Securing the customary tenure rights of forest-dependent communities in Lamwo district, northern Uganda

INSIGHTS FROM PARTICIPATORY PROSPECTIVE ANALYSIS

Key messages

- Lamwo district, which before 2009 was part of the Kitgum district in northern Uganda, provides an interesting case of a post-conflict customary forest tenure system under a situation of changing forest governance, as forest tenure reforms introduced since 2001 give local communities extensive rights to forests. This is particularly important as the region continues to recover from the conflict that ended in 2006.

- In 2015, forest stakeholders took part in a Participatory Prospective Analysis (PPA) exercise that identified the determinants of forest tenure security in the district as: forest governance; the role and capacity of key stakeholders (particularly NGOs and customary institutions); an increasing demand for forest products; and pressure to convert forest land to large-scale agriculture.

- Based on their explorations of the implications of these driving forces, the participant stakeholders developed one desirable and three undesirable future scenarios of forest tenure security.

- The desirable scenario sees: a well-informed and active local community, which is aware of its forest tenure rights; an affordable forest land registration process that is not too bureaucratic; positive political influences; and a well-funded and -staffed district government that oversees and coordinates the work of NGOs, customary leaders, politicians and other stakeholders involved in forest tenure reform implementation.

- The three undesirable scenarios share the key features of corrupt local government, disinterested NGOs, disempowered local people, weakened cultural institutions (resulting in increasing conflicts and unresolved forest and land conflicts), and an expensive, bureaucratic forest and land registration process.

- Participants recommended seven initiatives to promote forest and land tenure security under customary systems in Lamwo district: 1) formulating and implementing bylaws; 2) creating forest conservation committees for each clan, to ensure proper management of their forest areas; 3) proactive community participation in decision-making, particularly in regards to women’s rights and involvement; 4) popularizing, simplifying and translating documents into local languages, including guidelines on registration and declaration of customary forests; 5) regulating harvesting rates for forest products (especially timber), 6) improving the system for registering forest and land areas; and 7) undertaking capacity-building initiatives.

- The PPA exercise revealed state and non-state stakeholders share common interests in protecting the forest and land tenure rights of forest-dependent communities under customary tenure systems in Lamwo district. Stakeholders pledged support for improved implementation, collaboration and coordination, to achieve the shared goals of forest tenure security for rights holders in Lamwo district by 2025.
Introduction

The last hundred years have seen considerable changes in Uganda’s forest and land tenure systems, first under the colonial system, and then post-independence. Changes ushered in under the 1995 Constitution are likely to remain for a long time. The Constitution catalyzed and provided legal backup for several forest sector reforms that aim to provide more efficient and effective forest administration, management and use of the country’s forests. These reforms are founded on the Forestry Policy (MWLE 2001), the National Forestry Plan (MWLE 2002), the National Forestry and Tree Planting Act (The Republic of Uganda 2003), and a new institutional framework for managing the country’s forest resources. The reforms encapsulate different arrangements for sharing and granting rights to people who live in and around forests, to reconcile forest conservation and livelihood improvement goals. Implementation of these reforms began in 2000. A key reform provides legal recognition and technical support for the customary forest tenure systems that are common in northern Uganda, where strong customary systems have survived decades of state interventions.

Against this background, the multi-stakeholder collaborative process of Participatory Prospective Analysis (PPA) was conducted with forest sector stakeholders in Lamwo district, Uganda, in 2015 as part of the Global Comparative Study on Forest Tenure Reform, led by the Center for International Forestry Research (CIFOR). This flyer presents the process, findings and outcomes of this exercise, to highlight threats to the security of forest tenure rights in customary systems, and to identify possible future scenarios. Several key terms used in this paper are defined in Box 1.

Lamwo district in northern Uganda (see Figure 1) covers an area of 559,500 hectares (ha), and in 2014 was home to a population of 134,050. It has 109,583 ha of forests, of which 38% is made up of central forest reserves managed by the National Forest Authority, with the remaining 62% being community forests managed under customary leadership. Two of the community forests are governed by communal land associations, while a further 11 ha are local forest reserves, managed by district local government (LDLG 2017). Some of the central forest reserves are co-managed under collaborative agreements with adjacent communities.

