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Land Tenure and Property Rights Issues in Natural Resource Management and Biodiversity Conservation

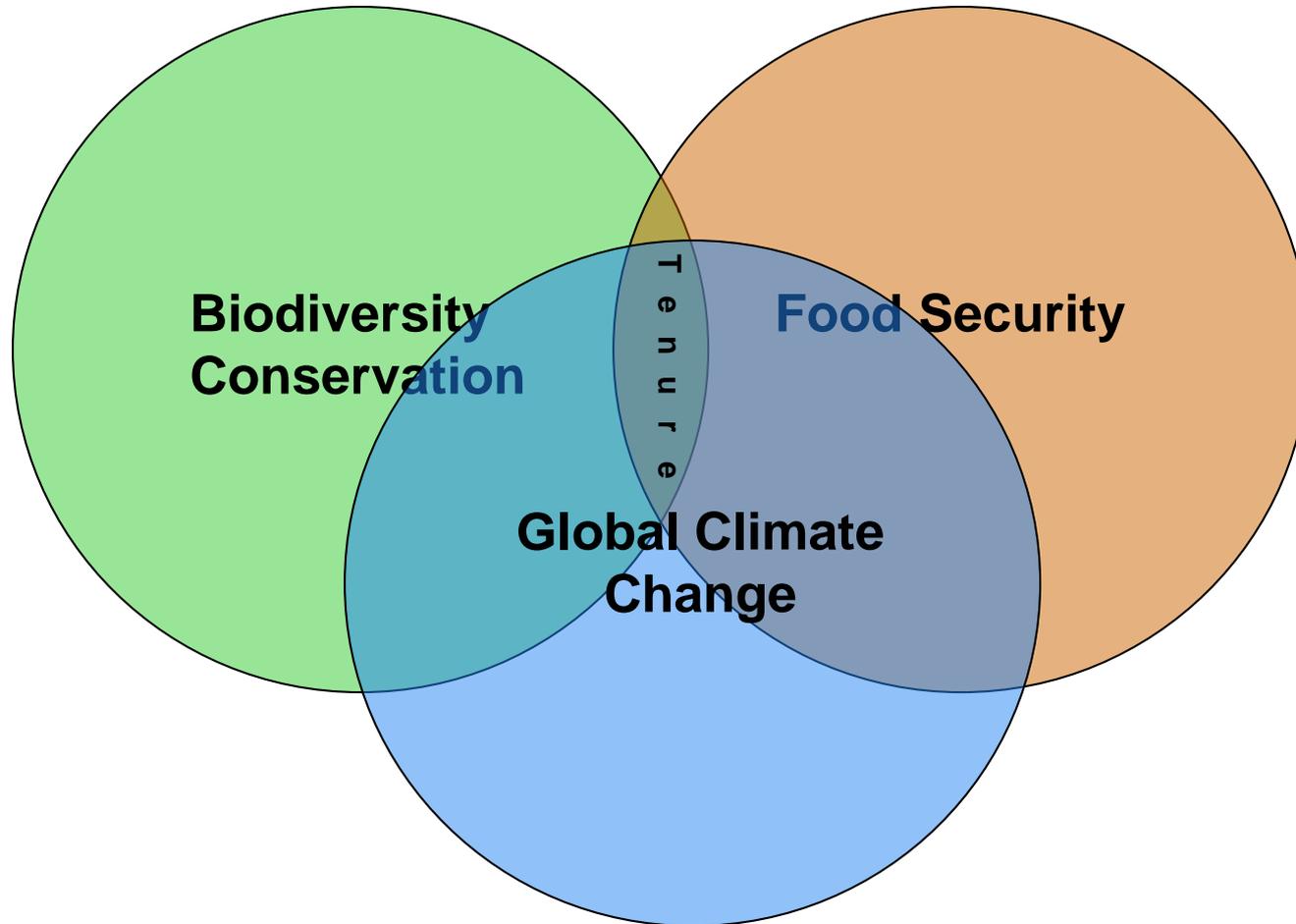
Presenter: Mark Freudenberger

**Best Practices for Land Tenure and
Natural Resource Governance in Africa**

Monrovia, Liberia

October 2012

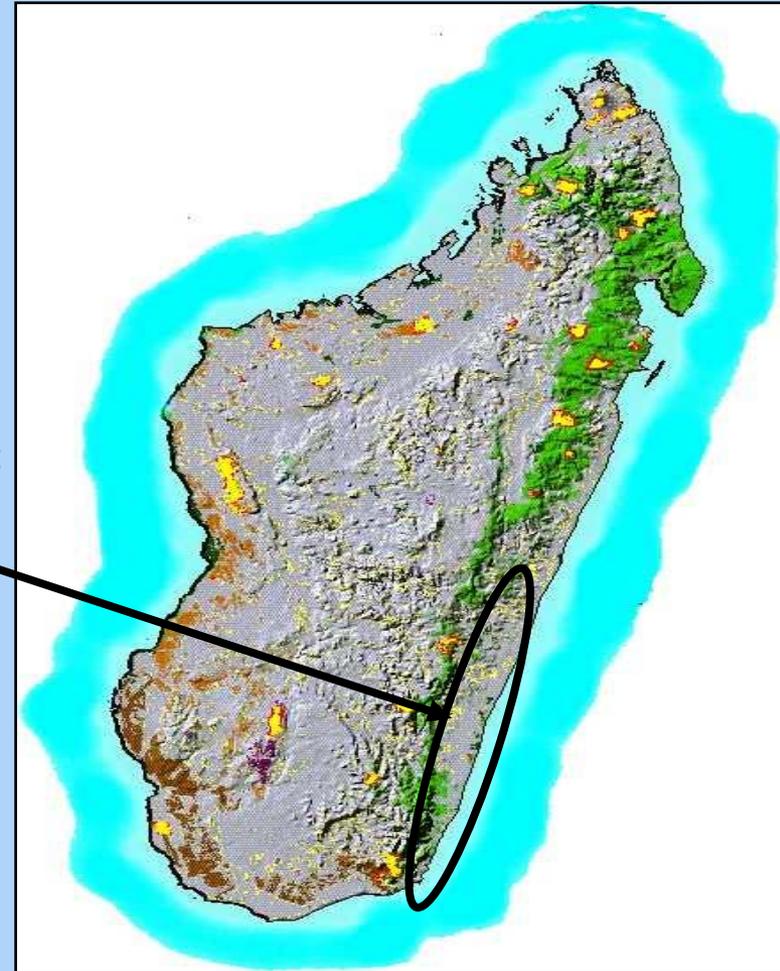
Policy Imperatives between Biodiversity Conservation, Global Climate Change, and Food Security – Addressing the Resource Tenure and Property Rights Interface



