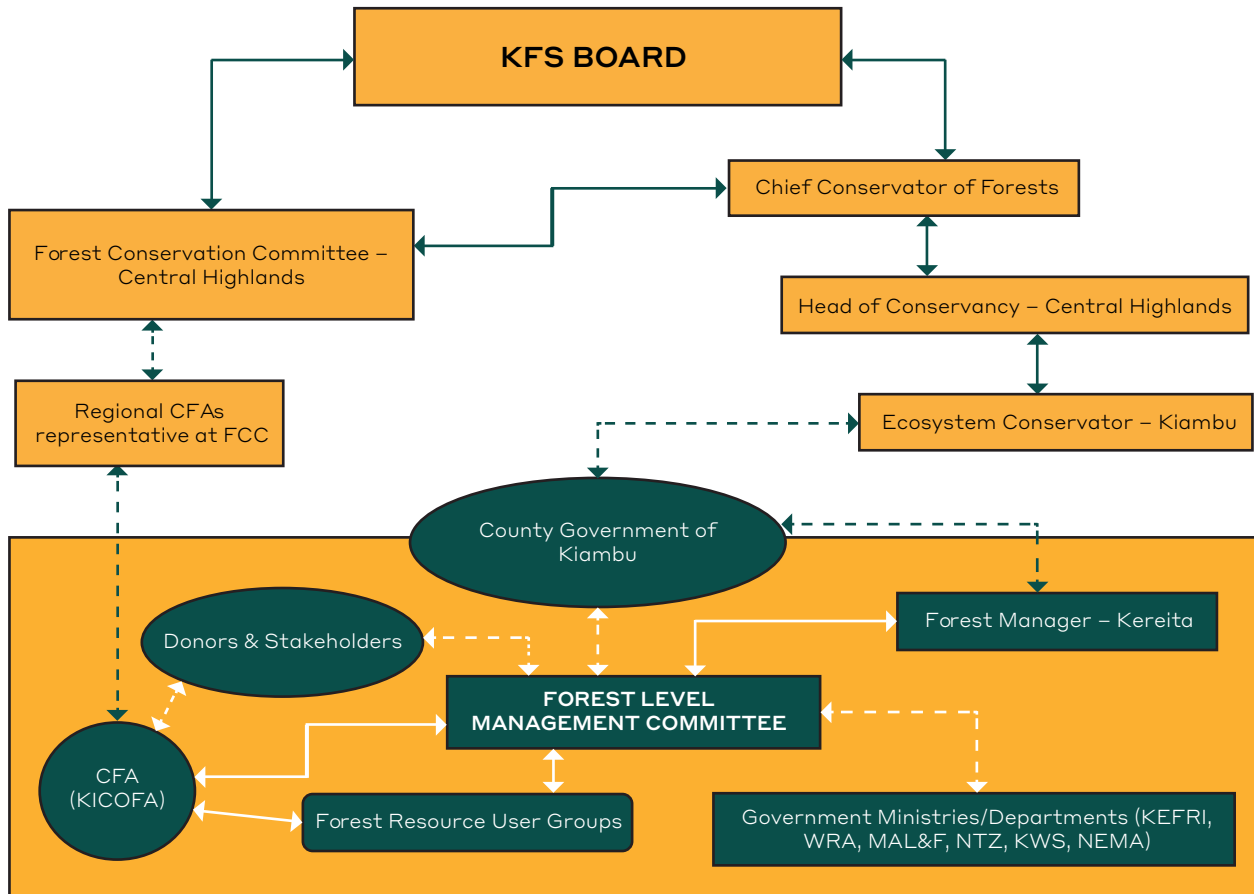
Figure 4: Institutional Framework of Kereita Forest Management

LDN TSP, risks infringing on forest-dependent communities' basic rights to forest land and resources if not carefully implemented. Similarly, Kenya's LDN Target Setting Programme (TSP)[6] calls for more focused implementation of reduce/reverse response measures but with little indication of how to achieve this (Gichenje et al., 2019). Although policies and reforms in the forest sector emphasize community participation in forest management, minimal decision-making power has been transferred to communities that have limited access to forest resources (Mogoi et al., 2012). The mention of "retrogressive traditional cultures" in agropastoral areas in Kenya's LDN TSP as a weakness of the legal and institutional framework may presage hard measures for agropastoral communities, who already face multiple challenges in accessing grazing resources and extension services.

The following section provides more details of the country case studies.

3.2 Notes on the study sites

In Kenya, the TMG pilot study focused on the case of the Kereita Forest. In Benin, the research focused on the Three Rivers gazetted forest and especially Kabanou, one of the villages adjacent to the forest.

Located in Lari sub-county within Kiambu county, the Kereita forest forms part of the Kikuyu escarpment forests within the Aberdare Forest Reserve and covers an area of 4,722 hectares. It was gazetted under legal notice No.7 of 1943 for the purpose of conservation . The forest forms one of the most important catchment areas in Kenya and provides water to neighbouring communities and urban centres including Nairobi. Kereita forest neighbours five villages: Kambaa, Bathi, Magina, Gatamaiyu and Nyanduma. A significant proportion of the population in these villages relies on the forest; it is a vital resource for extraction of forest products such as timber, wood fuel, construction material, fodder, and herbal medicine, and as a grazing ground. The forest has both plantation and indigenous sections and

community activities such as crop cultivation under the PELIS system are carried out periodically within the plantation sections (after harvesting of mature plantations). The forest-adjacent communities in Kereita Forest, defined as those living within 2 kilometres of the forest boundary, are estimated to comprise 41,680 people in 14,126 households. The Three Rivers is the largest gazetted forest in Benin (259,300 hectares) and contributes directly to the livelihoods of over 50,000 residents spread across 48 villages and hamlets within the forest (INSAE, 2016; Monti et al., 2020). For management purposes, it is divided into four zones where access to land and resources is subject to specific rules and restrictions. The core zone enjoys strict protection. All human activities apart from research and monitoring are prohibited. In the protection zone, access to forest land and

resources is allowed under certain conditions and rules specified in the forest management plan. The agroforestry zone is where forest-adjacent communities are permitted to farm and graze livestock, provided they adhere to the provisions of the PFMP. The service zone covers transportation networks and other infrastructure used for forest management (see Fig. 5).

