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Land tenure and REDD+: The good, the bad and the ugly

Anne M. Larson [a,*], Maria Brockhaus [b], William D. Sunderlin [b], Amy Duchelle [c], Andrea Babon [d], Therese Dokken [e], Thu Thuy Pham [f], I.A.P. Resosudarmo [b], Galia Selaya [g], Abdon Awono [h], Thu-Ba Huynh [i]

[a] Center for International Forestry Research, Av. La Molina 1895, Lima, Peru
[b] Center for International Forestry Research, P.O. Box 0113 BOCBD, Bogor 16000, Indonesia
[c] Center for International Forestry Research, Rua do Russel, 450/sala 601, Bairro: Glória, Rio de Janeiro, Brazil
[d] Charles Darwin University, Melbourne, Australia
[e] UMB School of Economics and Business, P.O. Box 5003, NO-1432 Aas, Norway
[f] Center for International Forestry Research, No. 8, Lot 13A, Trung Hoa Street, Yen Hoa Ward, Cau Giay Dist., Hanoi, Viet Nam
[g] Center for International Forestry Research, P.O. Box 2909, Santa Cruz, Bolivia
[h] Center for International Forestry Research, c/o IITA Humid Forest Ecoregional Center B.P. 2008, Yaounde, Cameroon
[i] Department of Resource Management and Geography, University of Melbourne, Australia

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ABSTRACT

A number of international donors, national governments and project proponents have begun to lay the groundwork for REDD+, but tenure insecurity – including the potential risks of land grabbing by outsiders and loss of local user rights to forests and forest land – is one of the main reasons that many indigenous and other local peoples have publicly opposed it. Under what conditions is REDD+ a threat to local rights, and under what conditions does it present an opportunity? This article explores these issues based on available data from a global comparative study on REDD+, led by the Center for International Forestry Research, which is studying national policies and processes in 12 countries and 23 REDD+ projects in 6 countries. The article analyses how tenure concerns are being addressed at both national and project level in emerging REDD+ programs. The findings suggest that in most cases REDD+ has clearly provided some new opportunities for securing local tenure rights, but that piecemeal interventions by project proponents at the local level are insufficient in the absence of broader, national programs for land tenure reform. The potential for substantial changes in the status quo appear unlikely, though Brazil – the only one with such a national land tenure reform program – offers useful insights. Land tenure reform – the recognition of customary rights in particular – and a serious commitment to REDD+ both challenge the deep-rooted economic and political interests of 'business as usual'.

1. Introduction

Clear and secure land tenure rights have been identified as one of the key elements for successful conditional payment schemes promoting forest conservation, including strategies for reducing emissions from deforestation and forest degradation (REDD+). REDD is a performance-based mechanism whereby funds will be used to compensate developing countries for the reduction of forest carbon emissions as compared to a national baseline; the 'plus' refers to the inclusion of carbon stock enhancement. It is likely to involve both funds and compliance markets.

REDD+ has been met with considerable controversy. On the one hand, serious attention to the drivers of deforestation requires challenging 'business as usual' interests that lead to forest conversion. Business as usual in forests refers to the constellation of interests that seek to perpetuate privileged commercial access to forest lands and resources and thus, often, promote forest conversion (Sunderlin et al., in press). Though some of these actors have been attracted to the potential economic benefits of REDD+, it is not surprising that others would resist the change. On the other hand, grassroots actors, such as indigenous and other rural communities and their allies, have raised objections as well, particularly in relation to the potential risks of land grabbing by outsiders and loss of local user rights to forests and forest land.

* Corresponding author. Tel.: +51 505 2265 7157.
E-mail addresses: a.larson@cgiar.org, alarson@stanfordalumni.org (A.M. Larson), m.brockhaus@cgiar.org (M. Brockhaus), w.sunderlin@cgiar.org (W.D. Sunderlin), a.duchelle@cgiar.org (A. Duchelle), andrea_babon@yahoo.com (A. Babon), therese.dokken@umb.no (T. Dokken), t.pham@cgiar.org (T.T. Pham), d.resosudarmo@cgiar.org (I.A.P. Resosudarmo), gselaya@yahoo.com (G. Selaya), a.abdon@cgiar.org (A. Awono), ttbhuynh@pgrad.unimelb.edu.au (T.-B. Huynh).

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These groups have brought substantial international attention to their concerns under the banner 'No rights, no REDD' (for a summary, see Tauli-Corpuz et al., 2009).

Under what conditions is REDD+ a threat to local rights, and under what conditions does it present an opportunity? While some 'carbon cowboys' have tried to convince local people to sign away their forest or carbon rights (e.g. Babon, 2011), in other cases, project-level REDD+ proponents are working with communities to secure management rights, land titles and/or future forest income (Duchelle et al., in press; Resosudarmo et al., in press).

A number of international donors, national governments and project proponents have begun to lay the groundwork for REDD+, though there has been a recent slowdown in these preparations, in part due to the failure to reach a climate change agreement and the lack of a secure carbon market (Sunderlin and Sills, 2012). At the same time, forest tenure issues have been increasingly recognized as important:

- The essence of REDD+ is to reward those who maintain or enhance the carbon sequestration of forests and compensate them for lost opportunities; this includes direct payment schemes, which require not only clear rights to land but also the ability to demonstrate exclusion rights, which includes the right and means to prevent third parties from changing land cover.
- The right holders to forest carbon must be held accountable in the event that they fail to fulfill their obligation – the 'conditional' part of conditional incentives.
- When tenure is unclear or not formalized, forest people may be excluded from forests and/or from participation in REDD+ benefits; also, if REDD+ increases the value of standing forests, it may lead to a resource rush that places the rights of current residents at risk.
- REDD+ will inevitably prohibit certain uses of forest resources; this must be done with due process and compensation, and without increased hardship, for poor forest peoples (Sunderlin et al., in press).

If tenure clarity and security are broadly recognized as an important requirement for REDD+, significant attention should be given to resolving tenure conflict and clarifying tenure rights in preparation strategies. In practice, however, research suggests that progress has been slow. With regard to equity concerns, the question of resolution also raises the issue as to who will benefit from 'clarification' or reform policies.

This article assesses the experience with REDD+ strategies at national and project levels so far to understand the opportunities and risks regarding land tenure. It discusses the primary tenure problems being faced in each country and how these are being recognized and addressed at both the national level and at the project level. The findings suggest that in most cases REDD+ has clearly provided some new opportunities for securing local tenure rights, but that piecemeal interventions by project proponents at the local level are insufficient in the absence of broader, national programs for land tenure reform. The potential for substantial changes in the status quo appear unlikely, though Brazil – the only one with such a national land tenure reform program – offers useful insights. Also, REDD+ may have put the issue of rights for indigenous and local people on the international and national agendas as never before.

The research findings presented here are drawn from the Center for International Forestry Research (CIFOR) Global Comparative Study (GCS) on REDD+, drawing on data collected from 2009 to early 2012. The project has studied national level processes in 12 countries and 23 project interventions in six. This article focuses on the six countries studied at both national and project level scales. Those are: Brazil, Cameroon, Indonesia, Tanzania and Viet Nam; national scale data is available for Peru but project level information is only preliminary.

The rest of this article is organized as follows. The next section examines concerns about forest tenure rights under REDD+. The following section outlines the GCS-REDD methods relevant to the research discussed here. Section 4 presents the research findings. This is followed by the discussion and conclusions.