The forests are a major source of domestic and commercial products, including firewood, charcoal, poles, timber, medicinal herbs, and shea nuts, which are processed into shea nut butter. The forests also provide hunting grounds for animals for consumption, such as edible rats, although the setting of fires to catch wildlife is a major cause of fire damage in the forests.

Customary land tenure is the most common type of land ownership and management in Uganda’s Northern Region. It is possible for land under customary ownership to be registered with owners, who are provided with certificates of ownership. Recently, the Ugandan government, through the National Forest Authority (NFA), facilitated the registration of two customary forest management groups in the region, namely, Lamwo Environmental Protection Association (LEPA) and Katum Community Forest. Customary land tenure systems predominated in Uganda’s pre-colonial

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**BOX 1. DEFINITIONS OF TERMS**

**Forest tenure** covers the ownership, tenancy and other arrangements for the use of forests. It can be a combination of legal and customary forest ownership rights, and arrangements to manage and use forest resources. Forest tenure determines who can use what resources, for how long and under what conditions (FAO 2012).

**Forest tenure security** refers to the perception of right holders that their forest tenure rights are guaranteed in the foreseeable future.

**Customary land tenure** refers to a system regulated by customary rules, customs, traditions and practices of given communities.
era. Although the colonial government (1894–1962) abolished customary land tenure systems, local people continued to practice them. In response, the Ugandan Constitution of 1995 legally recognized customary tenure, alongside three other types of land tenure.

In Lamwo, land is owned communally under clan leadership, with different clans headed by chiefs known as “rwodi.” The rwodi have the power to allocate land for various uses, including for settlement, farming, grazing and hunting, and can allocate land to different clans. The land where homesteads are located is considered private land, and cannot be parcelled or reallocated to other community members. Agricultural lands are held communally and are parcelled out to individual households by clan heads approximately every two years; the reason for this is that people in northern Uganda practice shifting cultivation, where they relocate to different farmlands without shifting their homesteads. While people can plant permanent crops such as trees on private lands near their homesteads, they are not allowed to do so on communal forests and agricultural lands, and trees planted on customary lands become communal property.

**Participatory Prospective Analysis**

PPA is a systematic foresighting process that combines participatory learning and the sharing of information, while strengthening the capacity of stakeholders to become more active in making decisions related to their futures. This process was used in late 2015 and early 2016 in Lamwo district to enable community representatives, forestry officials, NGO representatives and other stakeholders to identify threats to forest tenure rights, the related influences and possible future scenarios, and to elaborate measures in response to these scenarios.

The PPA process follows the five steps elaborated in Box 2, to ensure the full participation of all stakeholders.

Although it normally takes 6–8 days, most participants could not be absent from their duty stations for so long; thus the process was divided into two three-day sessions. The first workshop (November 2015) covered steps 1–3 while the second workshop (December 2015) covered steps 4–5. Twenty-six participants (22 men and 4 women) attended the two workshops, and then gathered again in January 2016 for a one-day feedback workshop, to verify the findings and finalize the action plan. In light of the fact that forest and land sectors in Uganda are dominated by men, a separate workshop for women was held in July 2016 that covered steps 1–3; this was attended by 15 women. See Bourgeois et al. (2017) for further information on the PPA process.

**PPA Results**

**Defining the “system”**

The participants defined the system as “the situation of forest tenure security of the people of Lamwo district in 2025 (to be reviewed after five years).” They defined forest tenure security as “a situation where local people’s rights over forest lands are well protected into the foreseeable future.” They contended that reviewing the system after five years would enable them to track the progress of implementation, and make any necessary revisions to action plans.

**Identifying “driving forces”**

The mixed group PPA workshop identified six key driving forces (see Table 1), while the women-only workshop identified seven. Three of the forces were identified by both groups, while the mixed PPA workshop identified three unique key driving forces, and the women-only workshop identified four unique key driving forces.