Due to growing demand for agricultural land and other resources, the Three Rivers gazetted forest, like many others in Benin, has experienced dramatic rates of degradation in recent years. From 1987 to 2016, farmlands increased from 7.1% to 45.29% at the expense of forest and savannas, despite the existence of a PFMP aimed at reversing forest degradation.
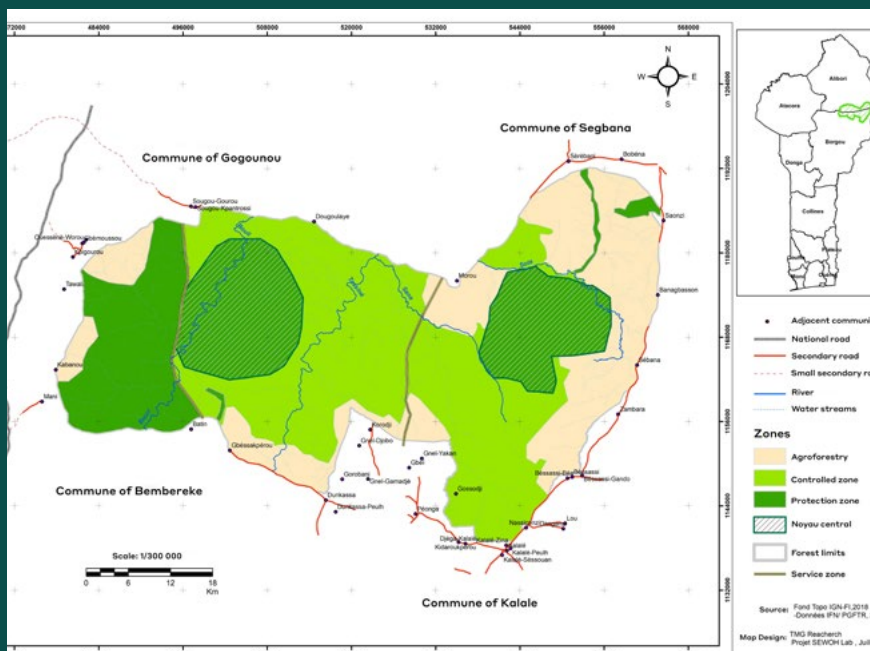

Figure 5: Map of the Three Rivers gazetted forest showing its four management zones (Source: Adapted from DFRN, 2010)

4. Research Findings

This synthesis report summarizes the findings of two comprehensive reports based on TMG Research pilot studies in Benin and Kenya which explored the impact of LDN initiatives on forest-dependent communities' rights to land and resources. It further proposes a set of policy recommendations intended to support the integration of forest-dependent communities' rights into forest management policies and strategies and LDN implementation. The findings are based on two household surveys implemented in Benin and Kenya and responses from over 630 smallholder farmers and policy-makers.

4.1 Key outputs and messages from the Benin case study

Findings from Benin are based on a household survey (n=200) implemented in the village of Kabanou, and the outputs of two multi-stakeholder workshops. The first was organized at the beginning of the research project to discuss the findings of the situation analysis, and the second in November 2021 to present and discuss preliminary findings of the participatory mapping.

Three important key messages emerge from the Benin pilot study:

▶ **Current LDN and restoration measures often do not pay adequate attention to legitimate tenure rights of (forest) resource users**

In Benin, LDN targets and policy measures are tailored to support forest conservation and address land degradation issues. A policy framework and management mechanisms used to sustain the use of land and other resources in gazetted forests include the participatory forest management plan (PFMP). The PFMP of the Three Rivers gazetted forest, for instance, explicitly recognises adjacent communities' rights to land and forest resources and includes provisions and mechanisms to communities' access and use of forest land and resources.

Despite the above provisions, the practices on the ground and management mechanisms in place tend to undermine the rights of adjacent communities, often leaving them in a
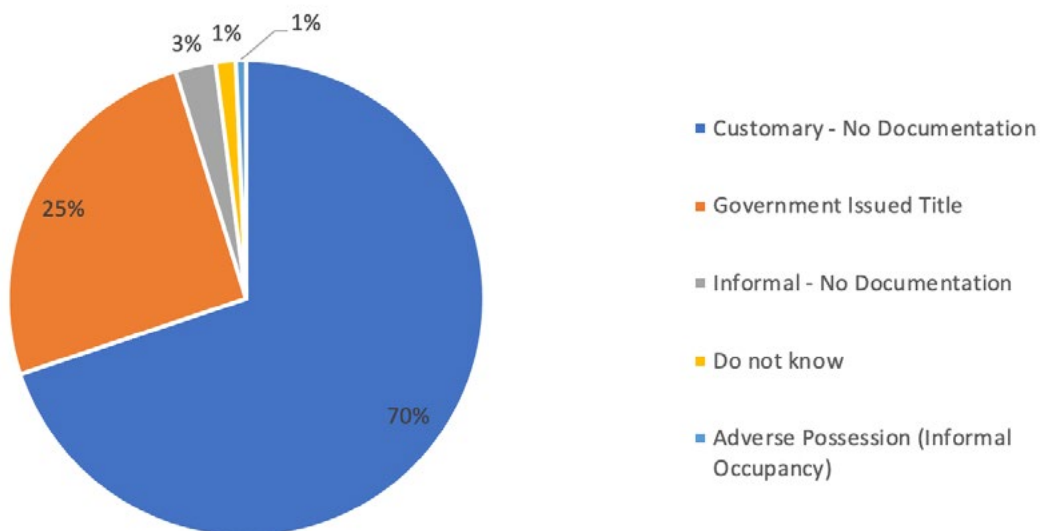

