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Land Tenure and Global Climate Change

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Best Practices for Land Tenure and Natural Resource Governance in Africa

Monrovia, Liberia

October 2012

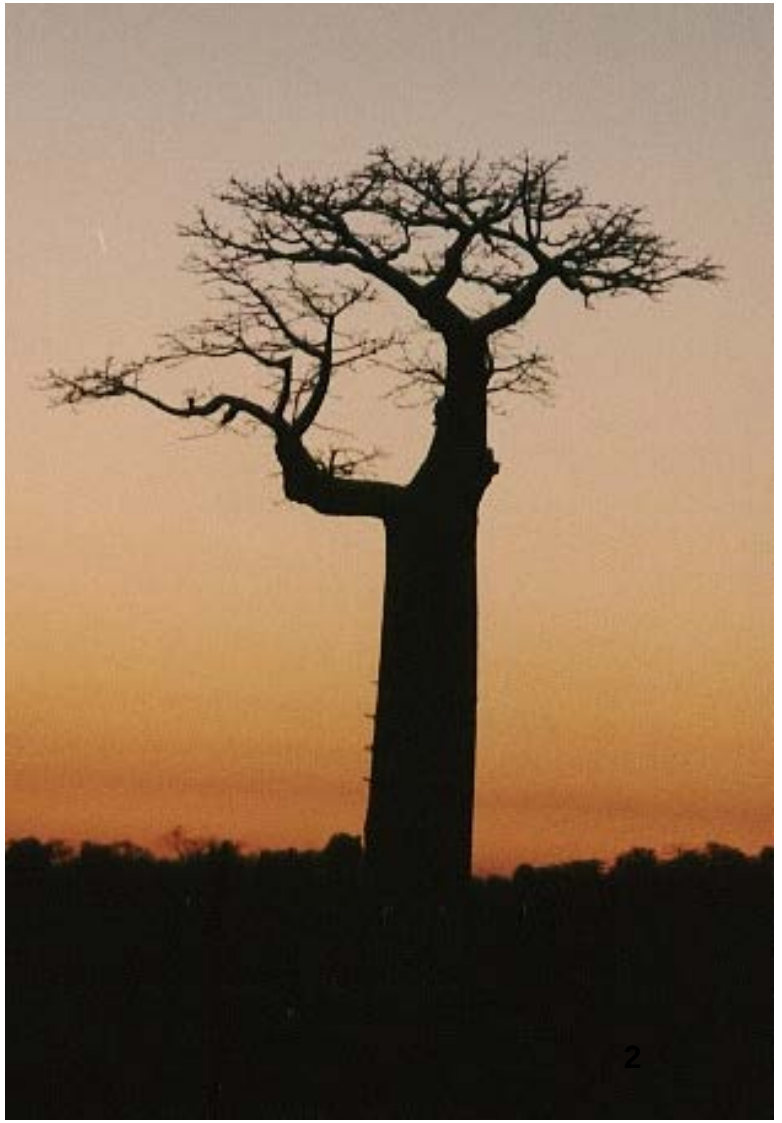
Overview, Issues and Implications

- **Overview**: Linkage between climate change, tenure, and natural resource management

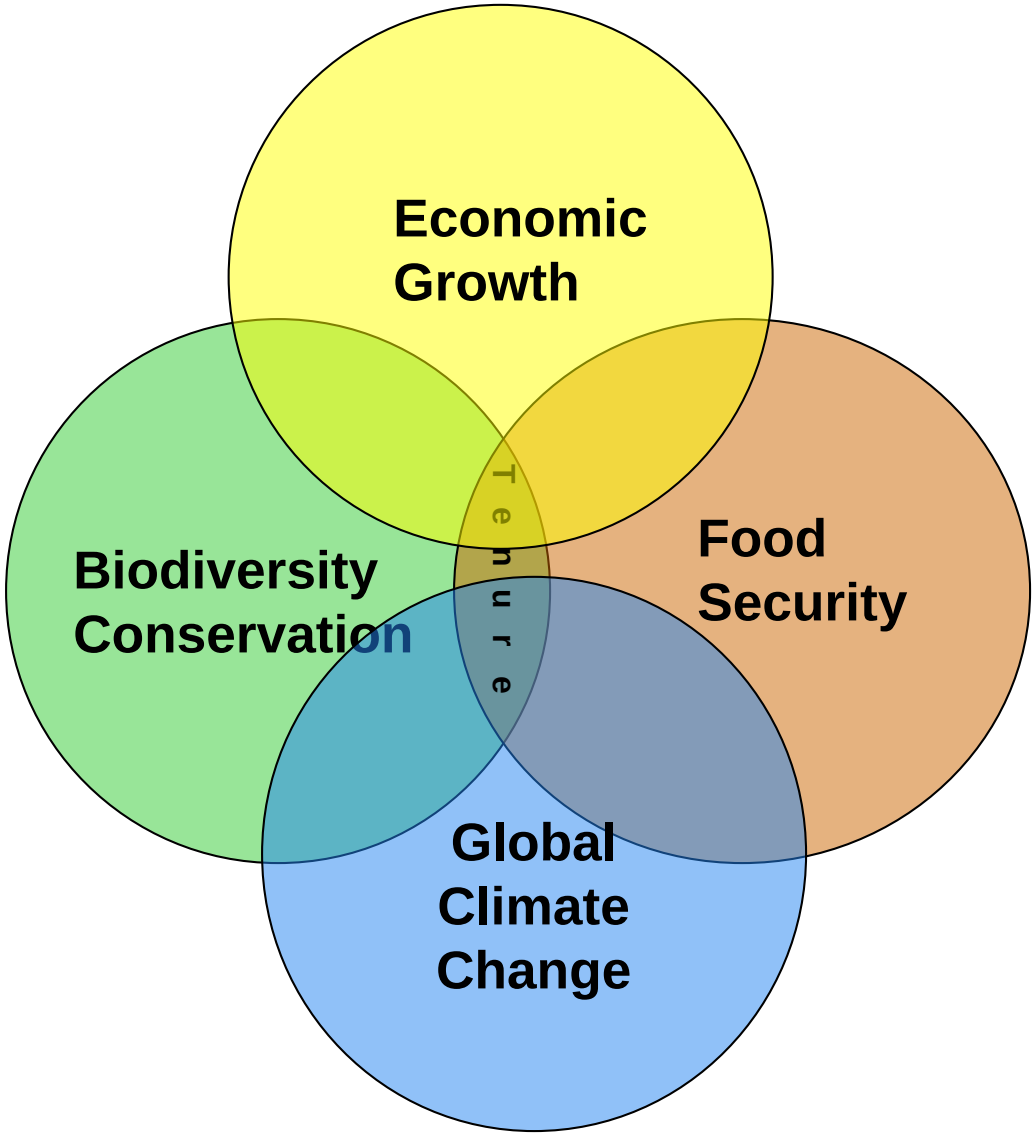
- **Issues and Innovations**:
  1) Climate Change and Adaptation