**BOX 2. THE FIVE STEPS OF A PARTICIPATORY PROSPECTIVE ANALYSIS EXERCISE**

1. **Define the “system”** – In this initial stage participants identify the main issue (what) and define the geographical boundaries of the concerned area (where) and the period of concern (when).
2. **Detect and define “forces of change”** – Participants next identify forces of change, which are the factors that have the capacity to significantly transform the “system” in the future, whether positively or negatively.
3. **Identify and select “driving forces”** – The next step identifies driving forces - a sub-set of the forces of change, which, if addressed, have the potential to facilitate the achievement of desired outcomes. They are derived from forces of change via a computer-aided systematic evaluation of mutual influence and dependence between the forces of change.
4. **Building scenarios** – This step starts with identifying the types of transformations that could take place in relation to each selected driving force. Each driving force can evolve in different ways, leading to a specific future state. Scenarios need to be mutually exclusive, such that no two can co-exist in the future. These scenarios are then grouped into desirable and undesirable scenarios.
5. **Elaborate an action plan** – The PPA process ends with the development of an action plan to promote desirable scenarios and avoid undesirable scenarios. Plans specify responsible stakeholders and recommended timelines. Plans are usually developed by brainstorming different actions under each driving force, followed by a discussion of the feasibility of each action, considering financial, technical, socio-cultural, political and other factors that affect implementation.
The following driving forces were identified by both the mixed and women-only workshops:

- The role of cultural institutions, norms and beliefs in guiding forest tenure reform, particularly concerning the distribution of forest rights among clans and clan members (See Table 2 for more elaboration on these).
- Forest governance (defined as the organizations, rules and interactions between the government, cultural leaders, local people, civil society and the private sector) in planning and implementing forest management and forest tenure rights plans.
- The capacity of all key stakeholders, especially local communities and women, to secure forest tenure rights, including through making decisions on the use and management of forest land, as well as through conflict resolution.

The following driving forces were identified by the mixed group stakeholders:

- The role of NGOs in securing the forest tenure rights of local people.

The following driving forces were identified in the women-only PPA workshop:

- The implementation of government policies on land, forestry, gender and other issues that support women’s involvement in forest ownership, management and use.
- Community knowledge and attitudes towards the implementation of forest tenure reform in the district.
- Equity in land ownership, defined as the extent to which women in Lamwo district can acquire, own and use land for various purposes, including forestry activities.
- Domestic relations, or the nature of interactions between men and women, with regards to forest tenure security; the quality of relationships that women have with their husbands, fathers and brothers influences their rights to forest resources.

Table 1. The key “driving forces” of forest tenure security in Lamwo district (as identified by the mixed PPA workshop)

<table>
<thead>
<tr>
<th>DRIVING FORCE</th>
<th>DEFINITION AND HOW IT IMPACTS FOREST TENURE SECURITY</th>
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<tbody>
<tr>
<td>1. Market forces for forest products (Mark_Forces)</td>
<td>The level of demand for and the supply of forest products and services, within and outside communities. The increasing demand for forest products threatens the forest tenure security of local people, because it results in contestations over forests and forest products between communities, the government and businesses.</td>
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<tr>
<td>2. Cultural factors (Cult_Inst)</td>
<td>The involvement, roles and practices of cultural leaders and institutions in implementing forest tenure reforms. For centuries, cultural leaders and institutions have overseen land distribution between clans, and resolved conflicts over forests and land. Recently, the civil war, the increased influence of Christian values, and the increasing role of local governments, NGOs and central government, have diminished the roles and power of cultural leaders. Most local people feel that their rights over forests and land are not well protected, as customary institutions have been weakened.</td>
</tr>
<tr>
<td>3. Forest governance (For_Gov)</td>
<td>The structures, organizations, rules and principles followed by different stakeholders in forest tenure reforms. Participants observed that the roles of key stakeholders (local governments, NGOs and customary chiefs) not being well defined and coordinated, results in institutional confusion and failure to protect forest tenure rights of local people on customary lands.</td>
</tr>
<tr>
<td>4. Capacity building for forest tenure reform implementation (Cap_Building)</td>
<td>Building knowledge and capacity of key stakeholders to implement forest tenure reforms. Stakeholders who lack relevant knowledge and capacity (resources, financial, technical) usually cannot implement activities to improve forest tenure security.</td>
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<tr>
<td>5. Role of NGOs (Inv_NGOs)</td>
<td>The roles and capacities of NGOs to implement activities aimed at securing forest tenure rights of local people. Recently, local and national NGOs have expanded their activities and influence; this has both facilitated and constrained implementation of forest tenure reforms. Short timelines, unfulfilled promises and lack of exit strategies constrain the effectiveness of NGOs on tenure reform.</td>
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<tr>
<td>6. Forest fires (Fires)</td>
<td>Uncontrolled forest fires affect forest tenure rights, as the resulting destruction pushes people to fight over diminished area of forests, usually resulting in less access for women, the elderly, smaller clans, and other weak and marginalized groups.</td>
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</tbody>
</table>
A computer-aided evaluation of the degree of dependence and influence of each of the forces of change produced the graph shown (Figure 2) to help identify the main driving forces of future system change.