Figure 6: Modes of access of Kabanou village communities to forest land and resources (Household survey, April 2021)

continuous position of tenure insecurity and vulnerability. Household survey data collected in Kabanou village for instance show that almost 70% of respondents consider it very likely (46%) to somewhat likely (24%) that they will lose the land they currently occupy against their will in the coming five years. Only 5% consider it unlikely to very unlikely that they will lose their land. Questioned on the reasons for their concerns, 82% of respondents mentioned fear of eviction by forest officers from the land they currently use. This sense of insecurity may be related to the fact that about 70% of adjacent communities have no formal documentation authorizing them to occupy and use forest land and resources (see Fig. 6 on previous page).

Although 25% mentioned having government-issued titles, further investigation revealed that the communities were equating the receipts they receive from forest officers for forest contribution fees (see Fig. 7) with government-issued land titles. In fact, adjacent communities have no formal document likely to guarantee or secure their access to forest land and resources, despite the framework provided by the participatory forest management plan.

Data on land use history and farm plot dynamics (n=153) show that the farm plots currently occupied by Kabanou communities are not only a result of recent migration into the forest or new occupation of forest land. Regardless of the respondent's current location (inside or adjacent to the forest), about 36% of respondents stated that the farm plots they currently occupy have been

Figure 7: A receipt for the forest management contribution fee paid by a farmer in Kabanou village to access cultivation land (Household survey, April 2021). For data protection reasons, the name, signature, and receipt number have been hidden.

used for more than 30 years or were used by their parents who were born there. 29% of the respondents claimed that the farm plots they currently occupy have been used for more than 10 years (see Fig. 8).

In conclusion, it is important to note that Benin strongly relies on its protected areas and especially forests to meet the country's commitments to international sustainability agendas. The importance of forests for Benin is translated into forest conservation priorities and LDN targets and policy measures that aim to reduce forest-adjacent communities' access to and use of forest land and resources. Such policy measures combined with the observed lack of community participation in forest management not only undermine the achievement of LDN targets but are also likely to negatively impact the achievement of the UN SDGs, especially Target SDG 15.3.

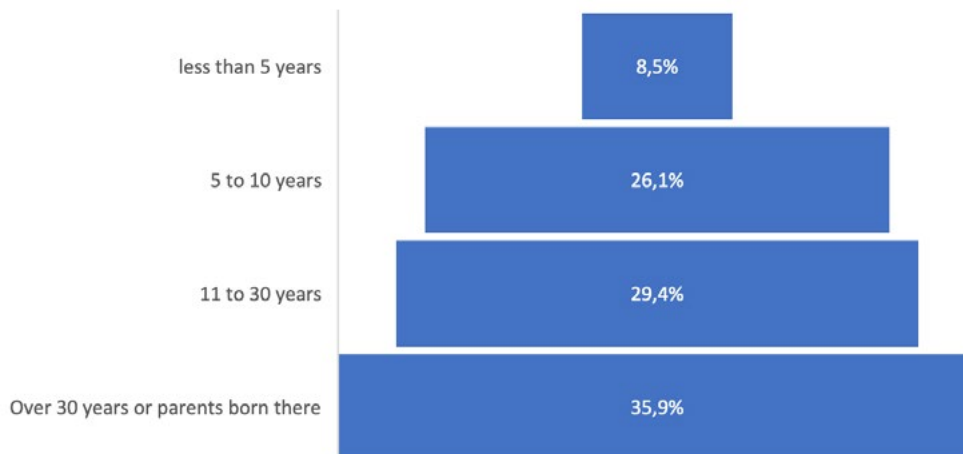| Occupancy period	Percentage
less than 5 years	8,5%
5 to 10 years	26,1%
11 to 30 years	29,4%
Over 30 years or parents born there	35,9%

Figure 8: Farmland occupancy history of Kabanou village communities
(Source: Household data, April 2021)

▶ **Most communities in and around forested areas are dependent on access to forest land and resources to meet household food security needs and ensure resilience to climate shocks and crises such as COVID-19**

In Kabanou village, 82% of respondents, regardless of gender, depend on agriculture for their livelihood. The sale of non-timber forest products (24% of respondents), and agropastoralism (17% of respondents) also contribute to household revenues (see Fig. 9).

Over 85% of men and 90% of women interviewed during the household survey implemented in Kabanou stated that they have no other plots of land outside the forest area, implying a critical situation if they were to lose access to forest land and resources (see Fig.10).

When questioned about their dependency on forest lands and resources, over 80% of respondents, regardless of gender, state that they cannot meet their livelihood needs without access to the forest land and resources (see Fig. 11 on next page).

*Figure 9: Communities' main sources of income
(Source: Household survey carried out in April 2021, n=200)*

Data from the Household Survey reveal that women have fewer alternatives, as their revenues depend heavily on access to forest land for agriculture (94%) and the harvest of non-timber forest products (40%). Further exploration of communities' sources of revenue indicates that Kabanou village communities have no alternatives to meet household needs other than negotiating access to forest land and resources.

