

# Land Tenure and Carbon Sequestration in Africa



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# Outline

- Points of agreement
- Presentation argument and question
- Tenorial constraints
- What options might we have?

# Points of Agreement

- Clarifying rights and responsibilities of local resource tenure regimes is essential for establishing ecosystem service payments.
- While there are good arguments for establishing a uniform national legal code for land, there are fundamental difficulties (sometimes incompatibilities) in transitioning informal, local tenure regimes to national, statutory law.
- Until recently REDD has focused on the state, has been top down, and has not confronted situations where the state is weak, corrupt, or illegitimate.

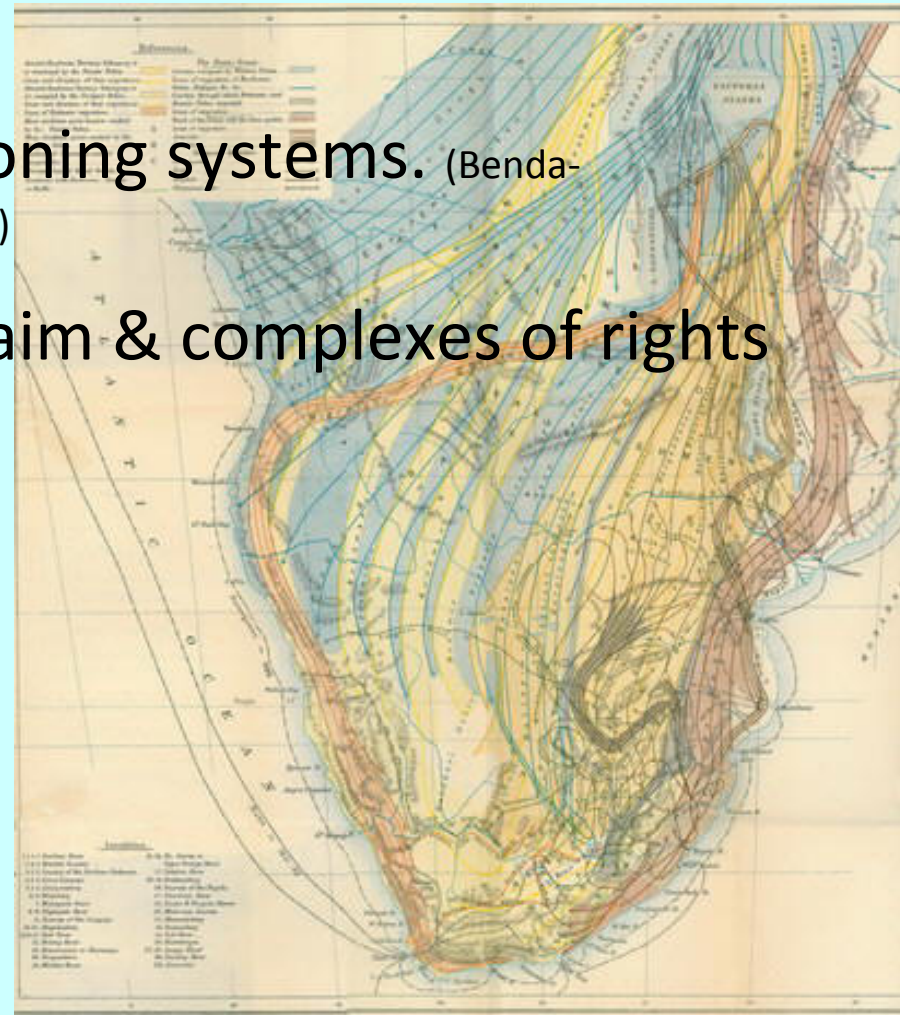
# Arguments and Question

- Informal land tenure in Africa may serve as a prohibitive obstacle to carbon sequestration projects and REDD.
- Land tenure regimes will not transition fast enough to function within the time frame specified for REDD (2012) or to have a viable impact on the critical period of large scale carbon sequestration (next decades). (Cotula and Mayers 2009; Malhi et al ,2002)
- If land tenure is a prohibitive obstacle (for at least a short term period), what other options do we have for facilitating REDD and carbon sequestration?

# Tenorial constraints to REDD/carbon sequestration

(Unruh 2008)

- Land tenure disconnect between informal and statutory land and forest tenure regimes. (Cleaver,2003; Delville,2003; Unruh,2006; Guadagni, 2002; McAuslan,2003; de Moor andRothermund,1994; RentelnandDundes,1994; Bruce and Migot-Adholla,1994)
- Legal pluralism: multiple functioning systems. (Benda-Beckmann,1995; Merry,1988; Moore,1973; Lund, 1998)
- Tree tenure: planting as land claim & complexes of rights surrounding trees.



# Tenorial constraints to REDD/carbon sequestration

(Unruh 2008)

- Management of landscape and woody perennials (in sustainable small holder systems) involves several variables outside the scope of public land policy (flexible livelihoods and opportunity costs).
- The difficulty of the 'abandoned land' category (the state as the threat). Fallows and other so called abandoned lands may actually be multiple use areas, contain usable species (*Tephrosia* sp.), and not be available to carbon forests.
- Transitions in land tenure often involve elite land grabs, disenfranchisement, undermine tenure security and drive deforestation.

# What options might we have?

- Less emphasis on the state and Kyoto protocol. State can recognize informal tenure zones (community forestry) and funders and communities can implement projects that rely on primarily on voluntary payments and secondarily on carbon markets (high transaction costs, permanence, leakage, additionality).
- Cotula and Mayers (2009) recommend documenting carbon rights on land titles. If land titles cannot be made available, can carbon rights be treated separately from land? Forest tenure without formal land tenure?

# What options might we have?

- Reevaluate tcer(temporary certified emission reductions), crediting periods, and non-permanence so that the legal framework can commoditize flexible local management that captures carbon or avoids degradation. This system could function without clear tenure, recognizing and commoditizing higher risk scenarios for avoided degradation / deforestation or temporary carbon sequestration projects (involving genera like leucana, gliricidia, tephrosia, anacardium, etc.) (monitoring costs, permanence, leakage, additionality).



A scenic view of a mountain valley. The foreground is filled with large, grey, mossy rocks and patches of green grass. The middle ground shows rolling green hills and valleys, partially obscured by a thick layer of white mist or low clouds. The background features more distant, hazy mountain peaks under a blue sky with scattered white clouds.

**Merci beaucoup!**

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