  2) Climate Change and Mitigation

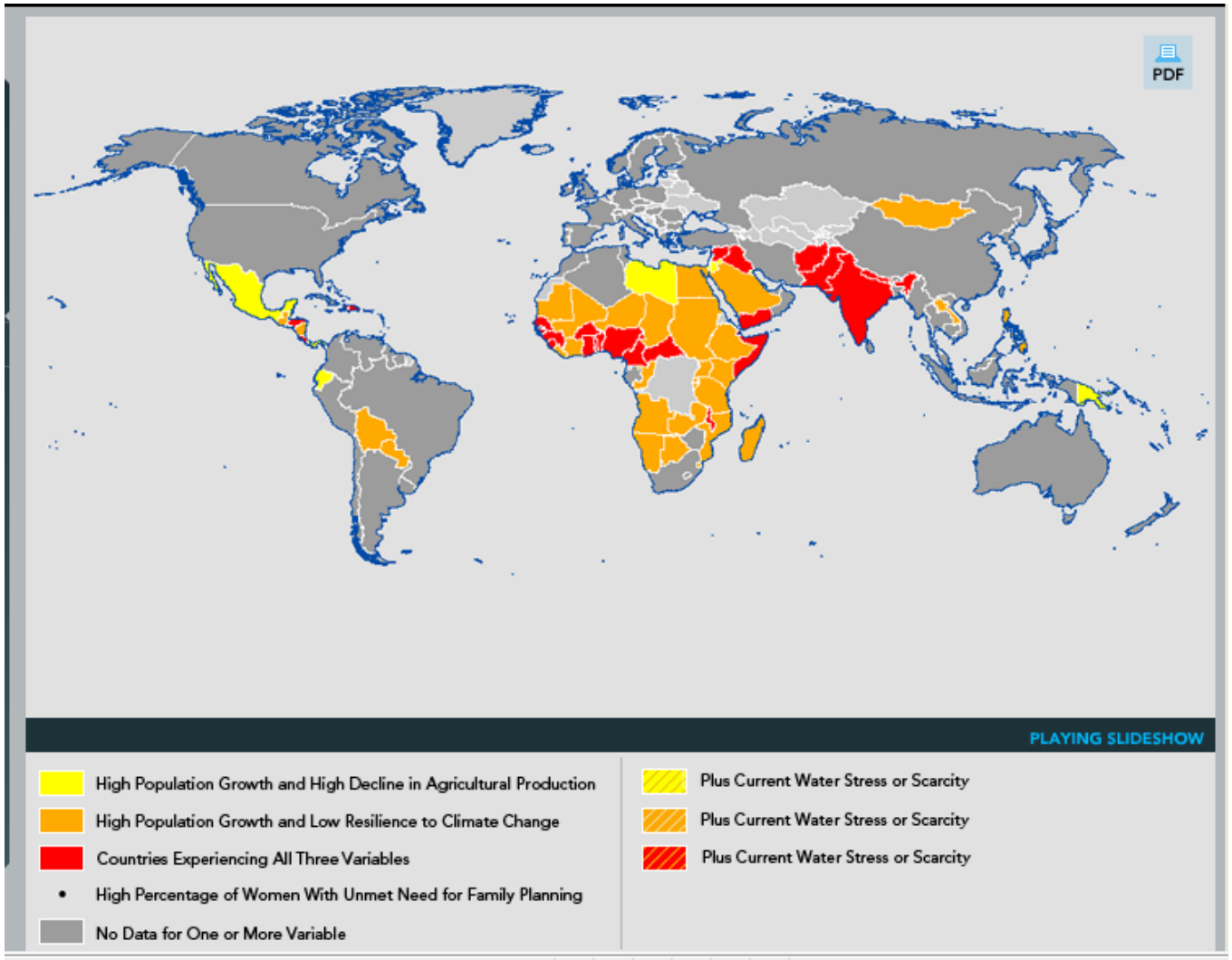
- **Implications:** Program planning for governments, donors, and civil society



Policy Imperatives and Climate Change – Addressing the Resource Tenure and Property Rights Interface