To conclude, it is important to acknowledge that communities' and especially women's access to forest land and resources is vital in meeting household food needs and in reinforcing communities' capacities to cope with climate shocks and other global crises such as Covid-19. Without first securing communities' rights to forest land and resources, efforts to ensure sustainable use of forest resources are likely to be undermined by further encroachments into the forest and uncontrolled use of forest land and resources.
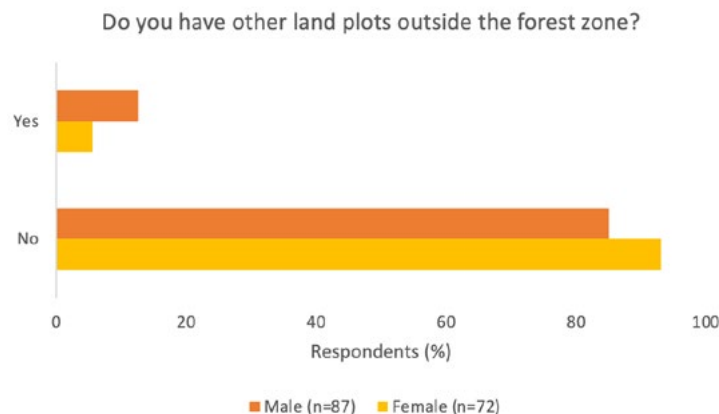

Figure 10: Existence of alternative options for Kabanou village communities to access agricultural lands outside the forest area
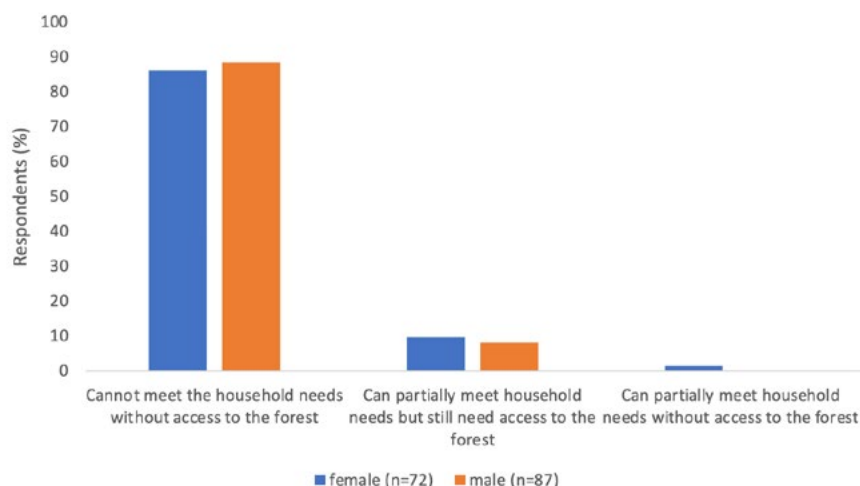
Figure 11: Communities' own perception of their dependency on forest lands and resources.
Perspectives from Kabanou, a village bordering the Three Rivers gazetted forest

▶ **Existing planning and conservation instruments hold the potential to effectively safeguard tenure rights but do not, currently, provide effective safeguards against infringement of existing tenure rights, e.g., participatory forest management planning**

The Participatory Forest Management Plan (PFMP) of the Three Rivers gazetted forest provides a framework for formalizing communities' rights to land and forest resources. In accordance with Articles 32 and 34 of Law 93 - 009 of 2 July 1993 in Benin, the plan grants and organizes access and use of farmlands, grazing areas, watering points, hunting and fisheries by adjacent communities and specifies the relevant conditions and mechanisms (Plan d'aménagement participatif de la forêt classée des Trois Rivières 2010 – 2019. August 2010, pp. 39–44).

The PFMP also devolves management and decision-making rights to the adjacent communities through various community-based organisations (see Fig. 4 on the PFMP implementation framework). For instance, each adjacent village participates in forest management through a village forest management council (Conseil Villageois de Gestion de la Forêt - CVGF), headed by an Executive Committee composed of the village chief and representatives of various socio-professional groups in the village, including women and village elders. Roles and responsibilities of the CVGF executive committee include sensitizing local communities to ensure acceptance and compliance with conditions and mechanisms set out in the PFMP to access forest

cultivation areas; delineating and allocating farm plots annually to adjacent farmers identified as rights holders according to the provisions of the PFMP; establishing and updating annually a register of farmers using the forest cultivation area; and issuing annually a formal authorization document to the occupants of the cultivated area against the payment of a fee known as a forest contribution fee. The PFMP also provides a framework for municipalities to participate in the monitoring of forest resources through institutions such as the management council of forest management units (Conseil de Gestion des Unités d'Aménagement or CGUA), which is chaired by one of the mayors of the adjacent municipalities.

Field observations highlight that the above arrangements are not implemented on the ground, as most of the community-based organizations set up during the development of the PFMP in the village of Kabanou are not currently functional. The village council members and the executive committee of the CVGF can barely remember the last time they met or were invited to a management session.

As a result of lack of participation in forest management decisions, the communities of Kabanou village, for instance, repeatedly complained about new rules and payment schemes that they consider informal and unilaterally introduced by the forest officer. Indeed, field data analysis highlights the payment of a new fee (countersigning of the receipts) that is mentioned in the PFMP of the Three Rivers gazetted forest (see Fig. 12).

