Lessons on land tenure and forest landscape restoration (FLR): A focus on sub-Saharan Africa

It is important to understand and address land and forest tenure – comprehensively – if we are to work towards land and forest restoration that is both socially and ecologically sustainable. Forests are critical to planetary health, and the increasing threats of climate change, biodiversity loss and hunger call for urgent action at all levels.

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- Many countries have made important progress on the recognition of customary tenure in forest lands and landscapes, but there is still a long way to go, and it is important to keep moving forward on this.

- When it comes to the recognition and formalization of customary lands, it is important that the state provides multiple legal options to choose from, including collective tenure. Technical systems such as cadastres need to be updated so that all options are not only legally and politically acceptable, but also technically viable (e.g., pastoral and customary lands).

- Legal recognition requires cross-sectoral/cross-ministerial coordination and collaboration, not only between land and forest institutions (from national to local levels), but also across laws and policies on private investment and migration.

- Communities should lead the way in choosing what works best for them – for both the recognition of tenure rights and for forest landscape restoration. Among other things, civil society organizations should be systematically included in relevant policy processes so that these reflect needs and realities of local populations.

- Community engagement should be facilitated by those with appropriate (social science) skills and experience, preferably already demonstrating a basis of trust with relevant villages, to ensure the legitimacy and equity of related processes and to support accountable governance.

- To address inequalities within villages, gender-responsive or gender-transformative approaches and similar tools for youth, people with disabilities and other marginalized groups can be used to assure agency and voice for less powerful actors. It is important to engage land users in selecting lands to be restored, and to agree on the objectives of restoration, as well as responsibilities and benefit-sharing mechanisms. Engaging land users is key to maximizing and sustaining societal and environmental outcomes.

- FLR projects and programmes should consider tenure in any site appraisals, as well as local and customary perceptions and practices. This includes understanding the forest landscape restoration implications of different tenure issues (e.g., land rights, tree rights, conflicts, perceptions of security by different land users), and tenure implications of different FLR approaches. These insights can be used to identify ways to solve any emerging challenges, together with local people.

- The state should encourage private sector actors and international donors involved in forest landscape restoration to provide support not just for planting trees, but also for developing enabling conditions and processes to foster community-led – and therefore more sustainable – restoration.

LAND IS NEEDED FOR MANY, SOMETIMES COMPETING, DEMANDS

Global commitments require an increase in forest area, while agriculture land is declining in quality and there is a growing population to feed. Such commitments include: 30X30, which commits to expand forests and protected areas to 30% of the world's land area by 2030; the Bonn Challenge, which has a goal of restoring 350 million ha of degraded and deforested land; and the UN Decade on Ecosystem Restoration which seeks to prevent, stop, or reverse ecosystem degradation. In this context, it is important to remember that over half of the world's land area is under customary ownership and/or used by Indigenous Peoples and local communities – who are among some of the most marginalized populations on the planet. In essence, there is no "free" or unoccupied land to meet these multiple needs (Dooley et al. 2022); any change in land use to meet such needs will require the buy-in and stewardship of local populations.

LAND TENURE SECURITY NEEDS TO MOVE BEYOND 'ONE SIZE FITS ALL' APPROACHES

Land recognition and registration programmes are increasingly considering a diversity of options to better meet local needs. Nevertheless, many still search for simplified, uniform solutions to address issues of insecure land tenure, and some continue to be founded on incorrect assumptions, for example that customary systems are insecure, a title ensures security, and individual titling is "better". Given their complex and varied nature, customary systems are not well aligned with uniform solutions, but many state officials and titling programme implementers are unfamiliar with the complexities. Regardless of location or a group's sociocultural conditions, land tenure systems depend not only on national law and policy, but also on local histories and norms.