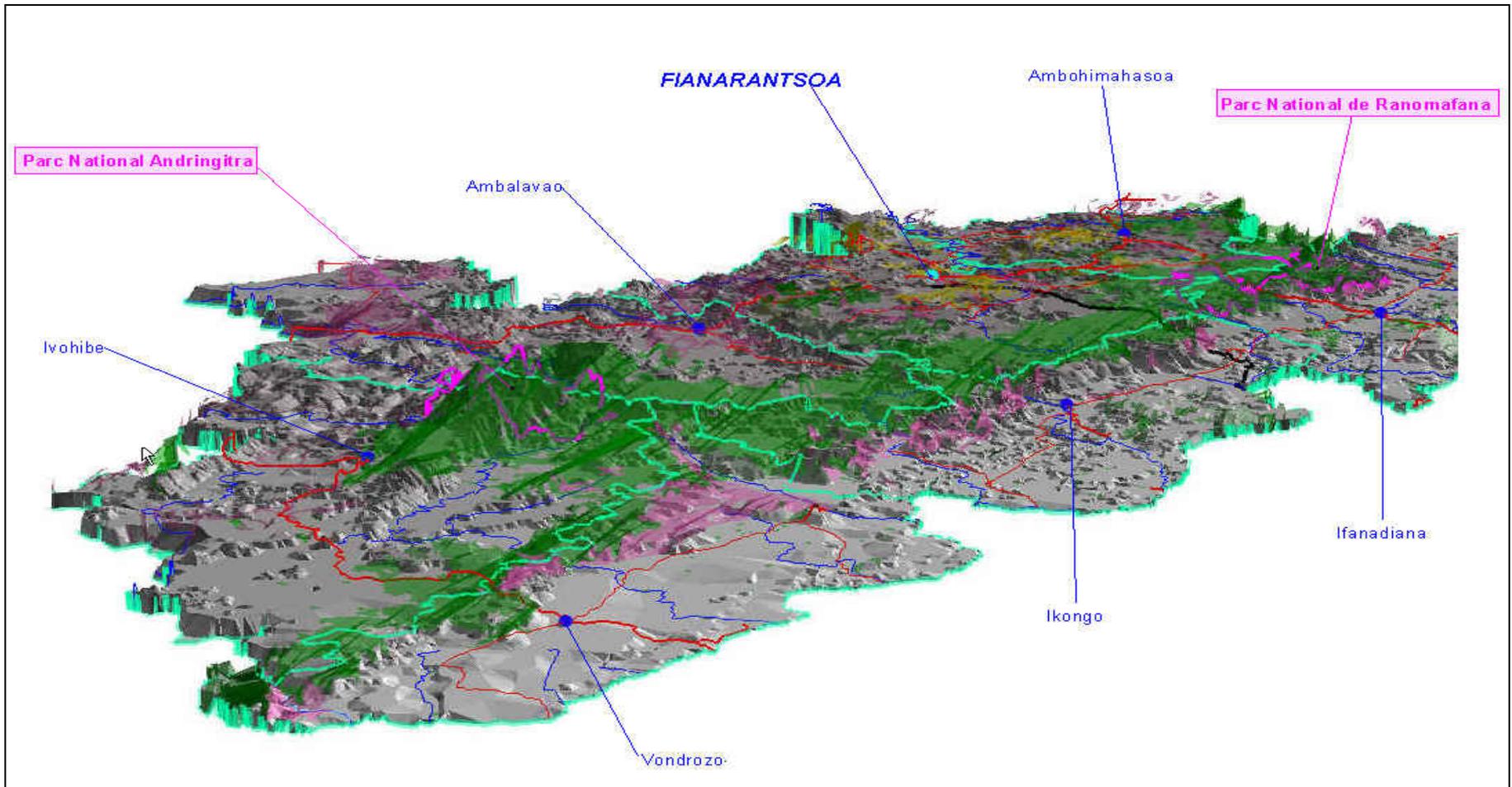
Observing Tenure Issues in the Field: An Overflight and Hike along the Fandriana – Vondrozo Forest Corridor of Madagascar



Fandriana –
Vondrozo Forest
Corridor



The Fianarantsoa Madagascar Forest Corridor



The Fianarantsoa Forest Corridor Overflight

An aerial photograph showing a dense, green forest covering a large area of land. A river, with a light-colored, sandy or silty bed, winds through the forest from the upper left towards the lower center. The forest appears to be a mix of different shades of green, suggesting a diverse ecosystem. The terrain is hilly and uneven, with the forest following the contours of the land.