The frustrations of such additional and informal fees, combined with farmers'
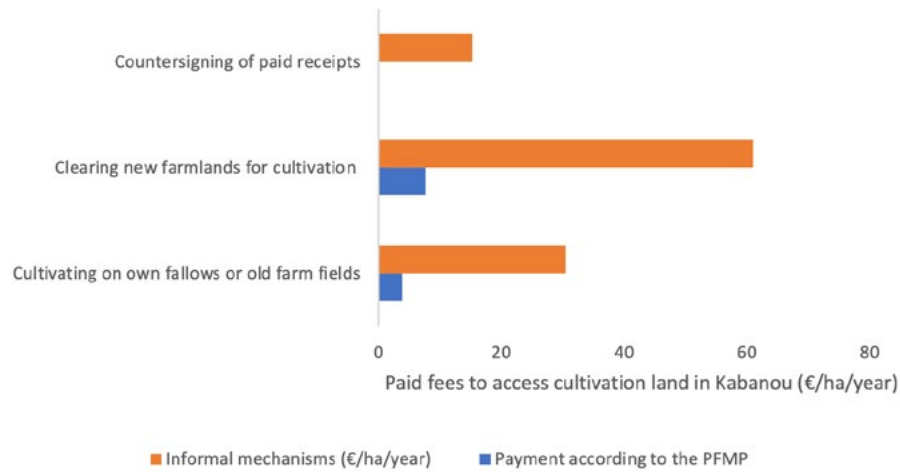
Figure 12: Payment schemes (formal versus informal mechanisms) observed in the village of Kabanou (Field data, April 2021)

unpreparedness and financial inability to comply with them often result in conflicts between the forest officer and adjacent communities (see Fig. 13).

dependent communities, and the underlying causes of the frequent conflicts between farmers and forest officers.
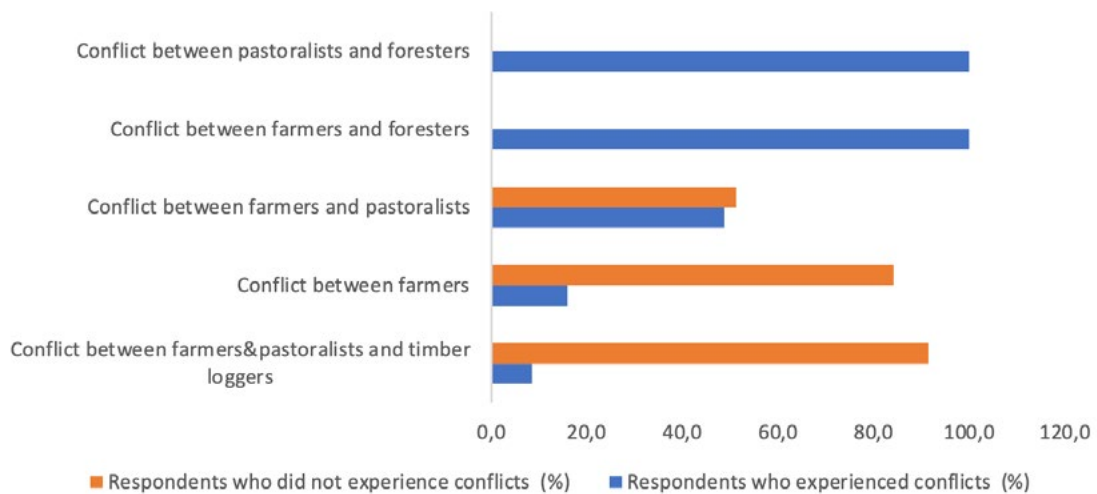

Figure 13: Types of conflicts over forest land and resources reported by Kabanou village communities (Household survey data, February 2021)

The farmers of Kabanou village report that forest officers usually increase controls and coercive measures at the start of the growing season in order to force farmers to pay forest contribution fees (both formal and informal). However, the start of growing seasons is also the period when most of the farmers lack financial resources or need the available resources for field preparation or to buy agricultural inputs. As a result, many farmers report significant delays in farming activities and negative impacts on farm yield. These issues highlight the dilemmas facing forest-

Field data also highlighted ways in which well-designed forest policies and mechanisms can unwittingly compromise efforts to reconcile forest conservation goals and communities' livelihood needs, and jeopardize the achievement of Benin's LDN targets.

Data analysis in Kabanou shows, for instance, that, in implementing the PFMP, forest officers tend to prioritize payment mechanisms (collection of forest contributions fees) over adjacent communities' rights to forest land and resources. Growing
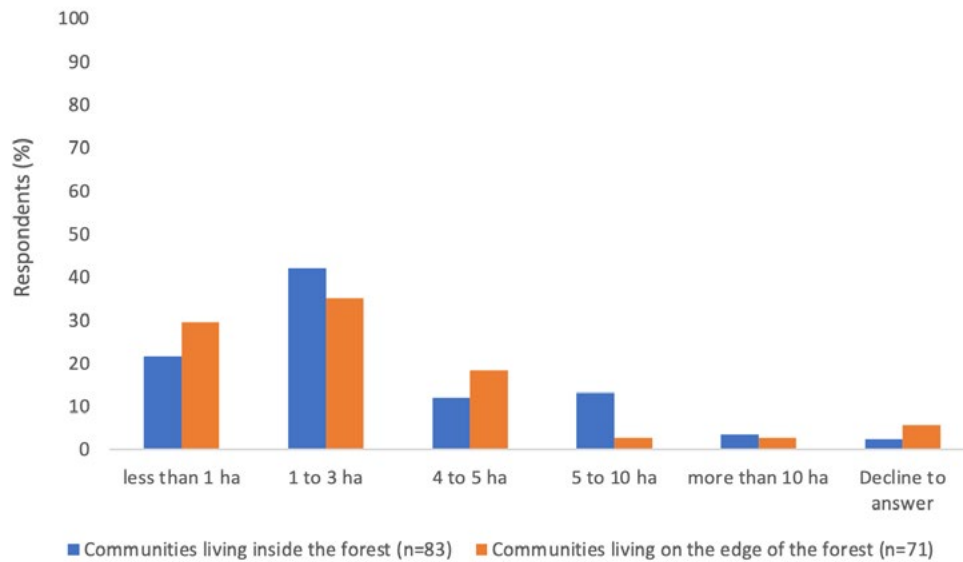
Figure 14: Farm size distribution in Kabanou (Household survey, April 2020)

frustrations among farmers and the exacerbation of the existing power imbalance between well-off farmers and the most vulnerable were also evident.

