

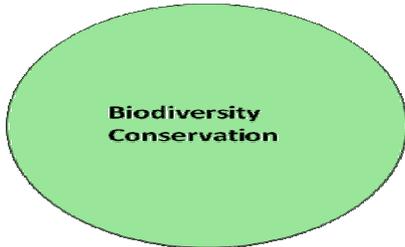


Property Rights and Resource Governance Issues and Best Practices

Potential LTPR Reform Interventions

Module 6: Natural resource management: How tenure security can promote conservation and the sustainable use of natural resources

The Big Tenure Issues



TENURE AND PROPERTY RIGHTS IN AND AROUND AREAS OF HIGH BIODIVERSITY

- **Tenure and Buffer Zones:** State imposition of land uses around protected areas. State intrusion into traditional land management alters power relations and hence rules of access, use, and transfer.
- **Tenure in Protected Areas:** Customary tenure regimes are often ignored through imposition of laws and regulations reaching back to the colonial period. Protected areas are often considered state lands. Recently, more flexibility to allow local communities to use protected areas under IUCN Protected Area Management Categories I – VI.
- **Tenure in Areas of High Biodiversity:** Customary tenure regimes predominate, but state imposed authority and control often envisaged.

Policy responses: Clarify statutory and customary tenure claims; create dispute resolution mechanisms; negotiate multiple uses of areas of high biodiversity; encourage co-management agreements.



COMPETITION OVER ACCESS TO AREAS OF HIGH BIODIVERSITY

- **Local Community Interests:** Areas of high biodiversity are often considered soil fertility reserves set aside to allow expansion of slash-and-burn agriculture. These zones are recognized as sources of secondary forest products and are often protected carefully by local communities. At low population densities, these areas regenerate well. Often common property resource regime.
- **State Interests:** National and local governments often seek to protect areas of high biodiversity for watershed management. Exclusionary policies are put in place to keep people out of these watersheds. Recently, conservationists recognize that areas of high biodiversity are important foundations for agroecological approaches to agricultural intensification and food security.
- **Agribusiness and Logging Companies:** Like farmers, companies seek access to these areas of tenuous and ambiguous tenure security.

Policy Responses: Develop clear land use guidelines and clear tenure policies.



CARBON SINKS FOR CLIMATE MITIGATION

- **Climate Change and Tenure:** Rising global temperatures is playing havoc on farming systems and coastal settlement patterns. Impacts on tenure regimes are unfolding in both statutory and customary tenure.
- **Climate Change Perspectives:** Intact and healthy forests are vital “sinks” capable of absorbing and storing carbon. Governments hope to gain carbon payments from new public and private avoided deforestation incentives. Local communities are beginning to call for equitable distribution of financial benefits between government and civil society.
- **Who owns Soil Carbon:** The new tenure problematic centers around the ownership of soil carbon – a vast resource for the common good but increasingly contested because of growing value as a carbon sink.

Policy Responses: Transparent negotiation over access to carbon in forests and sub-soils is critically important to clarify tenure rights. New challenge for this century! But, customary and statutory tenure systems will evolve to meet new adaptation challenges. But, how? Monitoring of climate change impacts on tenure regimes is essential.