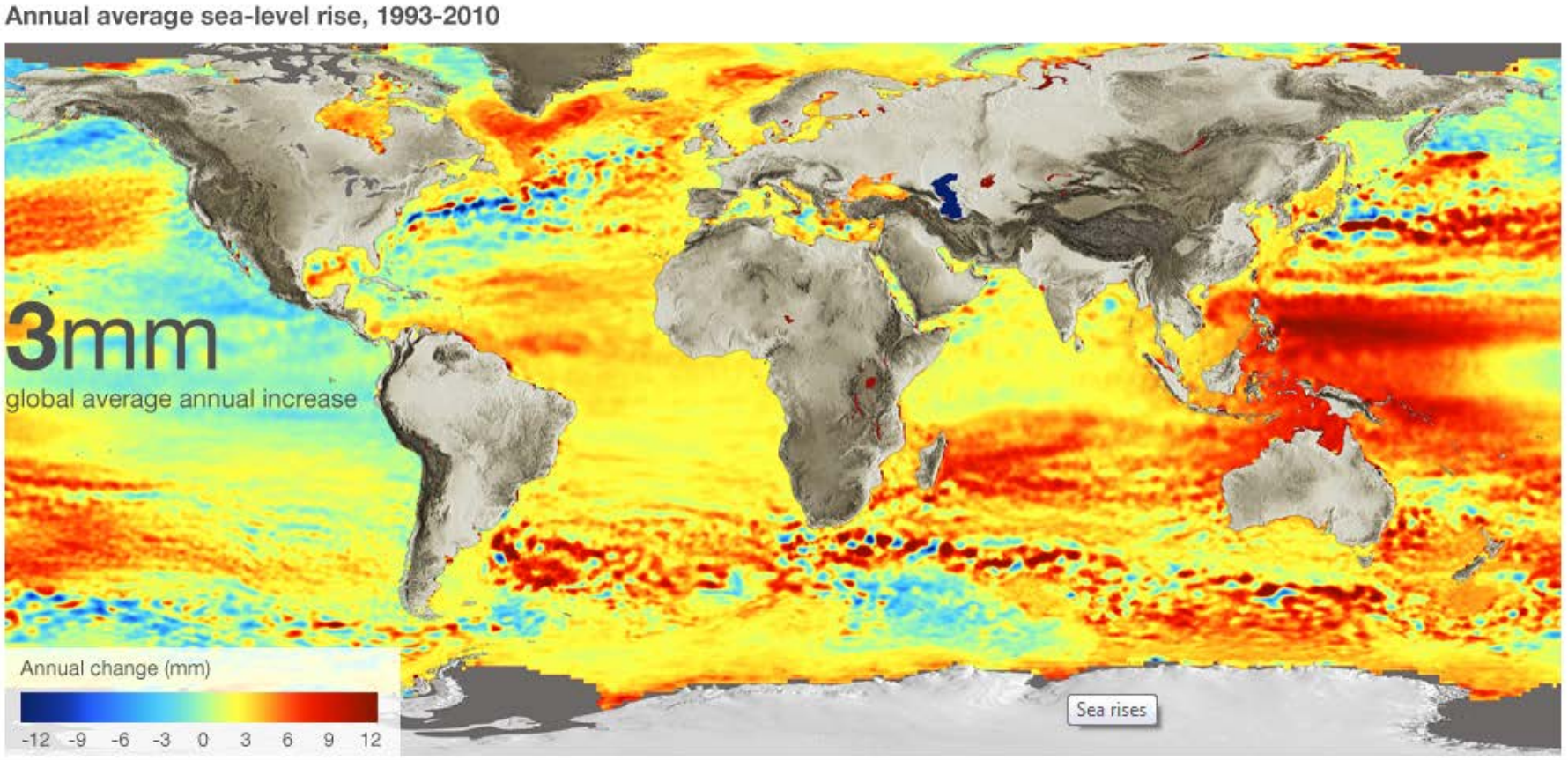


Locating Climate Change and Tenure Vulnerabilities



Population Action International:
www.populationaction.org/Publications/Data_and_Maps/Mapping_Population_and_Climate_Change/Summary.php

Rising Sea Level and Tenure Implications?

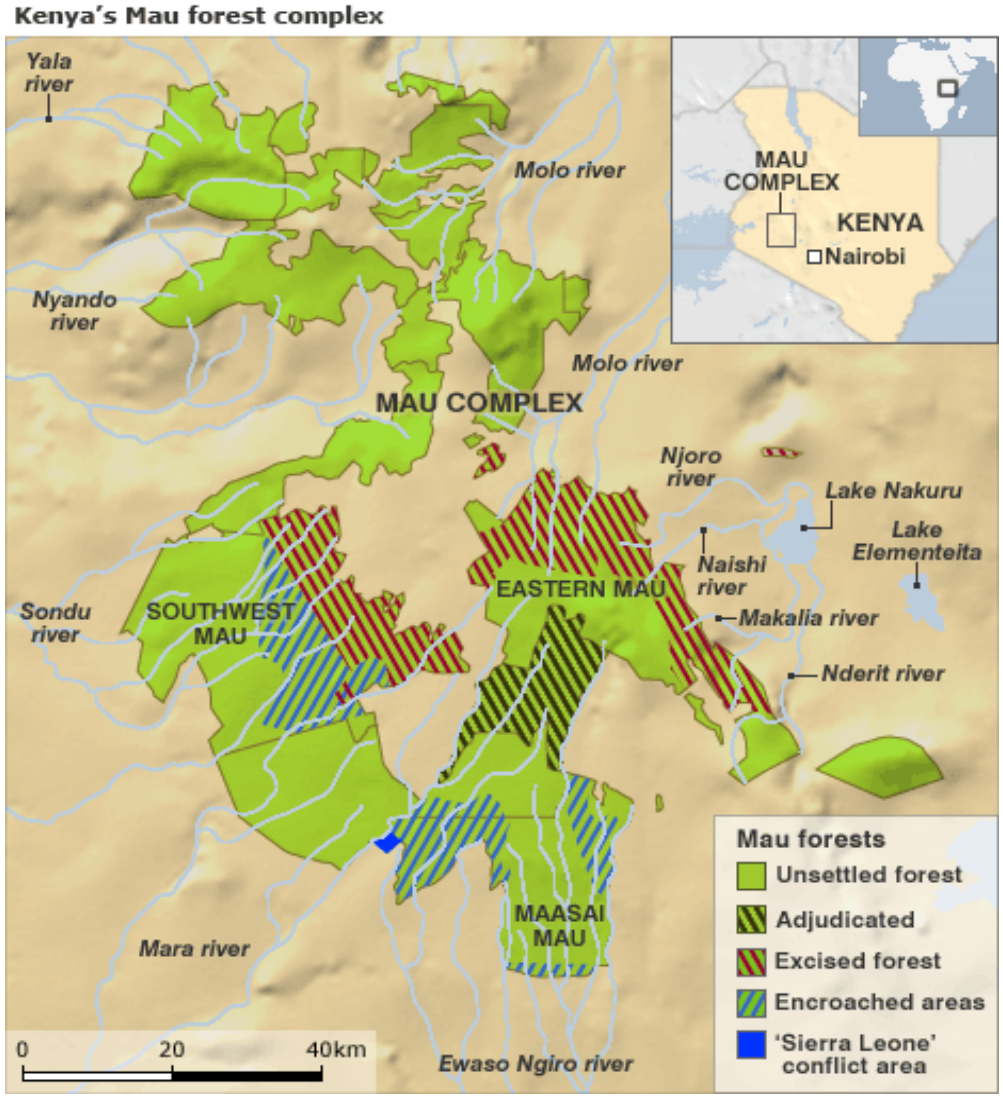


http://www.bbc.co.uk/news/science-environment-19702450

Implications of Climate Change on Biodiversity ?