Among local communities, frustration has grown with unequal access rights to forest land and the fact that some local farmers with the financial means to pay for the clearing of new farmland can access larger plots of land, regardless of the provisions of the PFMP (see Fig. 14). Indeed, to ensure fair access to forest land, the PFMP stipulates a maximum of 2.5 hectares of farmland per household.

Field observations also point to growing conflicts between local farmers and farmers whose villages are not adjacent to the forest and hence are not rights holders according to the provisions of the PFMP. According to the

local farmers, the farmers who are not beneficiaries according to the PFMP gained access to the forest land with the authorization of the local forest officer, after paying forest contribution fees defined by the officer. Complaints about new farmers invading the forest have been raised by Kabanou village communities, even though forest officers do not acknowledge local communities' concerns.

Whether formal and informal, the parallel mechanisms and the focus on payment schemes over adjacent communities' rights to land and forest resources risks exacerbating encroachment into the forest as shown by the extension of farmlands in other forest zones where cultivation is forbidden by the forest management plan (see Fig. 15).

Figure 15: Spatial distribution of Kabanou village communities' farm plots in the Three Rivers gazetted forest (TMG Research, 2021)

4.2 Key outputs and messages from the Kenya case study

The findings from the Kenya case study were informed by a household survey conducted in the five villages adjacent to Kereita Forest (432 respondents) and by focus group discussions and key informant interviews conducted with a variety of stakeholders. The key messages emerging from the Kenya study are as follows:

▶ **Forest-adjacent communities are highly dependent on secure access to forest resources for household food security and income**

The community living adjacent to Kereita Forest depends directly on the PELIS system for their household food security as most community members cultivate food crops for subsistence on the PELIS plots allocated to them.

The community also grazes livestock in sections within the plantation forest and collects firewood for domestic use from the forest. Water for domestic use in the five villages around Kereita Forest is sourced from water intakes within the forest (see Fig. 16). Other usage rights conferred to the community include honey harvesting and the gathering of medicinal herbs. Additionally, the community benefits from employment opportunities in ecotourism and carbon sequestration projects that are undertaken by private companies within the forest. Any limitation to accessing these forest resources will have a direct impact on the household food security of the community living around the forest.
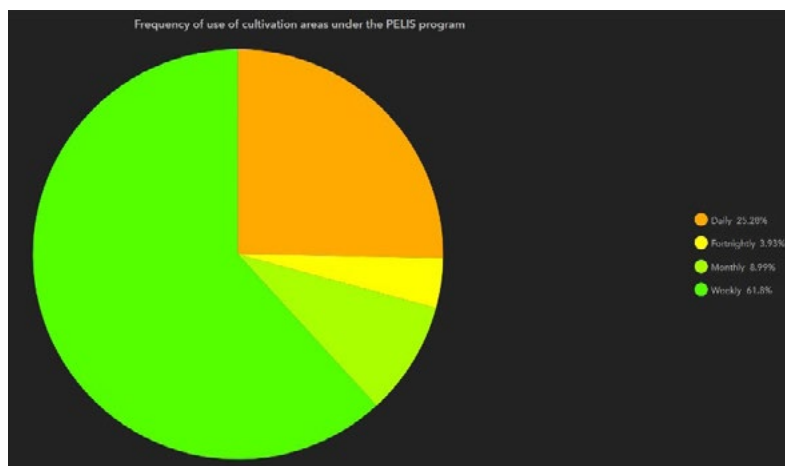

Figure 16: Frequency of use of cultivation areas within the plantation forest in Kereita Forest (Source: Kereita Forest Community Household Survey, August 2021)
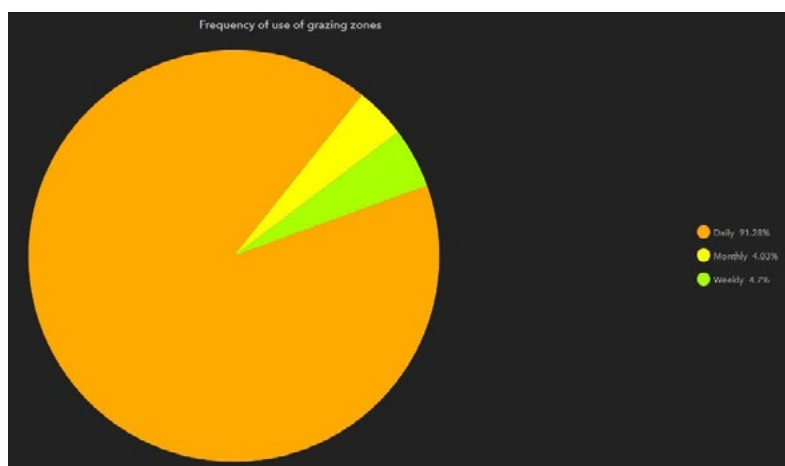

Figure 17: Frequency of use of grazing zones within the plantation forest in Kereita Forest (Source: Kereita Forest Community Household Survey, August 2021)

▶ **LDN forest protection measures affect forest-adjacent communities' tenure rights and, in turn, household food security and income**

Kenya's LDN targets, set by the Ministry of Environment and Forestry and implemented by the Kenya Forest Service, have a direct impact on how forest-adjacent communities can access and use forest resources, and consequently on how secure their forest tenure rights are.

The moratorium on logging activities was placed in response to deforestation, including illegal logging activities and unregulated charcoal production, and degradation and encroachment of water towers that resulted in shortage of water flows. The ban on logging is intended to contribute to consistent forest regeneration which will, in turn, contribute to achieving Kenya's LDN target of 10% forest cover. However, for Kereita Forest, this has meant that no new sites have been opened for cultivation under the PELIS system. In this context where community members carry out crop cultivation under the PELIS system for subsistence and small-scale commerce, limiting their access to land for cultivation will drastically affect their household food security. This is likely to aggravate the already precarious financial situation of the community living around Kereita Forest whose average monthly income ranges from $50 to $100, with very few households making more than US$200 (KENVO, 2017).