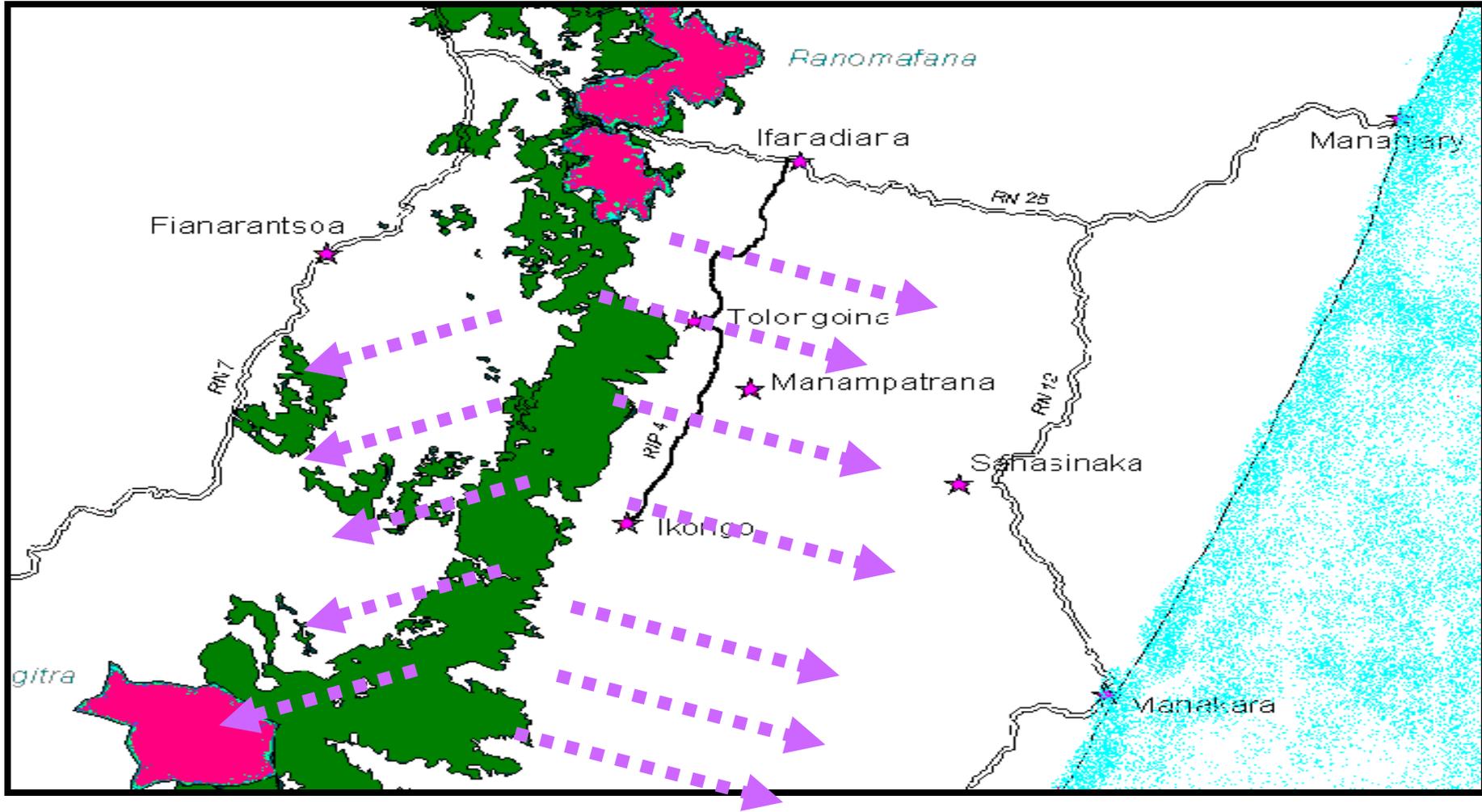
The forest corridor is the last vestige of a vast forest that at one time covered a large part of eastern Madagascar. It is now reduced to a narrow band 200 km long and 5-20 km wide. This forest corridor plays a vital part of the ecology and economy of the south eastern part of the country.

In the past this forest probably covered a large part of Madagascar and the province of Fianarantsoa...

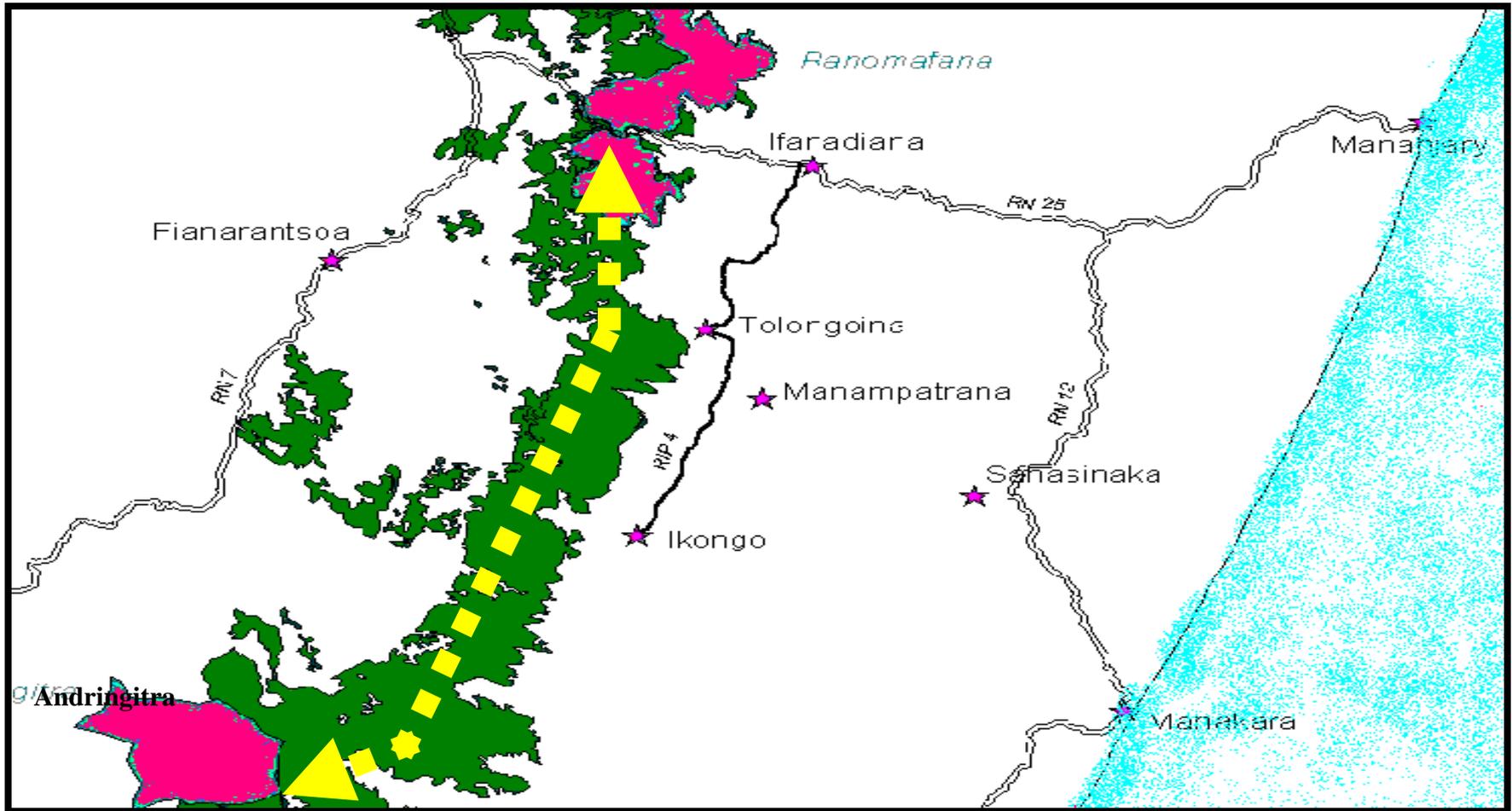


... but today it is reduced to a small band 5- 20 km wide along an escarpment bordering high and low altitude gradients.