Fianarantsoa forest corridor in Madagascar

Case Study: Mau Forest Kenya



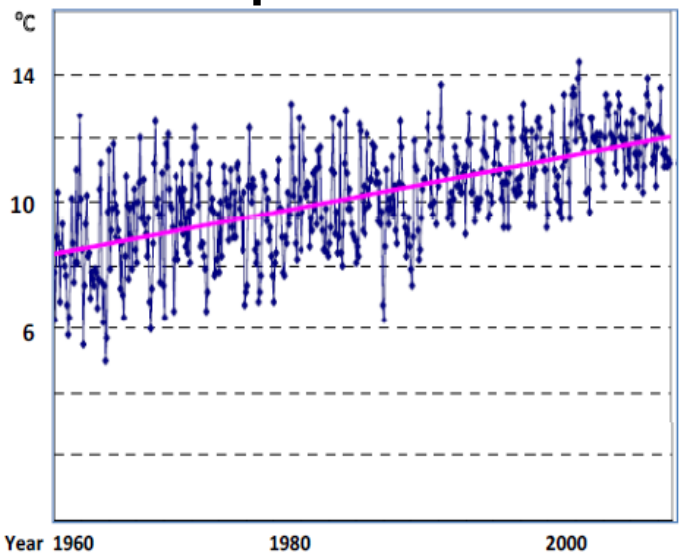
- Largest remaining block of montane forest in Eastern Africa—an area

  > 400,000 ha.
- 21 Forests, 1 of which (Maasai Mau) is managed by local government (Narok County Council)
- One of 5 'water towers' of Kenya; covers upper catchments of the Nzoia, Yala, Nyando, Sondu, Mara and Ewaso Ng'iro rivers→E. Africa lakes and wetlands; *i.e.*, Victoria, Baringo, Natron, Turkana, Nakuru and Naivasha

Implications of Climate Change on Water Rights

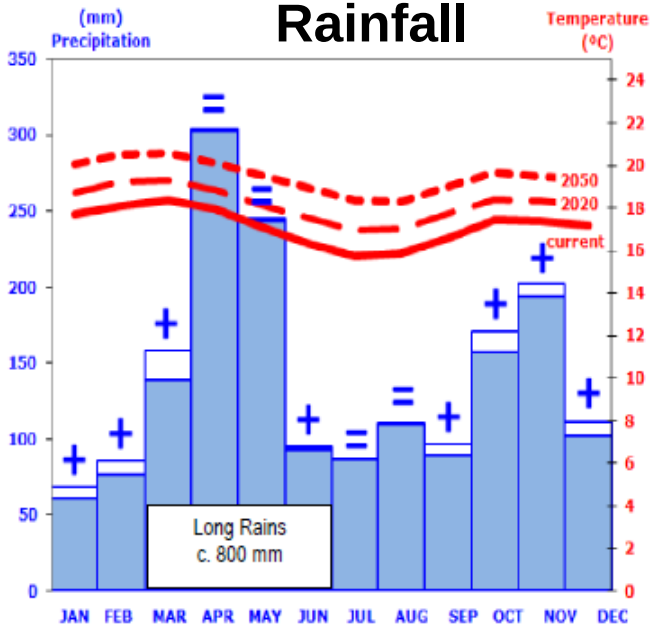
Mau Forest Complex
Kenya

Temperature



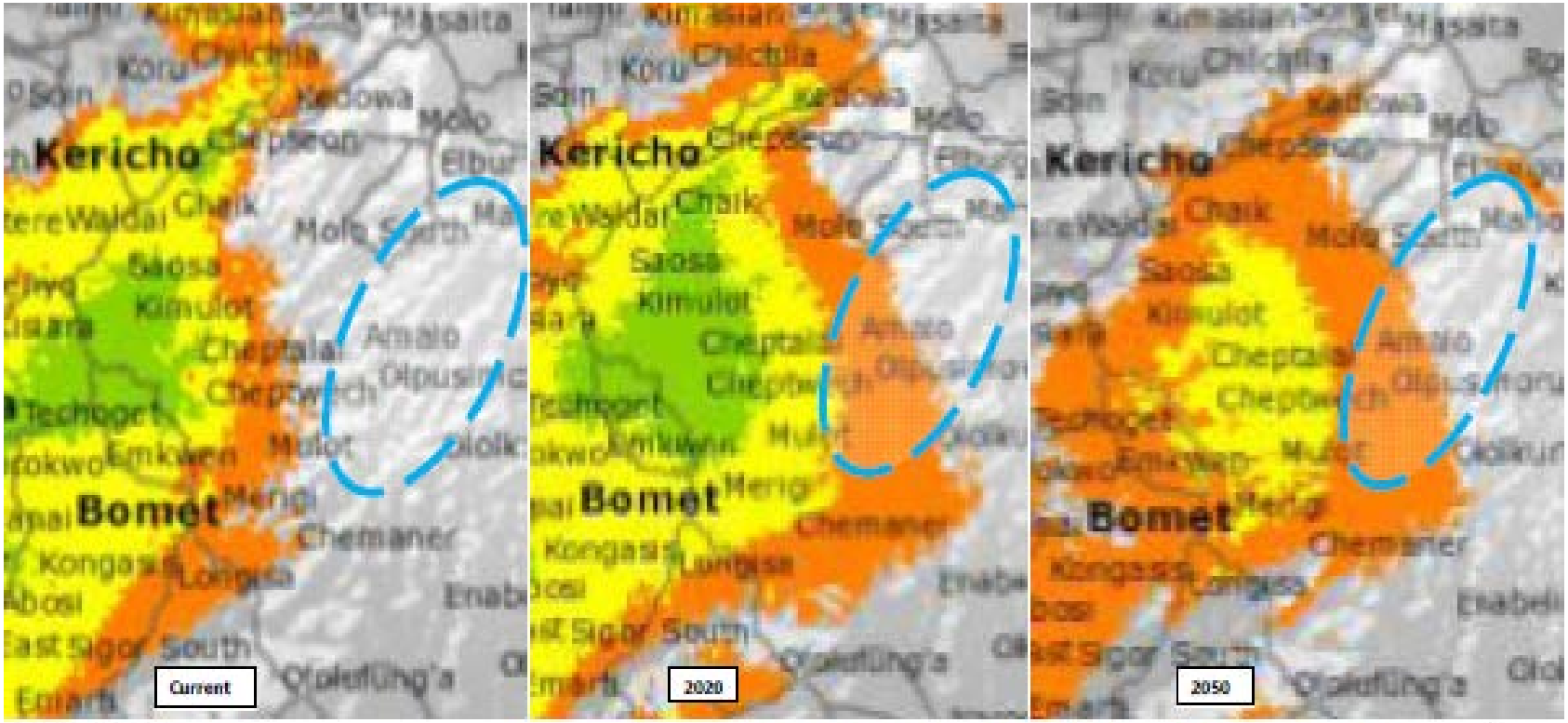
Monthly Mean Minimum Temperatures at Kericho (from IGAD 2007)