Research in sub-Saharan Africa demonstrates that certification or titling can be important for tenure security, particularly in post-conflict contexts when customary systems have been seriously disrupted (Lawry et al. 2023) and/or among hunter-gatherer societies (Timmins et al. 2022).[1] Outside of these contexts, however, customary tenure is often perceived as more secure than state-issued titles or certificates, and titling or certification is seen as bringing new risks (Boone 2019). This is particularly true when states have a limited presence locally, and customary institutions are seen as more legitimate than formal, legal systems. It is also important that the *process* is seen as legitimate. If not, such programmes may cause more problems than they solve. For example, certification may increase or entrench inequalities because of local power dynamics and politics, and the risk of elite capture should be considered. If titling includes the privatization of collective lands, such institutional changes can undermine safety nets as well as local culture (Boone 2019).

CUSTOMARY TENURE HAS BEEN DYNAMIC, CHANGING AND UNDER THREAT FOR A VERY LONG TIME

Customary and collective tenure systems have shifted and changed over the years (Berry 1993), among other things in relation to external forces such as colonialism, private investment and migration (Larson et al. 2022). In recent decades, though less so today, customary lands were allocated to investors with little or no consultation with land users (Burnod et al. 2013). Migration continues to put pressure on customary tenure, with many people displaced and in search of arable lands (Kaag et al. 2019). State recognition of customary lands can offer protection, or at least better options for negotiation, in light of such pressures and risks. But the law needs to protect both customary users and migrants, hence land and forest laws alone are insufficient; rather, the protection of rights needs to align with laws on investment and migration as well.

START BY BUILDING ON THE STRENGTHS OF CUSTOMARY TENURE SYSTEMS

Customary systems are deeply embedded in history and culture, shaping local identity and representing distinct worldviews on the relationship between people and nature. Forest, agroforest, hunting and gathering societies throughout sub-Saharan Africa have customary tenure systems that promote forest and land stewardship (Ekblom et al. 2019); and many protect sacred forests (Ekblom et al. 2019; Njole Ntoko and Schmidt 2021; Maghanjo Mwamidi et al. 2023).

Local governance systems are critical and can foster good land and forest management. If they are respected, the principles embedded in customary tenure systems offer highly effective foundations for

[1] The former might require individual (or husband/wife) titles, whereas the latter would be more amenable to collective titles.

collective and sustainable land and forest management. Those principles include decision making for the common good, equitable resource distribution, sustainable management or stewardship, and adaptability.

At the same time, customary systems are not perfect. They may provide weaker rights to women and other marginalized groups (e.g., minority ethnic groups, recent migrants) (Boone 2007; Peters 2013), and traditional authorities or other community leaders may be autocratic rather than fostering local democracy (Blanc-Pamard and Fauroux 2004). Ensuring these traditional institutions reflect solid governance principles can help leaders become more accountable to local women and men. Leveraging the strengths of collective governance can provide a foundation for sustainable and inclusive forest land governance that respects cultural heritage while supporting the long-term interests of communities, including the marginal groups within them.

COMMUNITIES NEED TO SEE THE BENEFITS – SECURE TENURE ALONE IS NOT A DIRECT PATH TO CONSERVATION OR RESTORATION

There are many direct and indirect drivers of deforestation and forest degradation. Solutions to deforestation and degradation need to consider those drivers and how tenure rights, relations and security interact with incentives to either deforest or restore. Tree tenure is also key. Restoration that involves tree planting or assisted natural regeneration must consider local and household preferences and needs, for example food security, as well as disincentives, such as the perception that timber or certain species belong to the state. The concept of planting "the right tree in the right place for the right purpose" (CIFOR 2024) - as is being implemented in CIFOR-ICRAF's 'Right Tree, Right Place' seed project in Africa – is based on ecological and social considerations for long-term sustainability. Likewise, any restoration initiative should aim to solve challenges defined by Indigenous Peoples, local communities and smallholder farmers themselves; otherwise, it has very little chance of being sustainable.