2. 'No rights no REDD': taking stock

The 'No rights no REDD' movement has arisen primarily in response to the failure of climate negotiations to guarantee a binding commitment to indigenous rights and safeguards for indigenous and other forest people. Declarations from movement advocates since the December 2012 COP in Durban, South Africa, refer to potential for REDD+ 'to result in "the biggest land grab of all time,"... threatening the very survival of indigenous peoples and local communities,' and vulnerability to 'carbon cowboys, without adequate and binding mechanisms to ensure that the rights of indigenous peoples and local forested and agricultural communities are respected' (http://noredd.makenoise.org/indigenous-peoples-condemn-climate-talks-fiasco-and-demand-moratoria-on-redd.html). At the heart of these concerns is the insecurity of forest land tenure rights and the failure to assure free prior and informed consent in all matters affecting indigenous lands; the legal foundation for these rights demands is the UN Declaration on the Rights of Indigenous Peoples and International Labour Organization Convention 169 (Tauli-Corpuz et al., 2009).

Much has been written about the centralization of forest tenure historically (e.g. Dixon and Sherman, 1991; Fay and Michon, 2003; Harrison, 1992; Peluso, 1992; Pyne, 2009; Vandergeest and Peluso, 1995; Westoby, 1987, 1989), and the wave of reforms formalizing forest tenure rights since the late 20th century (Cousins, 2007; Larson et al., 2010a; Meinzen-Dick and Mwangi, 2008; Poffenberger, 2001, 2006; Sikor and Nguyen, 2007; Sunderlin, 2011). White and Martin (2002) and Sunderlin et al. (2008) document the shift in forest ownership from the state to more substantial – though still minority – community control, referring to this change as the 'global forest tenure transition' (Sunderlin, 2011). Rights have been granted not only to indigenous peoples but also to other communities and smallholders who have held land historically, or who have established and won recognition for the legitimacy of their rights more recently.

It would be a mistake, however, to assume that community rights are now broadly recognized and secure. The forms and extent of rights recognition has been very varied, in some cases involving the titling of, or formal granting of secure long-term rights, to large indigenous territories; in others, the 'transition' has consisted of land grants to small community forests, while in the most timid reforms communities have received new, temporary use rights that are an improvement over the past but are far from constituting substantial reform (Larson et al., 2010a). Some countries that have made significant strides in recognizing community forest rights have tried to roll back these policies more recently (RRI, 2011).

In addition, policies of 'rights recognition' and formalization have been used historically at least as often to usurp lands as to secure them local people, or to secure them for powerful elites; these policies continue today (Peluso and Lund, 2011), including in the name of conservation. Conservationists have had a complex relationship with local people, sometimes helping secure rights but probably more often seeking to exclude (Agrawal and Redford, 2009; Roe, 2008). This history has important implications for REDD+. In a recent REDD-related study, Beymer-Farris and Bassett (2012) argue that who gets rights depends on how 'the problem' is

framed. They found that in the Rufiji Delta region in Tanzania the state is painting a historically inaccurate picture of local people, claiming that they are recent migrants and poor forest stewards, as part of a REDD-readiness process that plans to relocate a population that has been there for over 2000 years.

Larson (2011) identifies three types of obstacles to the implementation of reforms in favor of indigenous and other communities living in forests: (1) political and economic interests of actors competing for forest land and resources, including some state actors; (2) limited technical, human and economic capacity to carry out accurate and effective demarcation and titling; and (3) ideological barriers, such as opposition to, or concerns with, the idea that forest dwellers can be effective forest stewards (there is ample evidence to suggest that secure local rights can but does not always lead to improvements in livelihoods and forest sustainability, but that discussion is beyond the scope of this paper). These obstacles are deeply rooted in colonial and post-colonial institutional structures (Larson and Dahal, 2012; Lynch and Talbott, 1995; Peluso, 1992).

REDD+ strategies could place rights at risk in a number of ways. If forest tenure is currently insecure, unclear or in conflict, more powerful actors could gain rights to the land in the interest of obtaining REDD+ benefits. On state-owned lands, customary land users without formal rights could be subject to new rules and regulations, including restrictions on land use that lead to new hardships. If forest tenure is currently secure, unknowing or unscrupulous leaders could sign away rights and/or commit to obligations without fully understanding the consequences or obtaining the consent of those who live on the land. If carbon rights are not clarified, whether or not land tenure is secure, benefits may not be distributed in a way that fairly recognizes the efforts of those who contribute to carbon emissions reductions (see Corbera et al., 2011; Cotula and Mayers, 2009; Sikor et al., 2010; Ghazoul et al., 2010; Karsenty and Assembe, 2011).

The case of Papua New Guinea provides insights into these concerns. Papua New Guinea is unique amongst REDD+ countries as around 97% of its land area, and virtually all of its forest, is owned by customary landowners and regulated by custom, not by the State. Customary land ownership is enshrined in the Constitution; and customary landowners must be consulted and give their informed consent for developments on their land. With reference to the 'bundle of rights', customary landowners have rights of access, use, management, and exclusion. However, customary land cannot be sold.

The seemingly strong *de jure* customary tenure rights in Papua New Guinea make the country an interesting case study for REDD+. In many ways, landowners in Papua New Guinea are in an extremely powerful position, as resource owners, to participate in REDD+ on their own terms. However, in practice, many landowners are not aware of their rights – leaving them vulnerable to exploitation. In 2008–2009, media reports began to emerge of landowners signing over carbon rights to suspect carbon project developers – dubbed 'carbon cowboys' by the media – with virtually no awareness of what they were doing and no legal framework within which to do it. At one stage, one of the most notorious 'carbon cowboys' claimed to have negotiated about 90 different carbon deals with landowners, despite the absence of a national REDD+ strategy (Babon et al., 2012).

Negative attention from the international media, combined with pressure from NGOs and donors, brought substantial attention to the risks of REDD+ for communities and highlighted the need for transparent and accountable institutions to protect the right of customary landowners in the development of REDD+ projects. The government of Papua New Guinea tried to control the 'carbon rush' by requiring any groups interested in carbon trading to have written authority to operate in the country and to be registered with the Office of Climate Change. The government also urged landowners not to sign up to any carbon deals with outside project developers until there was a policy and legal framework in place. Papua New Guinea's 'carbon cowboys' appear to have largely disappeared, and the contracts they negotiated are generally assumed to have no validity.

The Papua New Guinea case is insightful for at least two reasons. First, it illustrates the insecurity of even apparently very secure customary rights. Second, it demonstrates the importance of international attention and concern over tenure rights – and how that attention brought about a response and improved policy. Similar shady dealings are being uncovered elsewhere, such as a recent high profile case of an international company apparently buying up rights to 2.3 million ha of forest from an indigenous tribe for USD 120 million in the Brazilian Amazon (Sommer, 2012). Since such deals with indigenous groups contradict national laws for indigenous areas, and Brazil has yet to finalize its national REDD+ strategy, such contracts will likely be considered void.