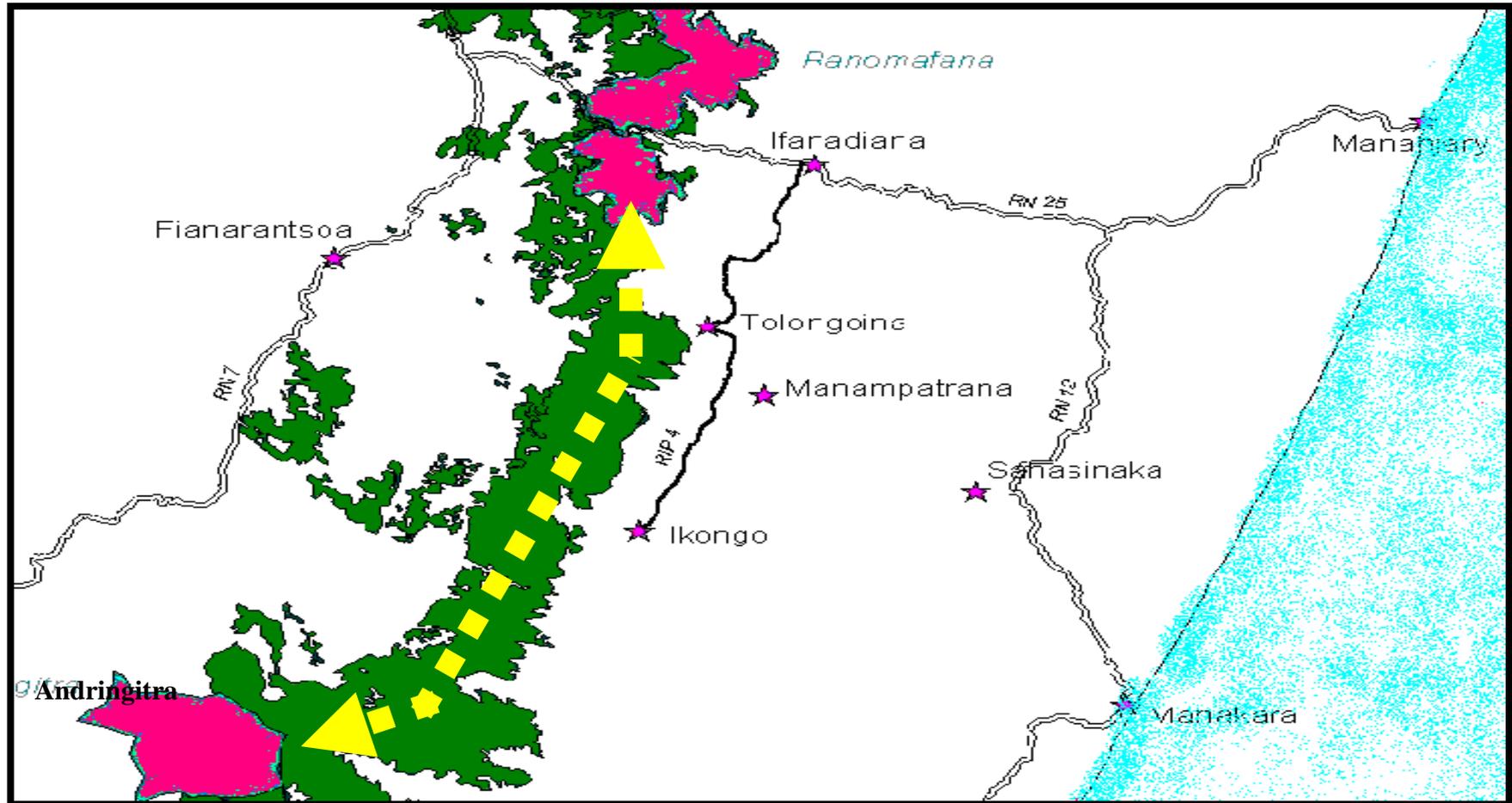
The forest corridor is the «water tower» of the province – a source of water for irrigated rice cultivation, urban water supplies, and hydroelectric power.



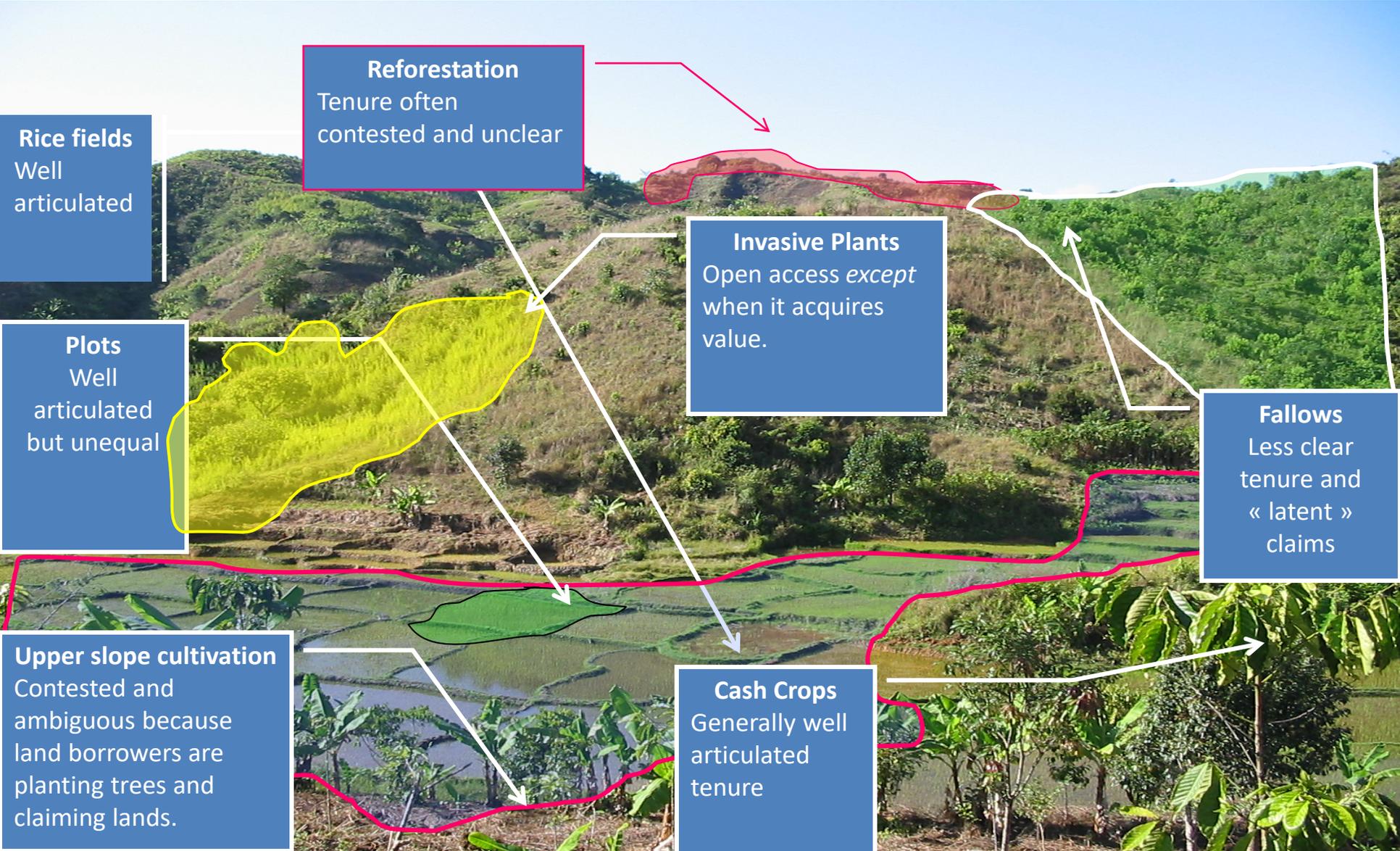
The forest corridor is a biological corridor that contributes to the maintenance of biodiversity between two national parks but that also contributes to ancillary economic activities.