Rainfall



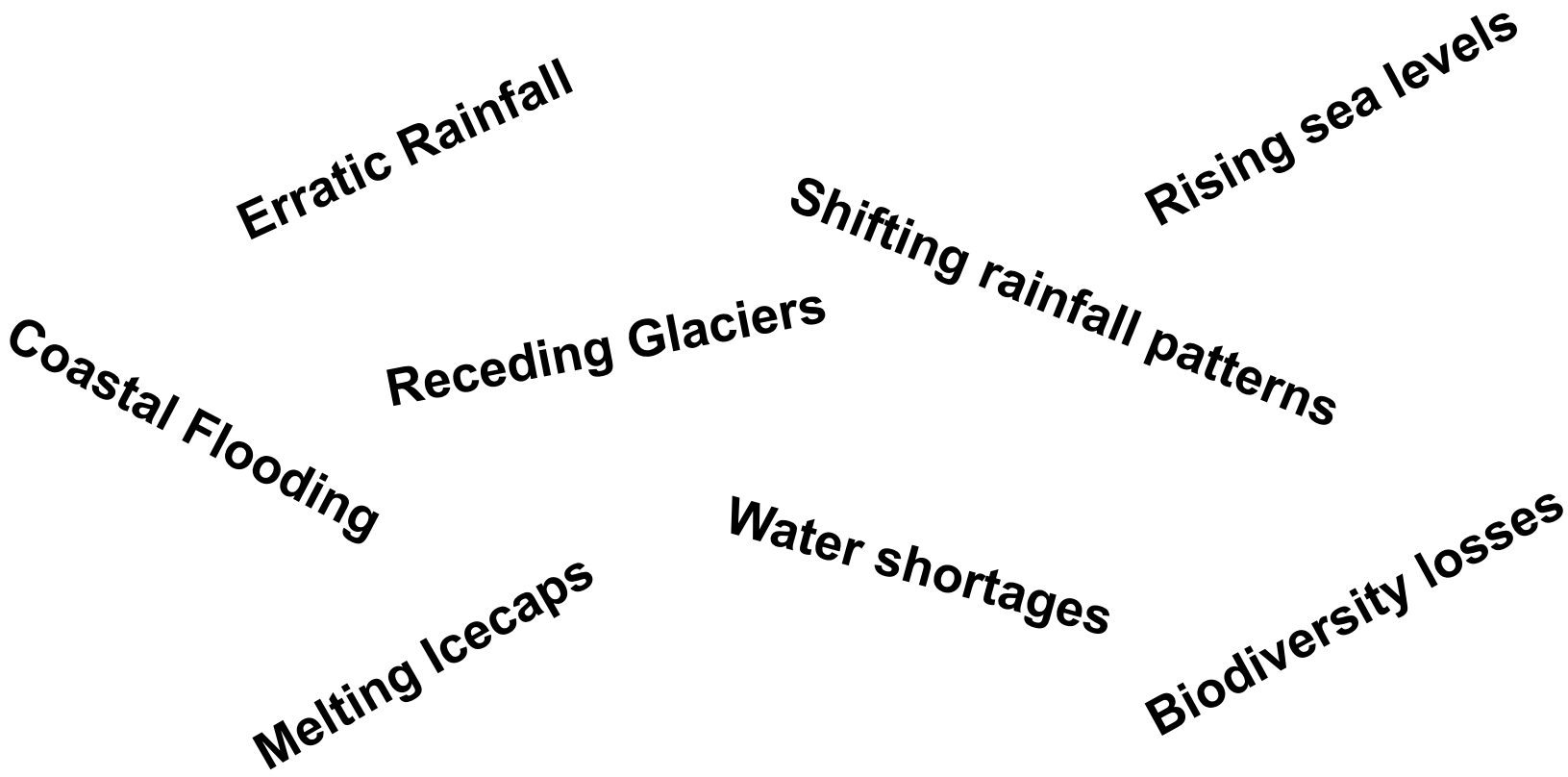
Climate models predict change in Kenya's tea growing areas: temperature rises by more than 2°C by 2050; rainfall is equal or higher year round (CIAT 2011, using IPCC models)