REDD+ may present risks for local tenure rights, but it can also be an opportunity to support tenure reform. For example, REDD+ funds could be used to secure the borders of indigenous territories where the primary driver of deforestation and forest degradation is illegal land invasions (Larson et al., 2010b). Several high level actors on the REDD+ stage have begun to argue that tenure security for local communities is a requirement for REDD+. The United Kingdom's climate change minister stated, 'Securing fair land tenure must be the foundation of REDD'; his reasons referred not only to ethics but also to business, suggesting a stronger constituency in support of reform (Barker, 2011). In an unprecedented move and in a very strong pro-business context, the chair of Indonesia's REDD task force stated, 'Finding the appropriate land tenure arrangement is a prerequisite for sustainable development and livelihood' and strongly recommended recognizing customary rights in forests (Mangkusubroto, 2011).

The issue of forest tenure has received unprecedented attention under REDD+ but progress is limited. The cases studied here demonstrate how tenure is being addressed, political challenges faced and opportunities that could be seized for more substantive change.

3. Methods

GCS-REDD is a four-year research project (2009–2013) that aims to provide policy and technical guidance to REDD+ stakeholders. The research reported in this paper presents a combination of results from Component 1, which addresses national level stakeholders, policies and processes, and Component 2, which focuses on sub-national REDD+ project sites. The results are not meant to be representative of all REDD+ sites, as the choice of both countries and projects was not random. Rather, the emphasis was on early-mover REDD+ countries and projects that were recently initiated (see criteria below), in order to extract lessons for those starting later. Most importantly, the countries and sites do not – nor were intended to – represent the vast variation in land tenure situations across the globe. Nevertheless, the sites represent key REDD+ countries and an important cross-section of the kinds of projects being undertaken, and hence also the kind of tenure regimes found at many project sites.

Initially six study countries were selected on the basis of the following criteria: large tropical forest countries where REDD+ is being pioneered and that have many project sites (Brazil, Indonesia); diversity of stages on the forest transition curve (e.g. high deforestation in Indonesia and forestry recovery in Viet Nam); convenience of a CIFOR office in the country (Bolivia, Brazil, Cameroon, Indonesia, Viet Nam); and strong donor interest (Brazil, Indonesia, Tanzania). When the government of Bolivia ceased

being involved in REDD+ Peru was added as a research country, which by 2011 was the country with the third highest concentration of sub-national REDD+ pilot projects (19) in the world, after Indonesia (44) and Brazil (36) (Lin et al., 2012). The two project components share this set of 6 countries (Brazil, Peru, Cameroon, Tanzania, Indonesia and Viet Nam), though Component 1 includes another 6; of the latter, only some aspects of the Papua New Guinea case have been included here to enrich the analysis.

In analyzing national REDD+ policy arenas and emerging strategies, researchers developed five areas of inquiry. These include a country profile, media analysis, policy network analysis, policy content analysis and a policy study with a focus on political economy questions. The national level analysis reported here involved results from country profiles, media analysis and policy network analysis.

The country profiles are based on a literature review and stakeholder interviews and address contextual conditions in which REDD+ mechanisms are emerging. It describes drivers of deforestation, general and forest sector governance, natural resource and carbon tenure, relevant sector policies and programs and design options for REDD+ in terms of monitoring, reporting and verification; financing; benefit and cost sharing; alignment of institutions and policies; coordination; and identification of key actors, consultation and policy events.

The media analysis investigates the main areas of debate within the REDD+ policy arena and identifies the actors shaping public debate and influencing the policy process. It involves identifying 3 major national daily media outlets in each country, analyzing published articles on REDD+ since 2005 and conducting semi-structured interviews with journalists (radio, TV, etc.).

To understand structural conditions and policy networks in REDD+ arenas, Component 1 used social network analysis. In-depth interviews and a survey are conducted with key actors in the policy domain to investigate actors' roles and perceptions, networks of influence, information and financial support, and to identify coalitions and other sub-groups in each country's policy arena.

The Component 2 research aims to provide robust empirical evidence of the performance of REDD+ through a counter-factual approach called BACI (before-after/control-intervention) (Jagger et al., 2010). This method permits the comparison of intervention (REDD+) and control (non-REDD+) villages both before and after the introduction of REDD+ conditional incentives. The field research includes 22 project sites, and over 170 control and intervention villages and 3500 household surveys. This article reports on interviews with 19 proponents and early process outcomes in 71 intervention villages.

Four villages were selected at each project site (with two exceptions: one project only had two villages and in another, five were selected). These villages were selected from a sample frame of up to 15 intervention villages. The research was conducted through formal survey interviews with the technical staff of proponent organizations and with village respondents. Two survey forms were used with proponents: a proponent appraisal compiling general information about the project intervention strategies and containing several general questions on tenure; and a survey on participation and tenure going into depth on these issues. At least one technician per project was interviewed in these two surveys. The village interviews were conducted by first gathering secondary data from people judged knowledgeable about the village and then holding a focus group meeting with 10–15 villagers (see Sunderlin et al., 2010 for a detailed explanation of the methods).

4. Evidence from the field

In five of the six countries studied, forests are primarily public and formally administered by the state (Table 1). The exception is Brazil, where 73% of forests were owned by individuals, firms, communities and indigenous people in 2008; official data show a shift of almost 200 million from public to private hands from 2002 to 2008 (Sunderlin et al., 2008). The other countries have far less private land. In five of six countries, a portion of public land has been assigned for temporary use by communities and indigenous people, as well as by individuals in Brazil.

4.1. National level problems and policy

Research at the national level identified serious problems with land tenure in all of the countries studied (Table 2). The results presented here draw on the country profiles, media discourse analysis and policy network analysis, described above. Common issues include overlapping titles or claims, land grabbing and elite capture, outdated or nonexistent land cadastres, among others. In particular, in Indonesia, Viet Nam, Cameroon, Tanzania, and to some degree in Peru, there is a substantial gap between formal and customary rights.

Many problems for people and communities living in and near forests stem from the sense of insecurity generated by the public nature of land and forest ownership. These problems manifest themselves in a number of ways. In some cases the issues relate more to conflict and overlapping claims with other stakeholders, or the inability to exclude unwanted or problematic outside forest users. To some extent these problems exist in all the countries studied, at least in some locations; also, such overlaps and conflicts may exist in lands that have been recognized or titled (as is mentioned in Brazil), as title alone does not guarantee the ability to protect one's borders. These issues will be discussed further, below, in reference to the project sites.

In other cases, the conflict is directly with the state, for example, with regard to land zoning or classification systems, and

Table 1
Forest tenure distribution.

Country	Public (millions of has, %)		Private[a] (millions of has, %)	
	Administered by government	Designated for use by communities and indigenous people	Owned by communities and indigenous people	Owned by individuals and firms
Brazil[b]	88.6 (21%)	25.6 (6%)	109.1 (26%)	198.0 (47%)
Peru	42.3 (67%)	2.9 (5%)	12.6 (20%)	5.3 (8%)
Cameroon	20.1 (95%)	1.1 (5%)	0 (0%)	0 (0%)
Tanzania	31.8 (89%)	1.6 (4%)	2.1 (6%)	0.1 (0%)
Indonesia	121.9 (98%)	0.2 (0%)	0 (0%)	1.7 (1%)
Viet Nam	9.7 (73%)	0 (0%)	3.5 (26%)	0.1 (0%)

Source: Sunderlin et al. (2008), except for Viet Nam (Dahal et al., 2011).

[a] 'Ownership' according to the Rights and Resources Initiative and in this research includes titled lands and those granted unconditionally through long-term, secure mechanisms other than titles (see Sunderlin et al., 2008).