The forest corridor is a source of economic value – ecotourism, secondary forest products, hydroelectric power, mineral resources, bioprospecting, ecoagriculture, zone carbon sink and source of payments for avoided deforestation...



Ecological Niches = Tenure Niches



Reforestation
Tenure often
contested and unclear

Rice fields
Well
articulated

Invasive Plants
Open access *except*
when it acquires
value.

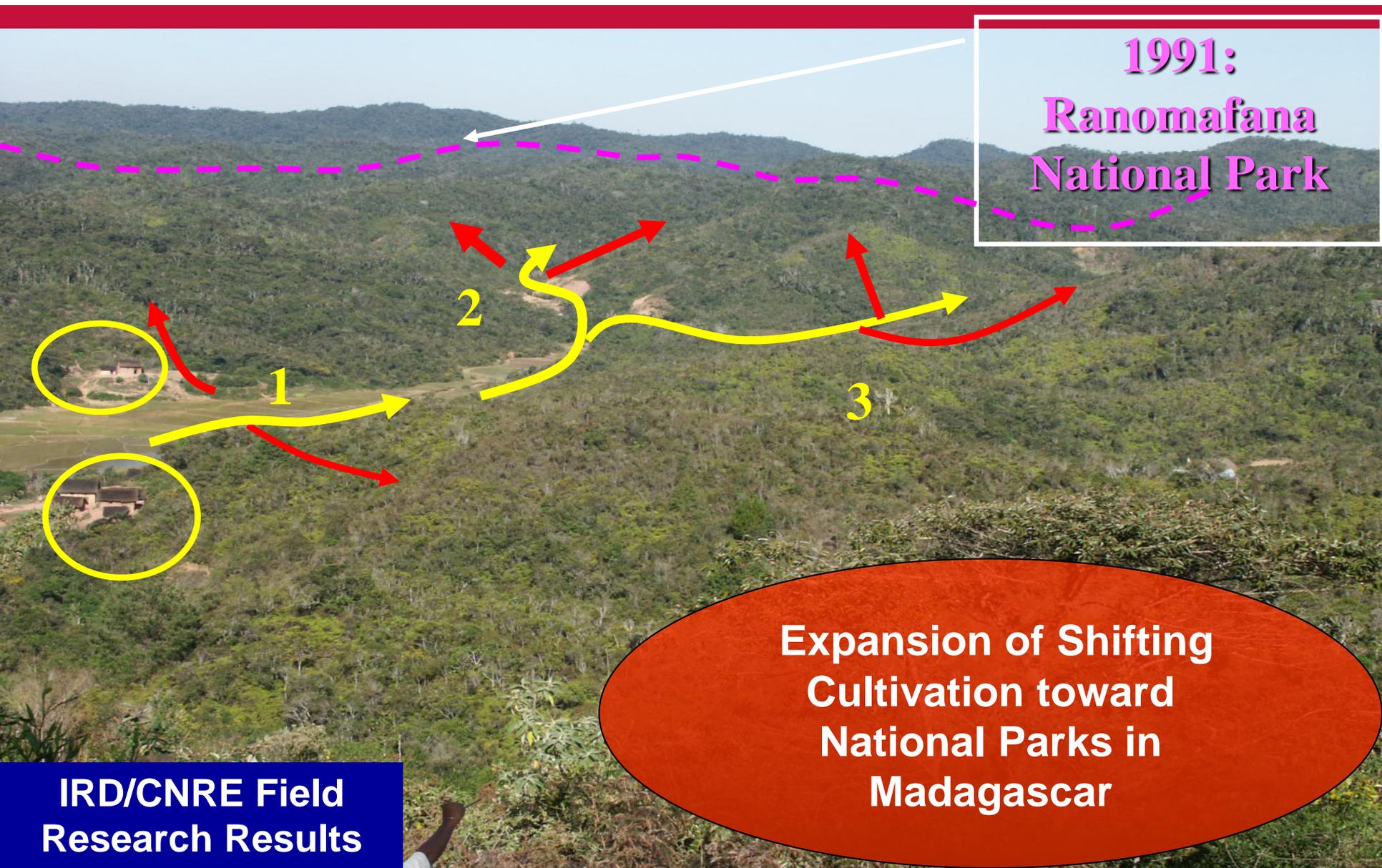
Plots
Well
articulated
but unequal

Fallows
Less clear
tenure and
« latent »
claims

Upper slope cultivation
Contested and
ambiguous because
land borrowers are
planting trees and
claiming lands.