Land Use Implications for Kenya Mau Forest Complex



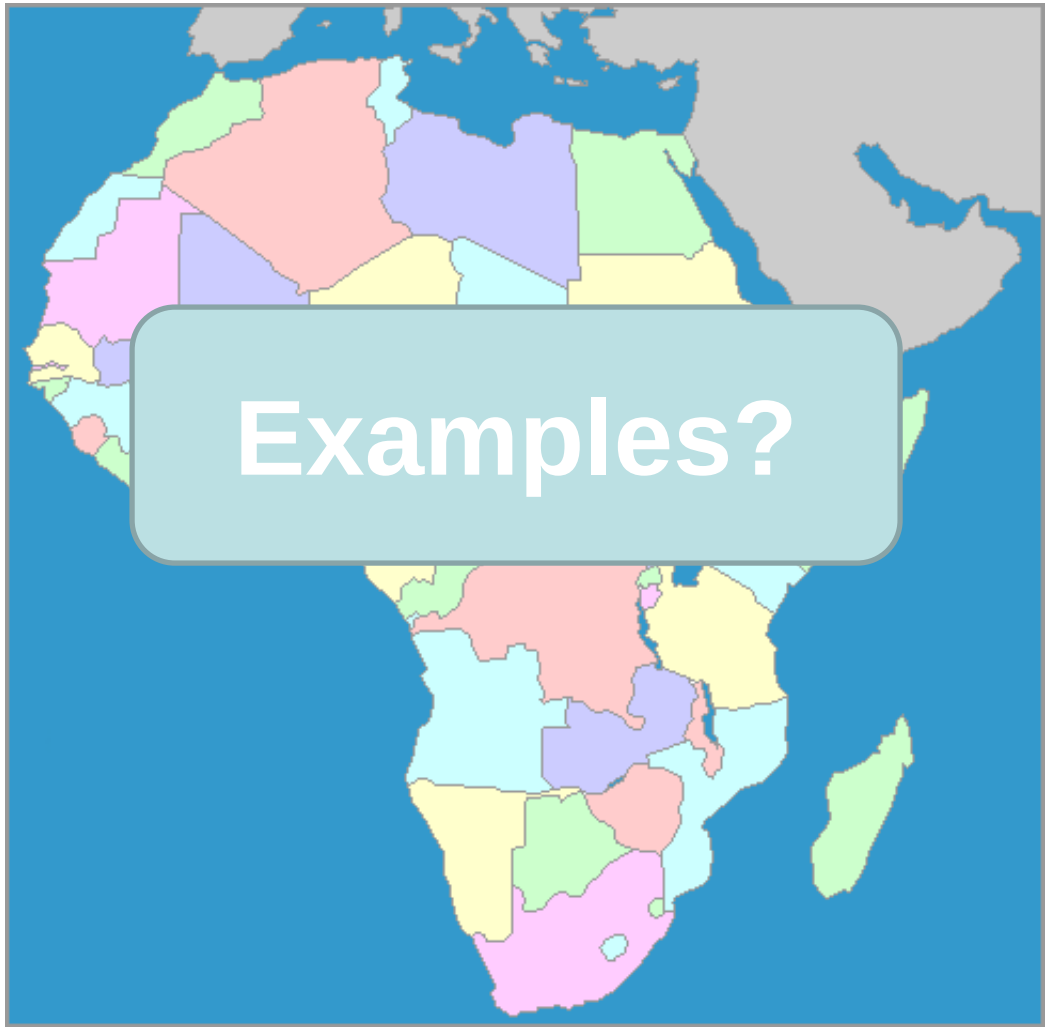
Predicted Changes from current to 2050 in Suitability for Tea based on IPCC models. Suitability of areas moves north and east in the Mau with few "good" areas predicted by 2050, but with southern sections of Mara-Mau becoming more suitable including some forest areas and the heavily settled area around Olengurone. (After CIAT 2011).

The Litany of Climate Change Woes….



Impacts on Resource Tenure and Property Rights?

Impacts of climate Change and tenure in your country?



Societal Responses …

- Adaptation
- Mitigation

- Changing livelihoods
- Migration
- Displacement
- Struggle, Conflict and Violence

Building resiliency

- Reducing carbon emissions
- “Low carbon” economic growth
- Storing and Absorbing carbon
- Sustainable Landscapes
- Climate sensitive agriculture

Implications on land tenure and property rights?

Climate Change Impacts on Tenure Regimes

Implication # 1. Dramatic changes in land and natural resource-based asset values

Implication # 2: Displacement and Migration

Implication # 3: Further marginalization of the disenfranchised

Implication # 4: Transformation of resource management institutions

Implication # 5: Equity and the distribution of carbon payment benefits

Climate Change Impacts on…

Adaptation

Ecological Change and Evolution of Land Use Practices

- How are biophysical changes, such as evolving availability of water and forest resources, impacting **international, national, and** local land use decisions?
- What degree of adaptation of tenure regimes (**use, access and transfer of rights)** is expected of local communities in the face of new pressures? ie: “environmental refugees”, “land grabbing” in face of carbon payments or biofuel production…?
- Is there a need to assist customary and statutory tenure regimes to adapt to new environmental conditions and social pressures?

Climate Change Impacts on…

Mitigation

Carbon Payments (REDD Plus, Ecosystem Services…)

- Who can participate in carbon payment schemes (only those with formal rights or also customary rights holders)?
- What is the decision-making process for the distribution of rights and benefits?
- What dispute resolution mechanisms are present at different scales?
- What institutions at the local and national level are available to facilitate the clarification or determination of rights and benefits?
- What are the subsequent impacts of mitigation (ie: latent or pre-existing tenure rights) on other local and regional actors?

REDD + and Resource Tenure

REDD +: Reducing Emissions from Deforestation and Degradation

Who owns carbon rights?

Mechanism: International Convention (UNFCC) for developing countries to be financially rewarded for reducing forest-related emissions or increasing forest carbon sequestration.

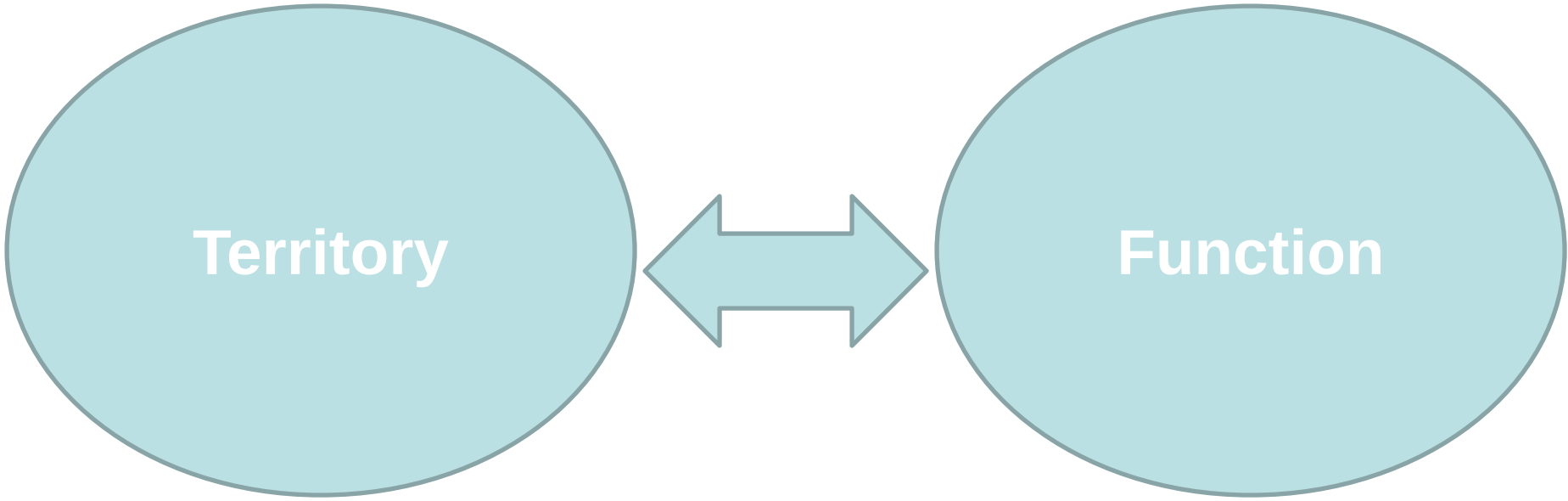
Social Dimensions of REDD +: How to promote “no-harm” and promote “co-benefits” ? Who captures benefit streams from direct cash payments, direct provision of goods and services, indirect benefits (greater tenure security, better governance…). How should carbon rights be attributed and clarified?