[b] Other sources have found that 24% of the Amazon is unclassified public land and 13% is comprised by land settlement projects for individual landholders (Börner et al., 2010).

Table 2
Primary tenure problems and policy and project initiatives.

Country	National tenure problems	National policies	Project level problems	Project level initiatives
Brazil	Unclear tenure rights, overlapping rights, extensive areas claimed by squatters (24% of Brazilian Amazon as unclassified public land) Pressures on indigenous areas in spite of clear borders and rights (though in a minority of cases) Major inconsistencies in interpretation of the law, failure to implement regulations Lack of sufficient funding and staff for land regularization; very slow progress	National Institute for Colonization and Agrarian Reform (INCRA) has undertaken three major revisions of the land cadastre, in 1999, 2001 and 2004 Formal process of indigenous lands recognition Terra Legal program (2009) linking Amazon regularization to environmental compliance	Difficulty of conducting regularization (large areas, revision of past claims) Land concentration Titles and land use plans required for environmental regulation Customary limits not always respected in regularization Ongoing insecurity and conflict due to histories of land conflict Removal of colonists from indigenous area	Technical, financial and other support for titling Support for land use planning Project land tenure regularization activities in line with national policies and in collaboration with federal and state institutions.
Indonesia	Contradictory laws regarding land and forest rights, failure to recognize community customary rights in forests Limits on customary use rights in favor of business use of forests Absence of rules and procedures for registering community forests Inaccurate maps Conflicting claims, boundary disputes and forest encroachment	Chair of REDD panel has proposed releasing village and customary land from state forests Proposed project to unify all national land/forest maps	Potential conflicts with palm oil interests Potential conflicts with logging concession holders Failure to recognize community customary claims Unclear tenure	Negotiation with government at all levels Variety of mechanisms to provide village communities with clear tenure Negotiation with concession holders Land use planning
Viet Nam	Gap between national and customary laws, customary tenure not recognized Overlaps between indigenous and colonist land claims Lack of human and financial resources for forest land allocation (FLA) Technological problems leading to inaccurate maps Inequity in forest allocation; land grabbing Limited understanding by forest users of rights and responsibilities associated with FLA	Forest Land Allocation (FLA) process (since 1983) to allocate land users up to 30 ha of forest land in production and protection forests for up to 50 years Land Law (2003) Upcoming National Forest Inventory	Conflicting community versus household forest management Notable discrepancy between local people's perceptions/ customary rights and the government's perceptions Unclear land boundaries Ambiguous land rights and lack of understanding of the meaning of Red Book titles Breakdown of traditional living styles influencing land tenure arrangements	Establishment of a technical working group on land issue at provincial and district levels Local fund on participatory forest management will discuss how to distribute payment Exploring mechanisms to test how to integrate tenure and carbon Contributions to land use planning at commune and district levels
Cameroon	Conflict between customary and formal law; formal law limits local rights to use rights Community forestry represents an attempt to make a formal link between communities and forests without recognizing customary claims Only the elite have the means to register land, which is the only formally recognized ownership right Zoning has resulted in constant conflict among stakeholders State authorizes overlapping rights and obligations among sectors (forest, tenure, mining, water, etc.)	Forest policy reform process begun in 1993, including the creation of community forests Forest law reform process underway Consultations with stakeholders on land use including boundary definition Shift from ad hoc programs to possible national policy on marginalized populations	No guarantee of carbon rights on customary land Mismatch between statutory community forest and customary rights leading to conflict Bantu traditional claims and incursions Tenuous nature of community forest rights Border conflicts with national park Conflicts between indigenous and migrant populations	Helping community develop community forest management plan and strengthen local institutions Implement a tenure strategy with stakeholders consistent with national policy Support attempts to improve community rights to forests (revision of the forest law)
Tanzania	Some government bodies interpret formal land categories in such a way that the state owns much of village land (e.g. Forestry & Beekeeping Division) Conflicts between farmers and pastoralists Conflicts over evictions of pastoralists for environmental purposes Contested and overlapping tenure regimes and risk of elite capture	Village Land Act (1999) recognizing customary tenure whether or not land is registered Draft National REDD Strategy classifying village land as state land ('general land') if not registered	Carbon rights not addressed at national level Land within village boundaries classified as general land, lack of land certificates Boundary disputes among villages Unclear or insecure individual rights Short or unclear time frame for management rights	Border clarification In process of obtaining village land certificates Establish clear and longer term timeframe for CFM contracts (Little attention to individual claims)

Table 2 (*Continued*)

Country	National tenure problems	National policies	Project level problems	Project level initiatives
Peru	Native peoples have alienable land rights rather than broader inalienable territory rights Overlapping titles and lack of land cadastre State authorizes overlapping rights and obligations among sectors (forest, tenure, mining, water, etc.) Reserves and other forest categories declared on paper but without defined borders	New law of Forests and Wildlife approved and awaiting implementing regulations Law establishes that rights to ecosystem services belong to the title holder, transferable to concession holder, and subject to government tax	[preliminary data] No legal way to obtain rights in protected area Little to no exclusion rights Possession contract is temporary and easily reversible Overlapping concessions by different government offices	[preliminary data] Demarcate and register concession areas

Sources. Awono (unpublished results), Dkamela (2011), Dokken et al. (unpublished results), Duchelle et al. (in press), Indrarto et al. (2012), Jambiya et al. (unpublished results), May et al. (2011b), Pham et al. (2012), Piu et al. (2012), Resosudarmo et al. (in press), Sunderlin et al. (in press); GCS REDD Component 1 Workshop and Learning Event Report April 12–14, 2011, GCS REDD Component 2 Meeting Barcelona February 8–10, 2012 (presentations), Proponent appraisal, proponent survey on participation and tenure.

when the state asserts the right to grant concessions or use rights to other stakeholders on occupied land. This is a common problem in Indonesia, Peru and Cameroon, with regard to oil palm, logging and mining concessions in particular (Dkamela, 2011; Indrarto et al., 2012; Piu et al., 2012); violent conflict over mining concessions on indigenous lands in Peru has resulted in several deaths and reached influential international news media (see, for example, http://www.rawstory.com/rs/2011/06/25/peru-halts-canada-mining-operations-amid-protests/; http://www.economist.com/node/18898513). In Papua New Guinea, there has been a rapid increase in the granting of Special Agriculture and Business Leases (SABLs) – which are now thought to cover over 5.5 million hectares or 12% of the country – to private companies for periods of up to 99 years. There is widespread concern that many, or a majority, of these leases have been obtained without the consent of customary landowners, leading some commentators to suggest the country can no longer claim to have 97% of land under customary tenure (Filer, 2012). There is also conflict with the state over carbon rights, which has not yet been resolved in any of the countries studied.

In addition, in Cameroon, the community forest concession model is seen as a weak response to customary claims, providing only temporary and fairly easily revoked use rights to small and degraded forest areas (Dkamela, 2011). In Tanzania, in spite of the Village Land Act, which recognizes customary rights whether or not the land is registered, the draft National REDD strategy contradicts this and would permit the state to classify unregistered village customary land as 'general' (or state) land (Veit et al., 2012). There is a similar problem in Indonesia, where the Basic Agrarian Law recognizes customary land rights, but the Forestry Law only recognizes customary forest as a subset of state forest (Indrarto et al., 2012). In spite of the recommendation to address this problem by the chair of Indonesia's REDD task force, mentioned above, significant opposition from the Ministry of Forestry and the private sector still has to be overcome if this is to go beyond discourse.