Additionally, the Task Force on Forest Management and Logging Activities appointed by the Cabinet Secretary for Environment and Forestry recommended that the PELIS system be progressively phased out over a four-year period and that no new PELIS areas should be opened. If this directive remains in place, it will have a negative impact on the tenure rights of forest-adjacent communities and their household food security.

▶ **Co-management mechanisms provide for community tenure rights, but enforcement is hindered by restricted capacities of community organisations**

Kenya's Forest Conservation and Management Act is the main law that establishes a co-management framework for forests in Kenya. Under the co-management framework, KFS signs a forest management agreement with Community Forest Associations (CFA) to confer user rights to communities living

adjacent to forests. For each forest station, the community develops a Participatory Forest Management Plan which specifies the user rights conferred to them through the agreement and the rules guiding access and use of resources. The Kereita Participatory Forest Management Plan (PFMP), drafted under the provisions of the Forest Conservation and Management Act, is among the mechanisms that allow for recognition and protection of community forest tenure rights. The PFMP recognises community tenure rights by allowing the community living around the forest to access forest resources. The user groups that make up the Kereita Integrated Community Forest Association (KICOFA) have been allocated various user rights for Kereita Forest including crop cultivation, grazing, firewood collection, water harvesting, tree planting, collection of medicinal herbs, beekeeping, and honey harvesting. However, due to the limited technical and financial capacity of the CFA, the KFS officers play a larger role in forest conservation and management directives (e.g., the selection of sections within the plantation forest to be opened under the PELIS system). The KFS also plays the principal role in decision-making and the community is often expected to implement decisions without adequate information. Additionally, with no provision for an independent arbiter to resolve tenure disputes between the community and the KFS, communities often must accept KFS' final decision on tenure conflicts.

▶ **National restoration directives overrule decentralized co-management mechanisms, thereby risking violation of communities' tenure rights and threatening their food security**

Although the forest co-management structure is participatory at the community level, decision-making is often a top-down exercise and directives made at the national level in response to incidents in specific forests affect all forest-adjacent communities within the country.

As a result, national restoration directives, such as the nationwide moratorium on logging activities, negatively impact the tenure rights of all forest-adjacent communities. The communities living adjacent to Kereita Forest closely depend on the PELIS system to access cultivation land and to meet their livelihood needs (see Fig. 18).
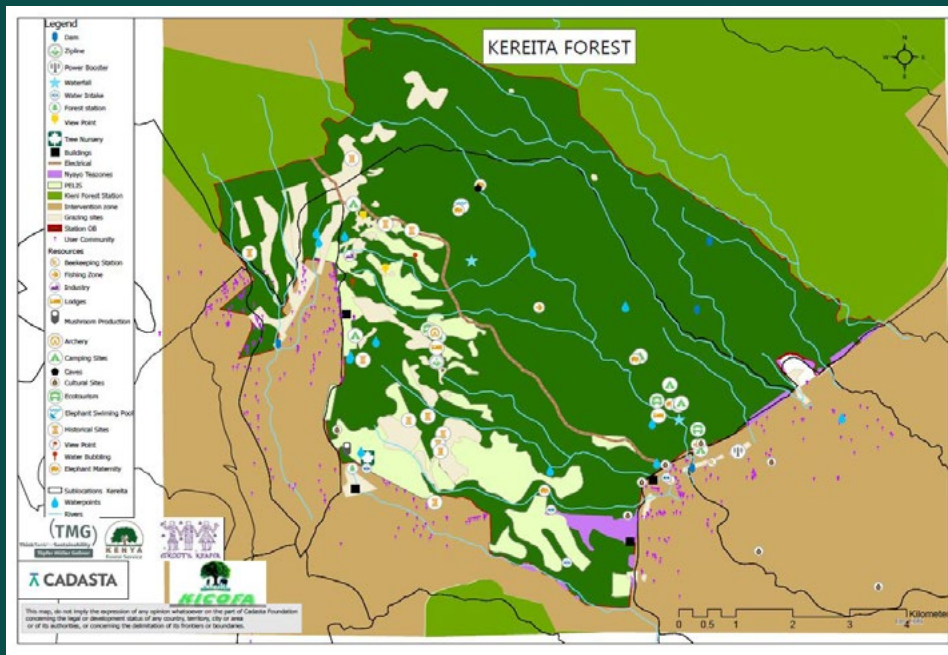
Figure 18: The communities living adjacent to Kereita Forest and the various resources that they use within the forest

5. Cross-cutting issues and lessons learned

The participatory mapping of communities' tenure rights in Kenya and Benin revealed some commonalities that yield important lessons for the implementation of LDN in both countries.

The key messages emerging from the two case studies include:

▶ **Communities in and around forested areas are highly dependent on access to forest resources for household food security and income.**

In Benin, as in Kenya, most communities in and around forested areas are highly dependent on access to forest resources for household food security and income. Crop cultivation and agro-pastoralism are the main activities that communities carry out within forest lands. Additionally, these communities harvest non-timber forest products for commercial purposes. In Kenya, the forest-adjacent communities also benefit from employment opportunities arising from ecotourism and carbon sequestration projects. For most community members, limited access to forest land and forest resources will negatively impact their household food security and incomes.

▶ **The enforcement of LDN measures targeting forest conservation or afforestation efforts needs to build on and strengthen co-management mechanisms that address the livelihood needs of local communities.**

Strengthening co-management mechanisms presents the opportunity to prioritize legitimate tenure rights of forest-adjacent communities by improving communities' involvement in decision-making and improving enforcement of forest management laws and guidelines. This necessarily implies building local institutions' capacity to claim their rights and carry out the duties assigned to them within the framework of Participatory Forest Management Plans (PFMPs) and agreements, strengthening of grievance mechanisms from local to national levels, and a formalization and monitoring of communities' use of forest land and resources. Additionally, introducing and strengthening feedback mechanisms can ensure that national directives do not infringe on communities' forest tenure rights.