Cash Crops
Generally well
articulated
tenure

Causes of Forest Conversion



1991:
Ranomafana
National Park

Expansion of Shifting
Cultivation toward
National Parks in
Madagascar

IRD/CNRE Field
Research Results

Corandum Mining in The Forest Corridor

Corundum (family of sapphires and rubies)

- Very hard aluminum oxide mineral
- Used for sharpening stones, sand paper, and other industrial purposes
- Strong market attractive to artisanal miners



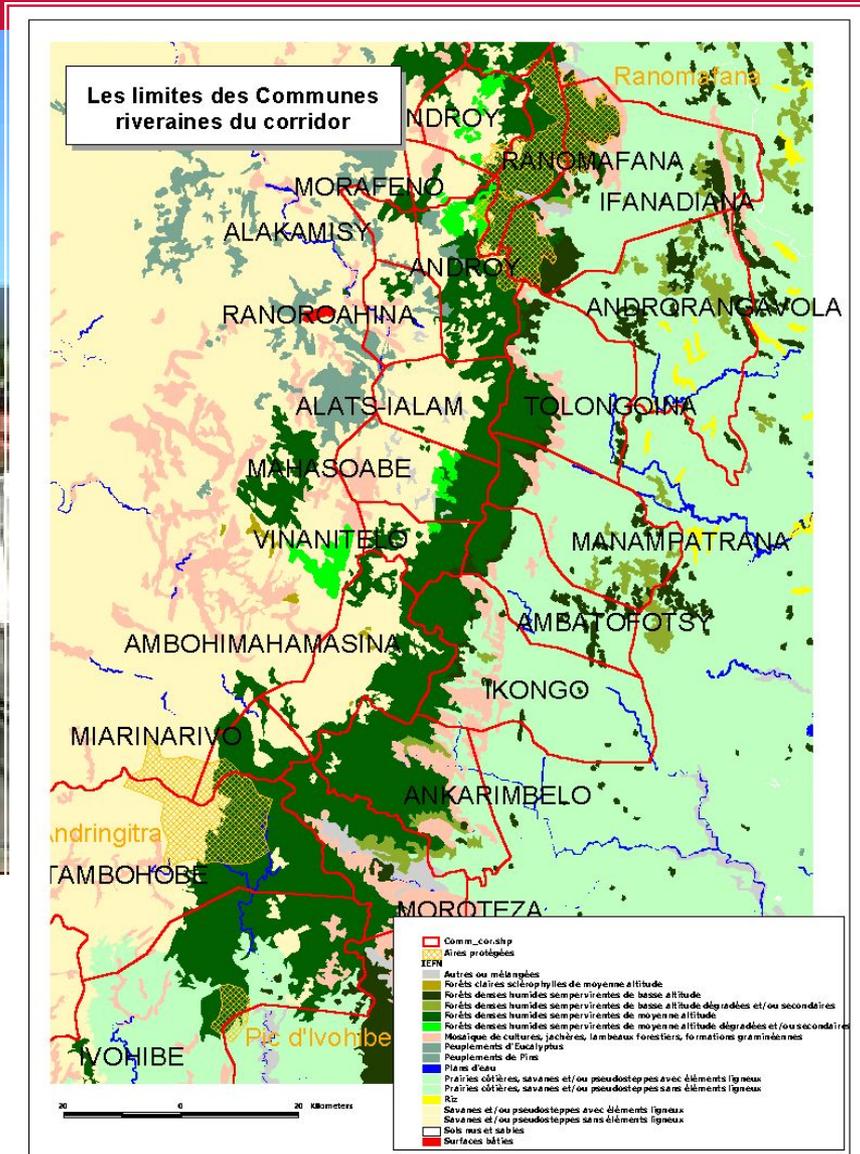
Landscape Conservation Challenges: Tenure Dynamics in the Forest Corridor



Building Political Will in Fragile States

Creating Co-Management Regimes out of de Facto Open Access

Constructing New Institutions for Large-Scale Ecoregional Conservation



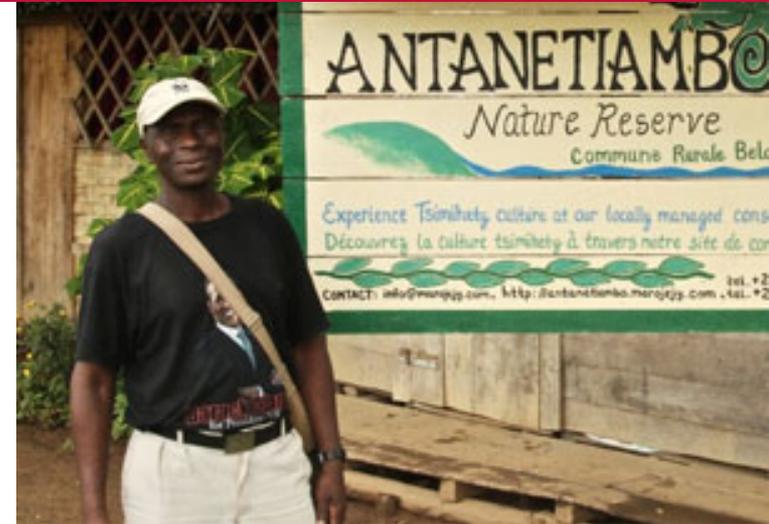
Overlapping tenure regimes

The corridor is a classic example of an area that is governed by multiple tenure regimes:

Statutory tenure rules: the forest belongs to the State, which allocates use rights (mining, logging, etc).

Customary tenure rules: the forest belongs to the clans or villages that initially delimited their boundaries.

- agricultural production
- forest reserved as the “community land bank” with the idea that future generations will need to expand their agricultural holdings
- In the meantime, local people harvest natural resources (medicinal plants, poles, firewood, etc.)



Co-management strategy

Faced with evidence of massive pressures on the corridor, USAID's strategy was to engage the government and local communities in a strategy to "co-manage" the corridor.

The community agrees to :

cease unsustainable exploitation of forest resources (no new slash and burn agriculture)

and

protect / monitor the health of the corridor.

The GoM/Eaux et Forêts cede certain management rights to local communities who are allowed to :

exclude outsiders

Sustainably harvest forest products (in some areas)

Financially gain from the forest (e.g. eco-tourism ventures).

The arrangement is validated by a co-management contract.