In Viet Nam land classified by the government as 'unused' is in fact under customary tenure not formally recognized by law. Though new land allocation certificates known as Red Books grant forest rights for 50 years, the land is often degraded or infertile and the program (Forest Land Allocation, or FLA) does not permit joint ownership at the household and community levels, thus limiting the rights of women and undermining upland production systems that are based on joint property approaches (Pham et al., 2012). Moreover, the fact that state actors own the highest-quality forests, while non-state actors, particularly local people, have mostly been allocated poorer-quality and degraded forests mean that future REDD+ funds might be retained at the government level, with only very limited payments made to the actual managers of the forest. This also implies that difficulties will arise in relation to involving households in planning activities, in monitoring, reporting and verifying, and in receiving and managing rewards – aspects that are integral to the long-term effectiveness of REDD+ (Pham et al., 2012).

These problems are rarely being addressed by national policies, in spite of their implications for REDD+ initiatives. That is, research so far suggests that there is little reason to believe REDD+ strategies are making significant changes in the status quo with regard to land and forest tenure rights. Analysis provided by country profiling shows few important new tenure initiatives in relation to the problems identified. Although tenure is often mentioned in REDD+ policy documents and was a very popular topic during the stakeholder interviews conducted in the context of the country profiles, the debate remains at a rhetoric level. This finding was confirmed by a study of REDD Preparation Proposals (RPPs) undertaken by World Resources Institute, which identified the need for clearly defined reform processes with milestones and targets during the readiness phases (Williams et al., 2011). The policy measures listed in Table 2 most often refer to policies that are already in place and are insufficient to solve the problem, or in some cases are another source of tenure problems. For example, existing land allocation and registration initiatives have sometimes generated insecurity due to lack of technical capacity and financial resources, inconsistent rules and procedures and the failure to 'match' the policy with on-the-ground reality.

Among the cases, Brazil is clearly an exception. The Brazilian government launched an important land regularization program, which links land tenure reform with environmental compliance in the Amazon, known as the Legal Land (*Terra Legal*) Program. The goal is to grant titles to about 300,000 smallholders claiming rights to non-designated public lands, conditional on compliance with the Brazilian Forest Code (Duchelle et al., in press). Brazil has also recognized and delineated customary lands, and this process continues, though it is still slow and ridden with problems. The other countries have at best taken small steps in comparison.

Governance and tenure issues in particular are largely absent from REDD+ discourse as identified in national media in most of the researched countries (Di Gregorio et al., 2012). An analysis of more than 500 national newspaper articles on REDD+ published between 2005 and 2009 in five of the six countries (Perla Alvarez et al., 2012; Kengoum, 2011; May et al., 2011a; Pham, 2011; Cronin and Santoso, 2010, data on Tanzania is not yet available) demonstrates that governance issues did not feature prominently in the way media articles were 'framed' in any of the countries (Fig. 1).[1] A closer look at subtopics related specifically to tenure reform and carbon rights under the meta topic 'Politics and policy making' confirmed their absence. Only in Indonesia and Brazil were media articles explicitly framed around these issues: in

[1] A media frame is 'a broad organizing theme for selecting, emphasizing, and linking the elements of a story such as the scenes, the characters, their actions, and supporting documentation' (Bennet, in Boykoff, 2008, p. 555). In practice a frame is a conceptual lens that brings certain aspects of reality into sharper focus (emphasizing a particular way to understand an issue), while relegating others to the background.

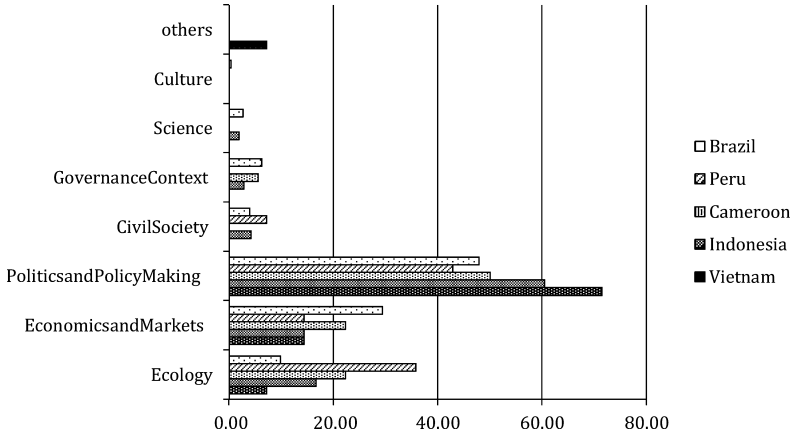

Fig. 1. Meta topics in national media articles (in % of total analyzed media frames per country).
Source: Larson et al. (2012) based on Perla Alvarez et al. (2012), Kengoum (2011), May et al. (2011a), Pham (2011), Cronin and Santoso (2010).

Brazil, in 11 articles the subtopic 'REDD+ and indigenous rights policies' was advocated by representatives of rights organizations and subnational state actors; in Indonesia one article used this frame, which was advocated by an international research organization, and a second article was concerned with the establishment of carbon rights and was supported by a national level government actor. (In Viet Nam, in interviews 54 different organizations highlighted land tenure as a problem, but the media is entirely controlled by the state, hence it is not surprising that issues relating to state land control did not appear in the media analysis.) Preliminary analysis of articles from 2010 to 2011 in Indonesia, Viet Nam and Peru show no significant changes.

Nevertheless, by examining individual position statements of advocates or adversaries who responded to the issues framed in these articles, we identified a number of stances related to governance. In Indonesia, Brazil and Peru, actors stated that REDD+ will require major governance and institutional reform. In Indonesia more than 10% of all positions expressed (27 of 258) demonstrated concern that REDD+ risks dispossessing or reducing access to forest resources and harming traditional forest users. These findings indicate that although articles are rarely framed around these concerns, a number of actors position themselves around them. These actors are mainly from international environmental Non-Governmental Organizations and domestic civil society organizations.

Policy network analyses were conducted in 2011–12 in Brazil, Cameroon, Indonesia, Tanzania (Rantala, 2012) and Viet Nam, among others, in order to study the reputational power of different actors (how other policy actors perceive who is influential in decision making for REDD+) and coalition building in the national REDD+ arenas. Preliminary findings indicate that neither of these types of organizations – national or international NGOs – are perceived by other actors in the policy arena as influential in any of these countries; rather, Ministries of Forestry and other state entities are at the centre of decision making. The same is true for the coalitions of which these NGOs are members. That is, the coalitions that put forward issues of rights and tenure and challenge existing 'business as usual' are minority coalitions compared to dominant coalitions supporting business as usual trajectories, even in a country with a very active civil society such as Brazil.

4.2. Project level tenure

The GCS research assessed tenure problems at the project scale through interviews with proponents and at the village level through focus group interviews with villagers, as well as observation. Proponents identified the main tenure challenges at their sites and their plans for addressing them in a proponent appraisal survey and a follow-up survey on participation and tenure. Villagers in focus groups were asked about land tenure conflict and insecurity, degree of rule compliance, exclusion rights and the presence of external forest users, regarding the land their village uses specifically.