PLANTING TREES CAN SOMETIMES STRENGTHEN LAND CLAIMS AND/OR TENURE SECURITY

Planting trees can bolster land claims and tenure security through the visible demarcation of boundaries using fruit or exotic species; this emphasizes land use and ownership, particularly in areas vulnerable to encroachment. Culturally, it symbolizes commitment to stewardship and long-term occupancy. The presence of multiple trees amplifies the evidence of ownership, often recognized legally or within informal tenure systems. Beyond its immediate purpose, tree planting offers environmental benefits; trees contribute to soil stability and enhance biodiversity, further reinforcing the sustainability and security of land tenure arrangements.

Kpalimé Rainforest, Togo

STATE POLICY OFTEN DISINCENTIVIZES TREE PLANTING

In some countries, the state claims ownership of all land; in others, of all untitled land, all forests and/or all trees. Such policies may constitute an important disincentive to sustainable practices like tree planting, for both individuals and collectives (Chomba et al. 2020). If tenure is unclear and/or local people are unaware of their rights, they fear forest landscape restoration (FLR) projects will lead to community lands and resources being taken away (Turner et al. 2023; Weigant et al 2022). This may be particularly true for pasture (Parr et al. 2024).

STATE INSTITUTIONS (AND INVESTORS) OFTEN FAIL TO RECOGNIZE THE VALUE OF CUSTOMARY LANDS

One fundamental challenge to customary land relates to the value systems shaping the way in which development and 'progress' are conceived, which then shape economic and investment policies. These perspectives on development may be combined with discriminatory beliefs, such as seeing customary systems as 'backwards', or biased by personal economic interests. Such motivations may encourage the privatization of customary lands.

WOMEN AND MINORITIES FACE SPECIFIC CHALLENGES IN LAND TENURE AND FOREST LANDSCAPE RESTORATION

Even when gender equality is established by law, these laws are rarely enforced. The effects of inheritance and marriage or divorce on women's land rights, or rights to specific tree species, are left to be governed by local villages and household norms. Women's participation in relevant forums – or even women's name on land titles – is still insufficient to foster women's empowerment, agency and participation in decision making. Although local norms are often blamed for discrimination, these are also shaped by broader institutional norms and structures. Limited access to resources, and lack of representation and participation in decision making on land management, limit women's influence and their ability to make decisions on forest landscape restoration in many contexts.

IN MANY CASES, CURRENT APPROACHES TO FOREST LANDSCAPE RESTORATION ARE PROBLEMATIC

The way in which many restoration projects are conceived is problematic (Edwards et al. 2021), as is their reduction to numeric targets of trees and hectares planted (Turner et al. 2023; Weigant et al. 2022). This is partly tied to their financing by external actors and/or in relation to large global commitments with insufficient attention to important details on the ground (Elias et al. 2021; Weigant et al. 2022). This does not represent good governance or sustainability in forest landscape restoration or address underlying governance problems of degradation. Consequently, local people are not necessarily interested in FLR in the current context (Weigant et al 2022). Forest landscape restoration needs to be integrated into a much broader and ambitious rural development policy built on the aspirations of local communities, as well as multistakeholder spatial and territorial planning processes (Mansourian and Berrahmouni 2021; Turner et al. 2023). Although these principles are included in FLR guidance documents, such as the Restoration Opportunities Assessment Methodology (IUCN and WRI 2014), AFR100's Voluntary Guidelines (AFR100 2017), and FAO's Standards of Practice to Guide Ecosystem Restoration (Nelson et al. 2024), FLR practitioners struggle to integrate them into on-the-ground actions (Mansourian 2021; Stanturf and Mansourian 2020).

Forest management in Togo that enables the harvest of traditional medicinal plants like the Trichilia Heudelotii

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Imprint

Published by
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

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Design and layout
Katharina Busch

May 2024

GIZ is responsible for the content of this publication.

On behalf of the
Federal Ministry for Economic Cooperation and Development (BMZ)
Ref. 122 Rural development, land rights, forests, animal husbandry

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