Tenure Issues: “Carbon Rights” at center of debate
Scenario 1: Devolution of full ownership rights to local communities
Scenario 2: Co-management or limited devolution to local communities
Scenario 3: No legal recognition of community forest rights

Climate Change and Tenure: Contested Spaces, Contested Resources

What type of land administration systems for an emerging era of climate change?

Innovations in Land Administration in an Era of Climate Change?

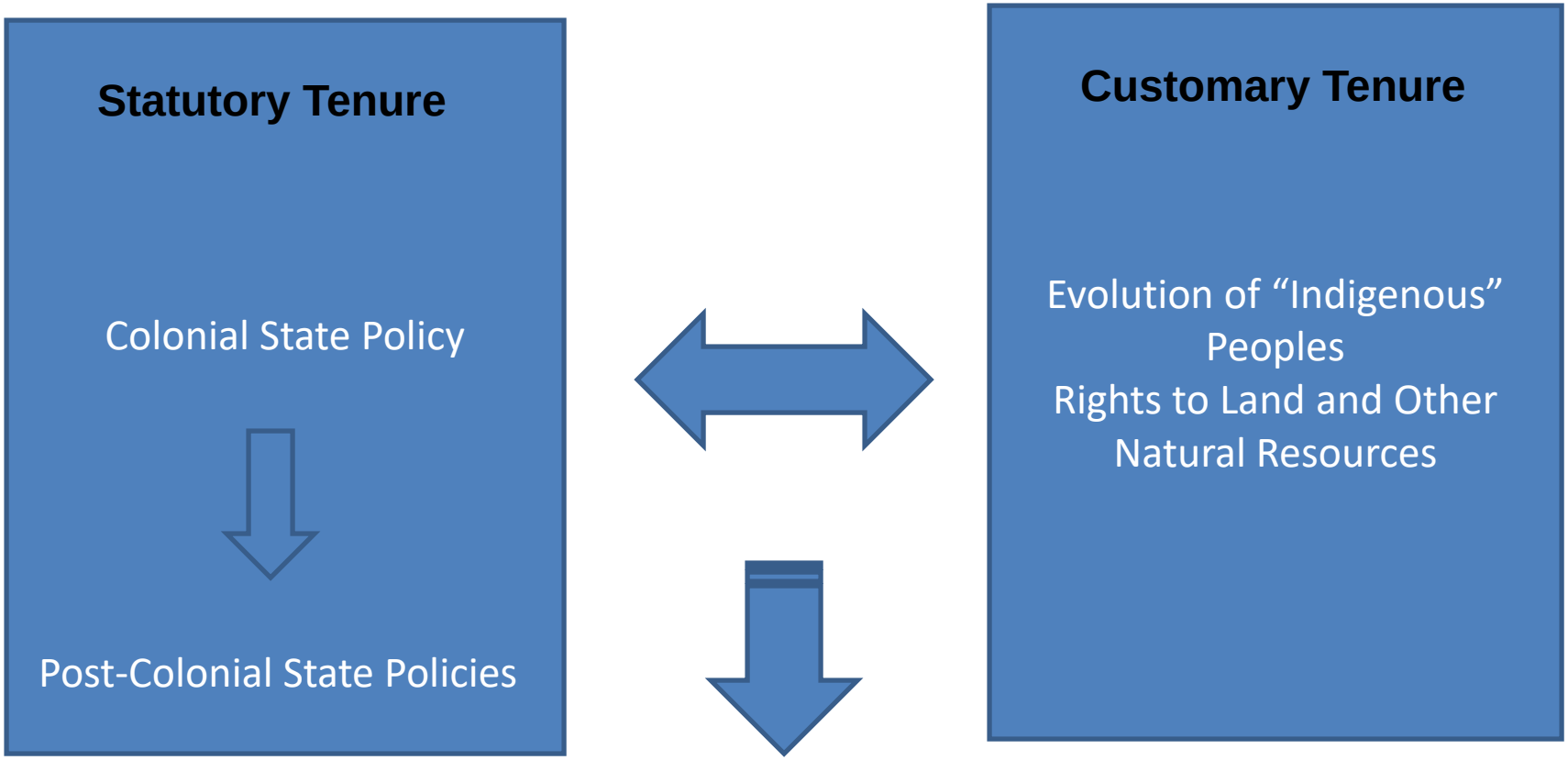


- Territorial control and exclusion
- Devolution of authority
- Local level rule-making
- Complex bundles of rights
- Respect for Indigenous rights
- Land charters
- Local level contracting
- “Adaptation” paradigm

- Facilitated access to all
- Centralization of authority
- National spatial planning
- Simplification of tenure regimes
- Standardization of land administration policies and practices
- “Replacement” paradigm

Climate Change and the Evolution of Customary and Statutory Tenure

How will these tenure regimes evolve in response to climate change? With what implications?