Most of the land at REDD+ project sites in this study is formally owned by the state. In Indonesia, Cameroon and Peru, the vast majority of land in the villages studied is officially owned and administered by the government. In Brazil, in research villages, this state land has primarily been assigned to individuals or is unclassified public land; in Viet Nam public land has been allocated to individuals through long-term certificates. In Tanzania, most of the REDD+ sites are located in areas assigned to or owned by villages, or in process toward village assignment or ownership. Each country will be considered in turn.

In Indonesia (5 projects), projects are taking place on lands that are formally owned by the state, but much of the land in the research villages is under customary claims. In this regard, these areas are representative of the overall situation of forests in the country. In the study villages, a small portion of land (4%) is held by households with land certificates, and very recently three villages obtained *hutan desa* management rights – a legal designation permitting village management of state forests; but the vast majority of village land consists of de jure state forests under the de facto use of households and villages. Problems stem from overlapping claims on these lands, including inactive logging concessions (which may be revived in order to contest carbon rights), small-scale loggers, and larger oil palm, mining and logging interests. Oil palm interests threaten certain areas of some project sites.

In Brazil (4 projects), most lands in the GCS REDD+ project sites are state owned, and almost all of the lands in our study villages have been assigned to individuals residing in land reform settlement projects or occupying unclassified public lands. This type of tenure represents a small portion of Brazil's forest land but is an important choice for REDD+ projects due to often high deforestation rates in these areas. Two of the project sites are in areas with a history of serious land and resource conflicts, but settlement and tenure regularization actions have been underway for several years to resolve these problems. A third site has been essentially a 'no man's land' in terms of formal land tenure, until very recently when REDD+ has provided an incentive for regularization as a readiness activity. In the sites as a whole, though there are still conflicts, overlapping claims and households without formal rights or title, the central tenure-related problems revolve around the logistics associated with regularization – a

Table 3
Land conflict and insecurity and local forest rule compliance by country.

Country	Villages with an area of land in conflict (number and %)	Villages with tenure insecurity over at least a portion of village lands (number and %)	Villages with low or moderate forest rule compliance by villagers (number and %)	Total number of villages in sample
Brazil	7 (44%)	8 (50%)	12 (75%)	16
Cameroon	5 (83%)	6 (100%)	3 (50%)	6
Tanzania	6 (24%)	8 (32%)	13 (52%)	25
Indonesia	11 (55%)	17 (85%)	11 (55%)	20
Viet Nam	0 (0%)	0 (0%)	4 (100%)	4

Source: Sunderlin et al. (in press) and village survey database.
Note: Includes all project sites except Berau, Indonesia and Peru.

process that is costly, slow, bureaucratic and which sometimes fails to respect existing customary or locally legitimate claims (Duchelle et al., in press).

Tanzania REDD+ projects (6 projects) are being developed in areas where an important portion of the land has been assigned to or is owned by communities. This is in line with the national REDD+ strategy, which identifies REDD+ funds as a way to increase the area under participatory forest management programs. Hence, although some 89% of Tanzania's forests are owned and managed by the government, REDD pilot projects are taking place in the 6% share that is, or is in the process of being, owned and managed by communities through Community Based Forest Management agreements, or in the 4% share of government owned and managed forests that are assigned to communities through Joint Forest Management agreements. Tenure problems at the project sites stem primarily from the lack of formal village land certificates in the assigned lands, which leaves lands formally under state ownership, and border disputes.

In Cameroon (2 projects), the land in the project sites is predominantly state owned and de facto managed by communities and individuals; both projects include an area officially assigned to communities. One project focuses on a community forest, which is granted for community use under a 25-year management agreement. Nevertheless, the management plan has to be renewed every five years and can be cancelled if the Ministry of Forestry and Wildlife deems that the community is not complying with regulations. In addition to this tenuous legal situation, tenure problems include overlapping, traditional claims of Bantu families and conflicts among village members over pre-existing claims and which families fall in and outside the borders of the community forest area. The second site is located on the borders of a national park. Tenure problems there are associated with boundary conflicts between villages and the park, as well as land claims by an agroindustrial firm.

In Viet Nam (1 project), the forests in the four villages studied, in one project site, are owned by the government and have been allocated to individuals, though in one village a portion of forest is allocated to the village as a whole for protection. The allocation of state lands to individuals is mainly through Red Books, which grant use rights for 50 years. These land certificates have generated problems, however, as rightsholders do not always understand their limitations (such as that the right cannot be transferred to a different piece of land). Other challenges lie in fully informing local people, especially the poor, about their rights, how to access the land and how to derive full benefits under existing policies and laws. In reality, most ethnic minority households have yet to take full advantage of the policies. Moreover, land allocation in Viet Nam has been based on the ability to invest in the land, with labour and capital, but most poor people, including the ethnic minorities that comprise the majority of forest-dependent people, lack both of these. Customary land rights are strong, but there are significant differences between government and villager perceptions and understanding. There is an important illegal land market and also problems with unclear boundaries and different community versus household modes of forest management.

In Peru (2 projects), the project sites are both located in state lands, one in a national protected forest and the other an area of Brazil nut concessions; both are under de facto individual use. The national protected forest has been invaded by colonists who are the primary users but who by law cannot have legal land rights, whereas individual users in the other site have a 40-year concession contract. Tenure problems at the sites include overlapping claims, land trafficking, ongoing land invasions and illegal logging. Government policy is a source of conflict, as different government agencies have given out overlapping concessions to the same forest area to different stakeholders, and there is not agreement on conservation goals either within government or among other forest stakeholders (Chavez et al., 2012). There are

Table 4
Exclusion rights and practice by country.

Country	Villages with the right to exclude outsiders (number and %)	Basis of the right[a] (number and %)		Villages with current external use of forests (number and %)	Villages where this use is prohibited (number and % of those with current external use)	Villages with unsuccessful attempt to exclude external users (number and %)	Total number of villages in sample
		Custom/ customary law	Formal law				
Brazil	14 (88%)	14 (88%)	1 (6%)	11 (69%)	5 (45%)	3 (19%)	16
Cameroon	6 (100%)	6 (100%)	1 (17%)	3 (50%)	3 (100%)	1 (17%)	6
Tanzania	24 (96%)	19 (76%)	5 (20%)	11 (44%)	7 (64%)	3 (16%)	25
Indonesia	19 (95%)	17 (85%)	3 (15%)	18 (90%)	5 (28%)	8 (40%)	20
Viet Nam	4 (100%)	0 (0%)	4 (100%)	2 (50%)	0 (0%)	0 (0%)	4

Source: Sunderlin et al. (in press) and village survey database.
Note: Includes all project sites except Berau, Indonesia and Peru.
[a] Some villages selected both.

also conflicts among national, regional and municipal governments. Regional and municipal authorities frequently promote roads and infrastructure inside the protected forest and productive activities in direct contradiction to legal norms (ParksWatch, 2003).

Tables 3 and 4 summarize results across project villages on questions addressed in village-level focus groups with regard to issues of tenure clarity and security for REDD+. Table 3 provides responses on the presence of land conflict, perceptions of insecurity and forest rule compliance by villagers. The presence of conflict is notable in particular in the study sites in Cameroon (83%), Indonesia (55%) and Brazil (44%), though an important portion of villages in Tanzania also has lands in conflict (24%). A direct question about insecurity found problems in even more of the villages studied, ranging from 100% in Cameroon, to 85% in Indonesia, 50% in Brazil and 32% in Tanzania. Only in Viet Nam was there no report at the village level of either conflict or insecurity (this would appear to contradict the problems mentioned earlier, however, and is discussed below). Compliance with forest use rules was problematic at the study villages in all countries, however, with Viet Nam reporting only low or moderate rule compliance in 100% of villages, followed by Brazil (75%) and the other three countries (50–55%).