Contested rights

In fact, this pleasantly simplistic dichotomy of interests (state/community), belies a far more complex stakeholder reality in which the corridor is a place of contestation over by various interest groups

	Land	Trees	Subsoil minerals	Water	Forest products
National authorities (Mining vs Forestry/Water ministries)					
Local authorities					
Local community (rich vs poor, landed vs newcomer)					
Projects/donors					
Miners (large scale vs artisanal)					
Loggers (large scale vs artisanal)					

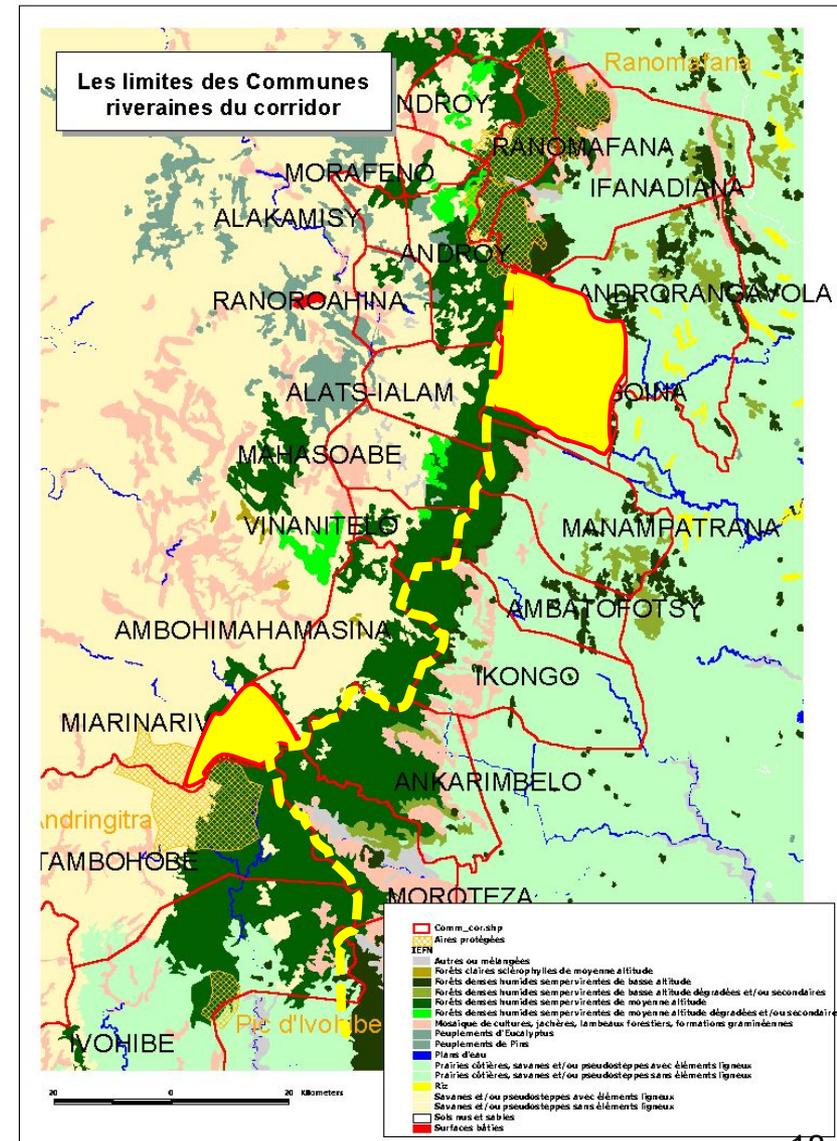
Results: Does Co-Management lead to Biodiversity Conservation?

USAID and other conservation projects had invested in the Fianarantsoa forest corridor for over 10 years.

Partnerships had led to:

Co-management (COBA) committees in many communities along the corridor: delimited community boundaries and established resource management contracts.

Small-scale development interventions implemented (improved water catchment, promotion of agricultural diversification, implemented a small credit scheme, opened an agricultural supply center).



But, good intentions turn sour...