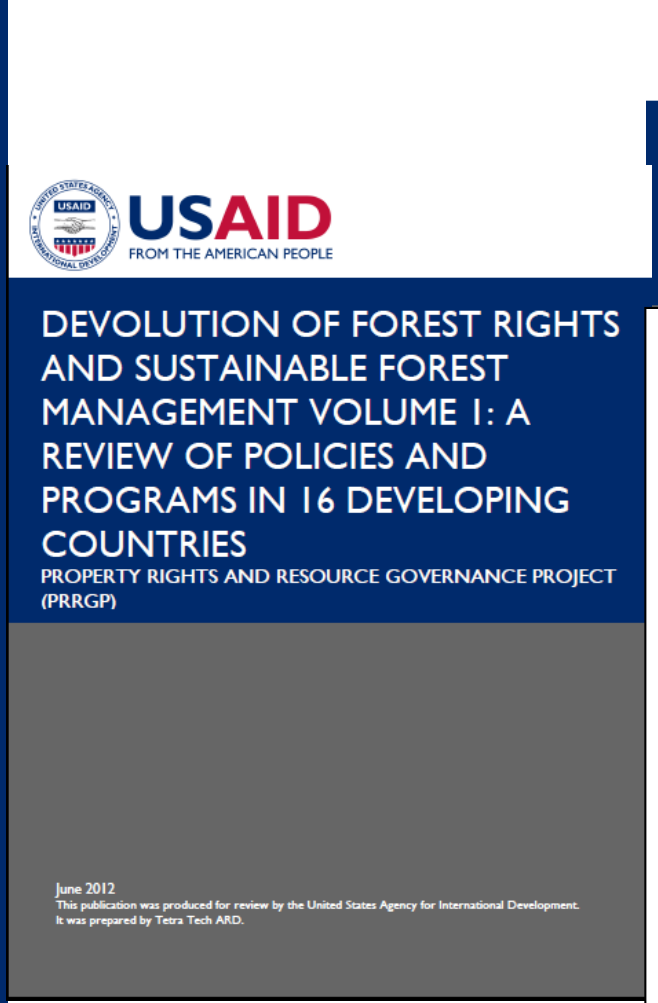


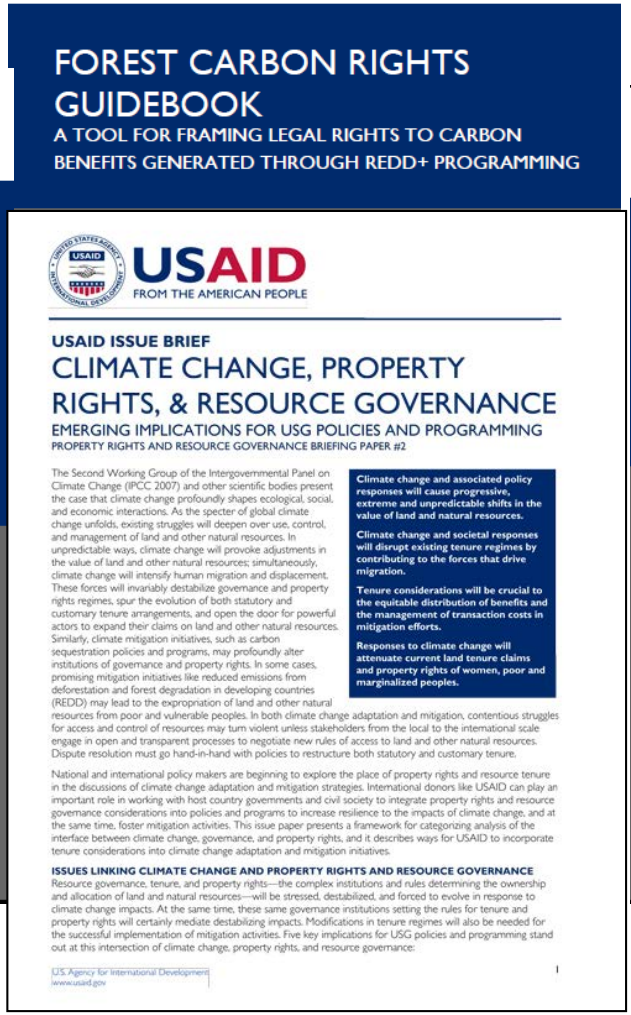
Mosaic of Tenure Arrangements for Particular Places and Times

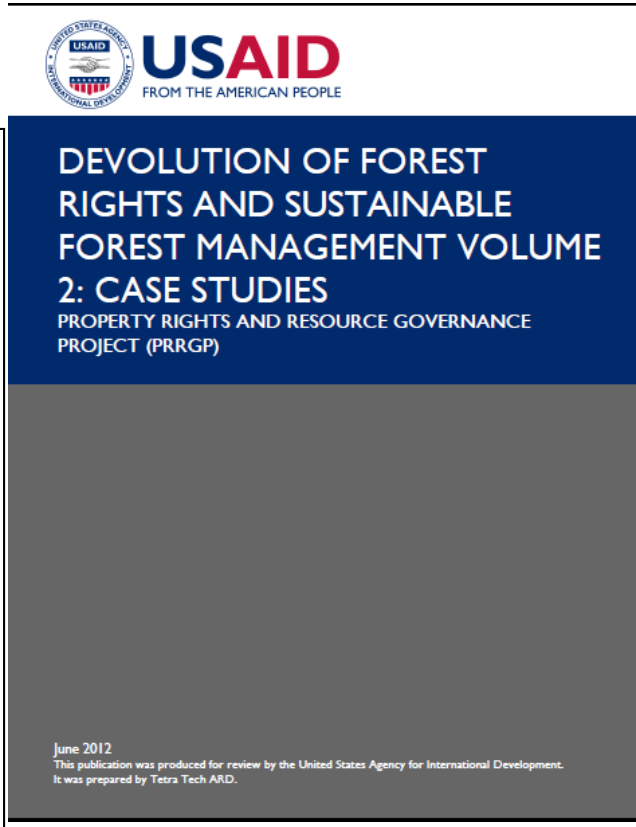
Implications for Resource Tenure Policy and Administration?

- **Problem Identification**: How is climate change impacting livelihood systems in host countries? Who are vulnerable populations? Where located? What are the webs of causality?
- **Building Resiliency to Climate Change Perturbations**: How to foster resiliency within agricultural systems while strengthening incentives for investment in “climate sensitive agriculture”?
- **Clarifying Rights :** How to clarify and strengthen “bundles of rights” within statutory and customary tenure regimes while…
- **Promoting Flexibility in Tenure Regimes**: How to assure flexibility of movement of peoples in the face of climate induced perturbations? Implications on land administration?
- **Public Participation**: How to foster public policy formulation sensitive to equity considerations for adaptation and mitigation initiatives?
- **Land Administration**: Protecting land records in age of highly variable weather? Change in land administration services before relocating infrastructures or communities?

Land Tenure and Property Rights Issue Briefs







http://www.usaidlandtenure.net/issues/global-climate-change