Table 4 addresses issues regarding exclusion rights – the right and ability to exclude unwanted outside forest users. Interestingly, almost all of the villages surveyed report having the right to exclude outsiders from their land (88–100%). What is particularly notable, however, is that in Brazil, Cameroon, Tanzania and Indonesia, the vast majority of villages stated that the basis of that right was custom, whereas only 6–20% of villages in these countries stated that the right was based in formal law. These questions were asked with the enumerator stating the options, and more than one answer was permitted. Again, in contrast, the Viet Nam villages all emphasized formal rights.

The last three questions in Table 4 refer to presence of external users currently, whether that use is, in fact, prohibited, and unsuccessful attempts to exclude external users. All of these questions provide indications regarding the ability of villages to exercise exclusion rights in practice.[2] From 44% (Tanzania) to 90% (Indonesia) of villages studied had external users at the time of the survey. In most or all of those cases in Tanzania and Cameroon and in about half in Brazil, those uses were prohibited. The fact that some users have permission, however, does not mean they have the village's permission; for example, though only 28% of villages in Indonesia report that the external use is prohibited, in the other 72% of cases, seasonal and customary users are likely to have permission from the village, but plantations, agroindustrial firms and logging concessions are more likely to have permission from an office of government and not from the village. Finally, a portion of villages in each country, except Viet Nam, has had an unsuccessful attempt at excluding outside users (16–19% in Brazil, Cameroon and Tanzania and 40% in Indonesia).

The Viet Nam case is interesting, because villagers did not respond to questions as one might expect. In spite of the problems identified earlier, they did not mention conflict or insecurity. This may be because the word "conflict" has very strong connotations, and most villagers would consider the kinds of tensions produced as being manageable and negotiable disagreements. Researchers observed a higher level of conflict in other villages. In addition, there is a logging concession and an agroindustrial concession in the villages, which operate with government, but not community, permission. Yet villagers stated that they had the formal right to exclude and that there are no unwanted external users. In this case, because the forest land is owned by the government, they do not view the government as "external", and while they do have the right to exclude others, they do not have the right to exclude the government from the land it owns.

[2] The right to exclude refers to the right to decide who can and cannot have access to the forest. Hence the presence of external users may refer to a user that has community permission (see for example the case of Vietnam in Table 4).

4.3. Proponent interventions

Proponents explained how they were addressing or planning to address tenure problems; the most recent of these interviews postdate the village field research. Virtually all project proponents identified tenure problems at their project sites and recognized the associated concerns for moving forward with their REDD+ strategies. Early actions they have taken included identifying the sources of insecurity and conflict and addressing the causes where possible; securing land titles for local stakeholders where this was appropriate and possible, or in other cases securing management rights; clarifying unclear village and forest boundaries if needed; and identifying and delimiting the forest area to be set aside (Sunderlin et al., in press). Clarifying land tenure rights specifically has often involved negotiating or working closely with government entities in charge of land, and sometimes supporting those agencies through technical assistance or funding. Also, in a few cases the proponents *are* government entities, as in Acre, Brazil, and in every study site in Brazil the proponents are working with the *Terra Legal* Program to demarcate and register properties in project villages (Duchelle et al., in press).

Where existing mechanisms to secure rights are inadequate, some proponents have played an advocacy role, such as to reform the community forest concessions in Cameroon, which only provide rights for 5 year intervals. A few are promoting strategies to clarify carbon rights, in some cases also advocating for village rights. In sites where there are important overlapping claims – such as palm oil or other concessionaires in Indonesia – proponents are devoting an important part of their energy on tenure to addressing these contradictions. In Peru, early evidence suggests that REDD+ has brought attention to the complex problem of land grabbing and trafficking, especially in protected areas, but projects are facing challenges for pursuing land regularization and titling because of weak intersectoral coordination at national and regional government levels.

Only about half of proponents interviewed (9 out of 19) are satisfied with the outcome of attempts to address tenure issues at their sites, 3 were both satisfied and dissatisfied, and 5 were unsatisfied (2 did not have an opinion). Even those who were satisfied, however, stated that there is still much more to be done. In some sites, such as one in Tanzania, the proponent stated that they had been forced to exclude some areas because problems with tenure were not resolvable (Sunderlin et al., in press).

5. Discussion: risks and opportunities for tenure rights

The data from the national, project and proponent studies make for interesting comparisons across the countries. Most notably, Brazil is both different and similar to the other countries in key ways. At the national level, Brazil stands out in terms of its national policy framework on tenure and forests. It has implemented substantial tenure reforms, to secure the rights of local landholders, prior to the existence of REDD+. Tenure reform emerged in response to decades of serious conflict, including high profile murders of rural activists such as Chico Mendes and others, with fundamentally unbalanced land distribution patterns at the root (Schmink and Wood, 1992).

Recent policy initiatives include innovative efforts to link land tenure reform with environmental compliance. In fact, the Ministry of the Environment generated a blacklist of municipalities

Table 5
Tenure issues, opportunities and risks for local rights under REDD+.

Tenure issue	Opportunity	Risk
Lack of clarity on ownership, overlapping claims	Rights clarified and secured for local people	Rights secured to more powerful parties/elite capture
Customary rights versus state ownership	Recognition of rights Harmonization of policies in a way that respects just traditional land distribution and good mgmt practices Free Prior and Informed Consent (FPIC)	State asserts its formal rights and controls process Imposition of rules Failure to share C benefits
Conflicting land use decisions/concessions across levels and state institutions	Recognition of local rights Harmonization of state policies Strengthening of multi-level governance institutions	Rights of more powerful parties are secured over those of communities
Lack of exclusion rights and/or ability to exclude (including colonization of indigenous lands)	Recognition of right to exclude Securing of borders/improved capacity to exclude	Locals are sanctioned for deforestation and degradation caused by outsiders
Poor rule enforcement, monitoring and sanction; failure to implement land use planning	Improved local rights to and capacity for rule enforcement, monitoring and sanction Implementation of participatory land use planning processes, FPIC	Imposition of rules and regulations Community sanctioned for failure to meet obligations on C emissions
Technical issues in regularization processes; mismatch between new, formal rights and previous de facto or customary rights	Improved mapping capacity Greater stakeholder participation in mapping processes	Inaccurate maps leading to mismatch between land area and landholder Elite capture of land
Undemocratic collective land representation; decisions without broad local understanding and agreement[a]	Improved information, representation and accountability FPIC with community members, not just representatives	Community sanctioned for failure to meet obligations on C emissions Elite capture of benefits

[a] Problem not identified in the project sites but in other cases, such as Papua New Guinea and elsewhere.

based on high rates of deforestation. Blacklisting resulted in the denial of access to agricultural credit and the embargo of certain product supplies until 80% of the properties have been registered in the Rural Environmental Cadastre (CAR; Duchelle et al., in press).