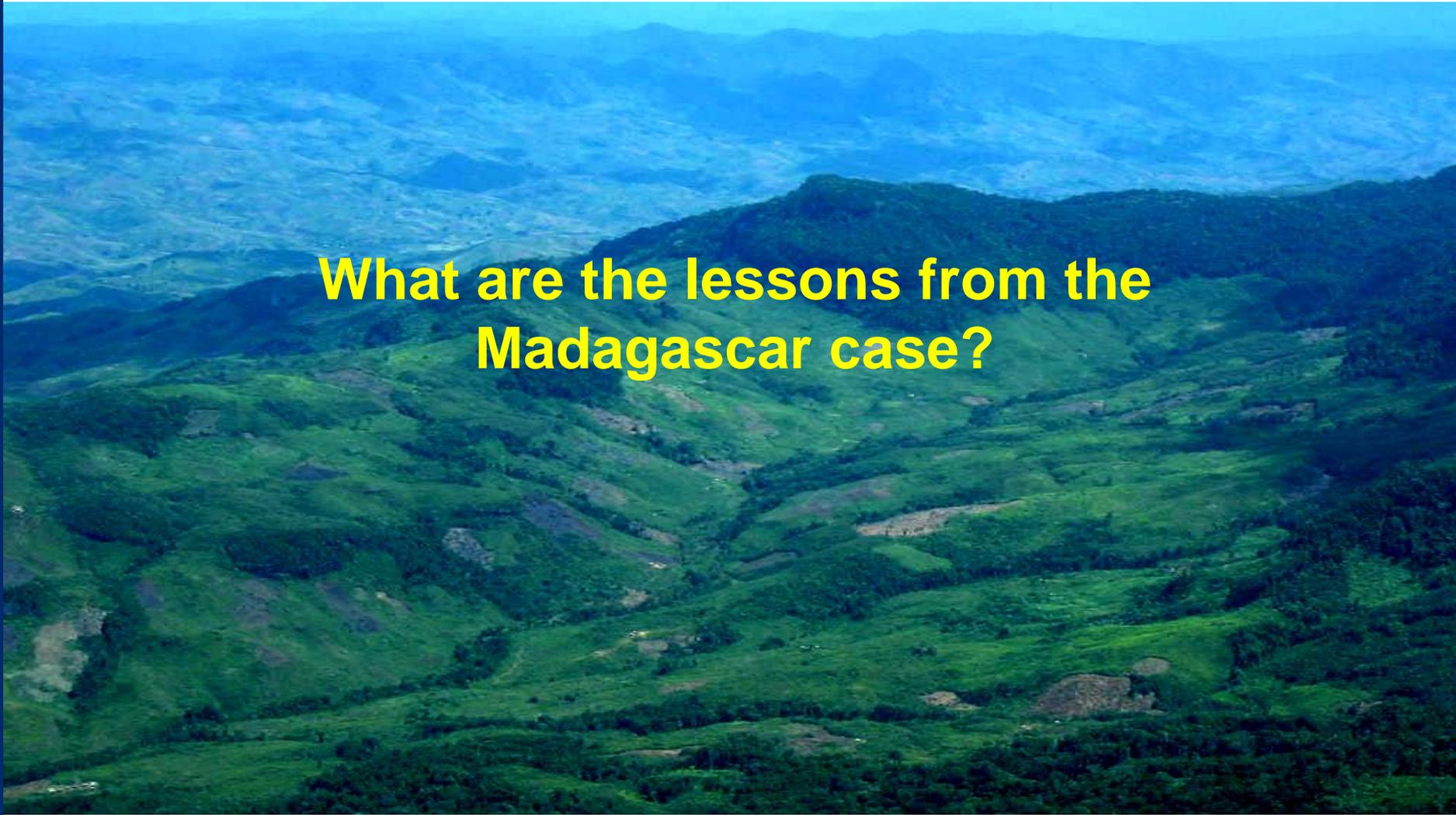


In September 2003, President Ravalomanana surprises the world and shocks many in Madagascar by announcing, at the World Parks Congress (Durban, South Africa) that he will put **6.2 million additional hectares of forest under protected area status.**

With little or no preparation of the announcement in the field, there is massive confusion and concern. In local communities, many fear that the corridor will become a new national park and they will lose their rights.

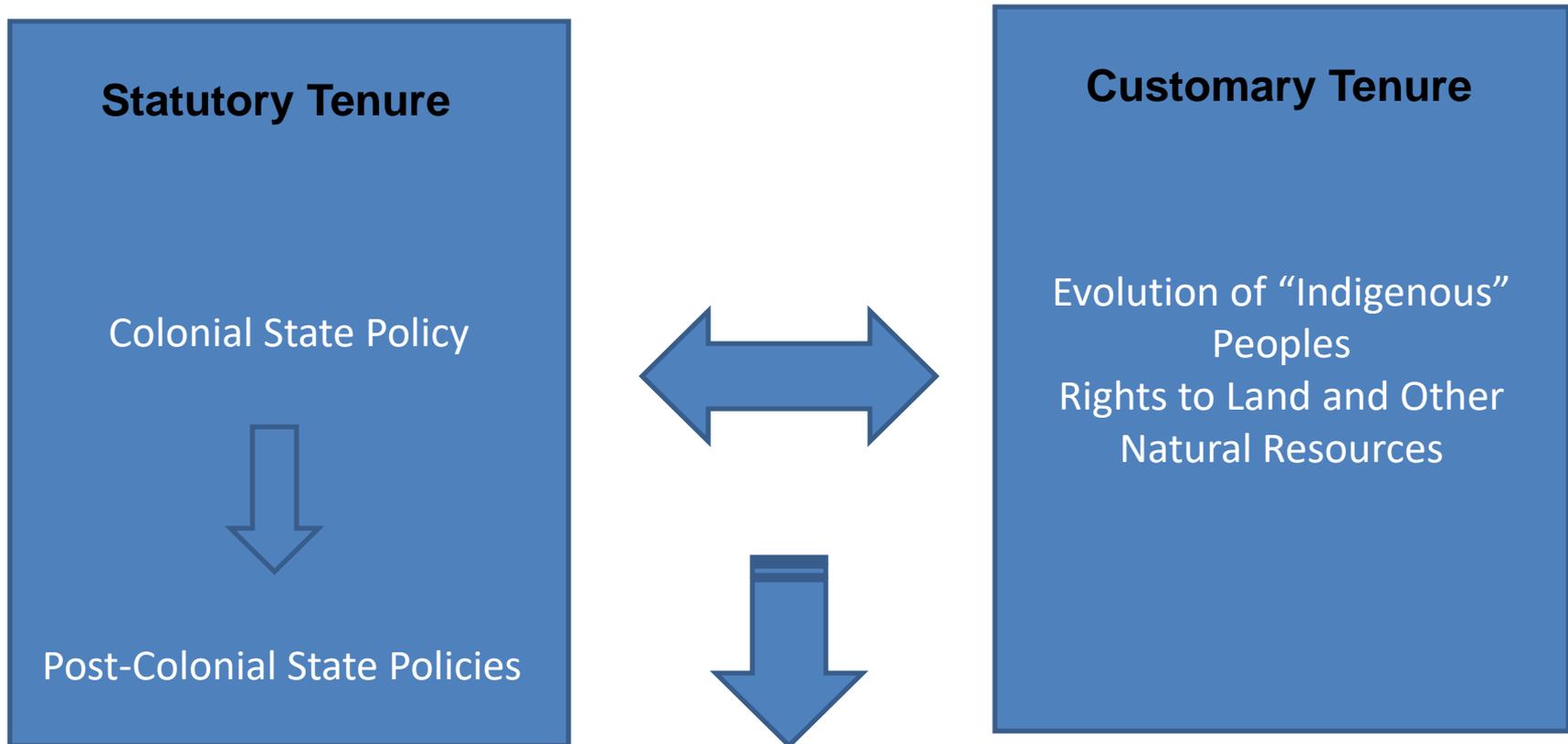
There is a **rush to occupy the corridor** and exploit its resources “before the government gets it all.” Small farmers move into the corridor to clear fields and establish land rights and miners seek to establish claims while permits are still available. Within a year, “exploratory” mining permits cover vast areas of the corridor. Co-management is in doubt!

The Outcome of Human Pressures on the Forest Corridor



What are the lessons from the Madagascar case?

The Inevitability of the Evolution of Customary and Statutory Systems: Implications for Society and Nature?



Mosaic of Tenure Arrangements for Particular Places and Times

Biodiversity Conservation, Food Security, and Climate Change: Contested Spaces, Contested Resources



The Ranomafana – Andringitra forest corridor is a contested space. The future of the forest corridor will be shaped by global and national policy decisions around the crises of food security, conservation priorities, and now, global climate change. Biodiversity conservation and food security are compatible goals within the complexities of unfolding climate change realities.

The Key Question

**Does Tenure Security lead to
Biodiversity Conservation?**

It Depends!