▶ **Most LDN targets foresee stronger protection of forest resources and restricted access to those resources by forest communities. As a result, LDN and restoration measures do not recognise or even prioritize legitimate tenure rights of forest resource users.**

In both countries, commitments to achieving LDN include increasing the national percentage of forest cover. Kenya is committed to achieving 10% forest cover while Benin is aiming to increase the total percentage of forest cover by 5%. The measures implemented to achieve these targets include limiting or restricting forest-adjacent communities' access to forest land. In Kenya, the moratorium on logging activities is intended to contribute to consistent forest regeneration. However, because of this measure, there has been no timber harvesting in some forests (even after the temporary lifting of this ban in December 2019). Consequently, no new lands have been opened for cultivation under the PELIS system for these forests. In Benin, the call for a zero-tolerance policy for agricultural extension in forests and protected areas expressed in the Benin LDN country commitments report, including the eviction of crop farmers and other users from unauthorised forest zones and protected areas, is an example of a measure to limit or block forest-adjacent communities' access to forest land and forest resources. For both case studies, while legitimate tenure rights of forest resource users are provided for through existing legal and institutional frameworks (including PFMPs), these tenure rights are not recognised when implementing national LDN measures. Additionally, there are no safeguards to ensure these tenure rights are not violated.

▶ **Existing planning and conservation instruments hold the potential to effectively safeguard tenure rights but, currently, they do not provide effective safeguards against infringements on existing tenure rights, e.g., participatory forest management planning.**

Both Kenya and Benin have institutionalized participatory forest management to ensure communities enjoy their legitimate tenure

rights. The Participatory Forest Management Plans (PFMPs) provide rules that guide access and use of forest land and forest resources. However, these frameworks are only effective if the provisions of forest co-management are well contextualized in enforcement and if communities have adequate capacity to participate in forest co-management. For example, the ban on logging activities in Kenya in response to illegal logging occurring in specific forest stations, affected forest management approaches in the country, including forests where logging activities were well regulated in accordance with the law. The national restoration directives overruling local co-management frameworks consequently infringe on communities' forest tenure rights. In Benin, despite having PFMPs in place to guide access to and sustainable management of forest resources, informal rules and mechanisms introduced at the local level often compromise the principles of community participation in forest management and conservation.safeguards to ensure these tenure rights are not violated.

6.   Conclusion and recommendations

This synthesis report summarizes the findings of two comprehensive reports based on TMG Research pilot studies in Benin and Kenya which explored the impact of LDN initiatives on forest-dependent communities' rights to land and resources. It further proposes a set of policy recommendations intended to support the integration of forest-dependent communities' rights into forest management policies and strategies and LDN implementation. The findings are based on two household surveys implemented in Benin and Kenya and responses from over 630 smallholder farmers and policy-makers.

The UNCCD's Land Tenure Decision (Decision 26/COP.14) recognises the importance of responsible land governance in sustainable land management and as a key component in sustainably combatting desertification, land degradation and drought. The decision, in recognising the importance of responsible land governance in the implementation of Land Degradation Neutrality (LDN) activities, encourages states to follow the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), acknowledging and protecting legitimate tenure rights. However, while many countries have made commitments to achieving land degradation neutrality by setting specific national targets and implementing measures

to achieve these targets, these efforts often overlook legitimate tenure rights. This is also the case for LDN measures and activities that target forest areas.

Forest co-management frameworks which guide access and usage rights for forest-adjacent communities provide an entry point for the adoption and implementation of the UNCCD Land Tenure Decision. These co-management frameworks recognise and protect, on paper, the legitimate tenure rights of communities by providing rules and guidelines through which communities access and use forest resources. However, prioritization of tenure rights within these frameworks is dependent on the institutional capacities of forest management institutions and forest-adjacent communities. Forest co-management frameworks should also include safeguards that protect communities' rights to forest resources from threats and infringements.

In summary, the following recommendations are made to ensure the achievement of national LDN targets and to minimize risks of conflicts that could emerge in the process of LDN implementation:

▶ **Before any investments in LDN are undertaken, it is vital to map the legitimate land tenure rights of those people who live in the areas in which LDN investments will be made.**

▶ **Inclusion of safeguards in current and future policy and institutional frameworks for forest co-management to ensure that LDN implementation measures do not threaten or infringe the legitimate tenure rights of communities. These safeguards should also be included at the local level as part of the participatory forest management planning.**

▶ **Reinforce the capacities of forest-dependent communities and create enabling conditions that allow them to effectively claim their rights and perform their duties in accordance with the provisions of the participatory forest management plans and other forest regulations. Capacity building should also integrate grievance mechanisms to help them claim and secure access and sustainable use of forest land and resources.**

▶ Strengthen the capacities of forest management stakeholders to ensure their effective support of forest co-management. Joint efforts and coordinated actions toward a paradigm shift in forest management are also needed, including the sensitization of forest officers and policy-makers on tenure rights and the importance of protecting communities' rights in forest conservation and land restoration. Capacity-building must also strengthen the ability of forest authorities and municipalities to implement existing policy measures and new reforms that affect communities' tenure rights.

▶ Improve the knowledge base on the impact of implementing LDN on legitimate tenure rights by collecting more evidence to inform policy discussions and decision-making. This will involve collecting data on tenure rights of forest-adjacent communities, as well as the contributions of these communities to the achievement of national LDN targets. Data collection is also vital for consistent monitoring of progress in implementing the UNCCD's Land Tenure Decision.

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