Notably, this innovation required the collaboration of the Ministries of Environment and Agriculture, institutions that are often at odds, as well as others. In fact, the office of the president formed an Interministerial Working Group to address deforestation in the Amazon. According to May et al. (2011b: 23), "In addition to leadership within the central power structure of the federal government, a novel feature of the working group was that, for the first time, deforestation and illegal logging in the Amazon were cast not as an exclusive 'problem' of the Ministry of Environment, but rather as the responsibility of the federal government as a whole, including ministries responsible for agrarian reform, agribusiness, justice and physical infrastructure (mining and energy, transportation)." This attempt at cooperation provided an unprecedented opportunity (though it has also had its share of problems, see May et al., 2011b).

In spite of these advantages, the project-level data from research prior to REDD+ implementation suggests that villages in Brazil have similar problems as the other countries. There are no substantial differences in conflict and insecurity data between Brazil and the averages in other locations. In fact the Brazil cases demonstrate the lowest percent of villages with the right to exclude (though still quite high at 88%) and the lowest of those with formal rather than customary rights to exclude (6%).

Given persistent tenure insecurity issues in the Brazilian Amazon, REDD+ proponents in Brazil have tenure issues high on their agenda, and all have engaged with the national *Terra Legal* Program to implement CARs at REDD+ pilot sites (Duchelle et al., in press). The difference between Brazil and the other countries studied is that these proponents have the advantage of a national policy framework that is already in place, pre-dating REDD+ (Sunderlin et al., in press). At the same time, REDD+ has bolstered tenure reforms: proponents have largely used REDD-readiness funds in Brazil for land regularization efforts already underway, which link tenure reform and environmental compliance as mentioned earlier (Duchelle et al., in press).

In the other countries, the problems are similar and numerous: land conflicts, tenure insecurity, ineffective rule enforcement and the presence of unwanted external forest users all pose potential threats to forests and local livelihoods. At the project level, many REDD+ proponents are seeking to secure rights for villagers. Almost all have given serious attention to tenure and sought to address problems to the best of their ability. Thus REDD+ has clearly opened new opportunities for securing local rights to forests.

Nevertheless, outside Brazil most proponents are working 'through their own initiative and with little external assistance' (Sunderlin et al., in press), limited by existing government bureaucracies and the constraints of current policies. That is, in most cases proponent efforts are restricted by the lack of serious attention to tenure at the national policy level. Tenure is not easy to resolve where conflict is serious, and piecemeal project interventions are insufficient in the absence of broader, national programs. For example, little is being done to address the paramount issue of exclusion rights – the formal rights to which most villages in the study apparently are not granted. Unwanted external forest users are particularly difficult to address when these are tied to national economic development (e.g. palm oil, foreign investors). It is even more complicated when the top-down land tenure management system is rooted in the political ideology of the state (e.g. Viet Nam).

The extent to which REDD+ might foster opportunities for more fundamental reforms is still an open question. In the other countries studied, substantial change appears unlikely in the near future. In Viet Nam, proposals for reform of Red Book policies have met with government resistance (Hyung, pers. comm.); despite decision makers' recognition that land tenure as a major problem for environmental service payments, most believe that it is impossible to change because land tenure is dictated in the constitution (Pham et al., 2008).

Similarly, there is little indication that the approach to customary rights in Tanzania or Cameroon will undergo radical change. In Indonesia however, new leverage was generated

through the mobilization of evidence and courageous stakeholders in light of REDD+ to challenge business as usual and support new tenure policies. Still, though the call for reform has come from the highest levels of government, there are many layers of government and many other powerful stakeholders who have resisted all such reforms in the past. It is not yet clear how these barriers could be overcome.

It is also important to note that even in Brazil, the existing bureaucracy in charge of regularization does not solve all problems and in some cases creates new ones, such as by failing to delimit formal rights in accord with legitimate local practice. There are concerns that weakened provisions under the new Forestry Law in Brazil represent a step backward from challenges to business as usual (Duchelle et al., in press). And certainly, formalization can always be used against local people (Peluso and Lund, 2011), even if laden with equity discourse.

Table 5 summarizes the main tenure problems identified in the research and the opportunities and risks that they present for communities under REDD+. The central issues are: who will control REDD+, who will define what it is and what it is not, and whose rights will be secured in the interest of tenure reform under REDD+.

Research suggests that REDD+ presents an opportunity at the local level, to the extent that proponents, together with villages, are able to secure community rights on the ground. At the national level it has brought serious attention to the issue of local forest tenure rights, including the questioning of current policy and even the rare, bold commitment to a new course of action. The most important opportunities are the recognition, clarification and securing of rights for local forest people, the right and ability to exclude unwanted external users, harmonization of state policies, free prior and informed consent, stakeholder participation and improved information, representation and accountability.

REDD+ has also demonstrated some of the risks. The failure to address customary rights satisfactorily could lead to the usurpation and securing of rights for more powerful actors, elite capture and the failure to distribute benefits fairly, and new rules and burdens, including loss of forest access, for poor forest people without consent or compensation and, thus, increased poverty and marginalization.

6. Conclusions: good, bad, ugly, and the potential realignment of interests

REDD+ has clearly fostered opportunities to secure the land rights of local people, as demonstrated by project proponent activities. But larger-scale changes, such as those seen in Brazil under initiatives pre-dating REDD+, appear less likely. There are interesting new tensions, however, that suggest room for optimism. Project proponents are trying to secure local tenure rights not just for reasons of equity but also because it is important for REDD+ and for forests – suggesting a broader base for support. RRI points out that tenure reforms have continued even as the initiative for REDD+ has recently 'wobbled' due to concerns over future funds and the carbon market.

At the same time, at least some of the 'uglies' of the story are being beaten back. International attention to rights and safeguards may have prevented a disaster in Papua New Guinea and elsewhere, thanks in part to international media that is keeping its pulse and often a critical eye on REDD+ activities (e.g. REDD-Monitor.org, indiacountrytodaymedianetwork.com and carbon-tradewatch.org). The examples of abuse of indigenous and other local communities demonstrate that the preoccupation over safeguards and rights is legitimate and necessary.

But who are seen as the 'bad guys'? Are they the people who support the goals of REDD+ and the idea of a carbon market as one way to address climate change, or those who are promoting deforestation and forest degradation for economic benefit in the name of development? What is notable here is that REDD+ proponents who are serious about addressing the underlying drivers of deforestation – which forces a deep reconsideration of national development policies – are beginning to run into a wall of opposition from 'business as usual' interests in forests. The actors behind these interests are, in fact, the 'bad guys' for both REDD+ advocates and many indigenous people and local communities. This complexity partly explains why some indigenous and local communities are conflicted in practice, in spite of the apparent consensus around a radical discourse.

Is a reshuffling of interests and alliances in the works? In this regard, one of the central issues is the role of the state and, in particular, the presence of different actors and interests within the state bureaucracy. With respect to the recognition of customary rights to forests, state actors have been both key advocates of and obstacles to reform, and competition between communities and 'the state' over rights to forest land and resources, including carbon, are apparent in the cases discussed above.

Fundamentally, in order to address some of the most serious tenure problems at the local or project level, the state needs to confront its own policies; in order to address some of the most serious underlying drivers of deforestation and forest degradation, the state also needs to begin with its own policies. Brazil's inter-ministerial initiative, with strong leadership supporting collaboration across government ministries on Amazon deforestation, suggests one way forward, but such efforts may not unfold – or survive – without strong civil society coalitions. In effect, land tenure reform – the recognition of customary rights in particular – and a serious commitment to REDD+ both challenge the deep-rooted economic and political interests of business as usual.

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