The graph has four sections:
- **The drivers** (upper left) highly influence other forces but are less dependent on other forces.
- **The leverages** (upper right) highly influence other forces and are highly influenced by other forces.
- **The outliers** (bottom left) have little influence and are less influenced by other factors.
- **The outputs** (bottom right) are very dependent on other forces but are less influential on other forces.

**Identifying scenarios**

The six driving forces identified in the mixed PPA group workshops were used to develop four scenarios (presented in Box 3), while driving forces from both the mixed and women-only groups were used to develop the action plans. Participants developed one desirable and three undesirable scenarios to envision different forest tenure security situations in Lamwo district in 2025. These scenarios describe how the future could unfold, and were developed by combining various states of each of the key driving forces to weave a coherent story about the different combinations of those forces.

The first three scenarios represent undesirable future situations while the last represents the desirable scenario of transparent, accountable and corruption-free local government that encourages the participation of adequately-resourced NGOs, customary leaders, and the private sector, as well as transboundary collaboration.

Among the undesirable scenarios, the first depicts a failure to secure the rights of local people as a result of a corrupt and opaque local government. Scenario 2 depicts the failure to secure the rights of local people due to the collapse of customary institutions, resulting in conflicts over land and forests, which discourages other actors such as NGOs from working in the district. Scenario 3 envisions a business-as-usual scenario, where selfish politicians undermine the efforts of an inadequately-resourced local government attempting to work with NGOs to implement forest tenure reforms. The three undesirable scenarios share the key features of corrupt local government, disinterested NGOs, disempowered local people, weakened cultural institutions (resulting in increasing conflicts and unresolved forest and land conflicts), and an expensive, bureaucratic forest and land registration process that continues to limit local people’s abilities to secure their rights over their local forests.

**Action planning**

The participants proposed a number of measures to improve the security of forest tenure rights in Lamwo district, and thus achieve the desirable scenario and
Scenario 1 – Failed government policies and customary and cultural institutions (or district government fails forest governance in Lamwo)

Scenario 1 envisions a total failure to implement forest tenure reforms. This failure to achieve the forest tenure security of forest-dependent communities in the district would arise due to the district government’s inability to collaborate and coordinate the work of different actors, resulting in a lack of interest, conflicts and the exit of other actors such as NGOs. This scenario envisions:

- Corrupt and selfish district government officers, using forested lands for personal gain, and deliberately preventing the empowerment and involvement of local people and NGOs to implement reforms.
- Local communities having inadequate knowledge of their forest tenure rights and their roles in implementing reforms, hence becoming disinterested.
- NGOs being discouraged from working on forest tenure rights, due to lack of cooperation from the district government and disinterested local people.
- The abandonment of cultural institutions that have a positive impact, paves the way for the increased influence of cultural institutions that disregard the rights of women and youth, and give customary forest rights to other groups. The above results in increasing conflicts over forests and land, and eventually the outbreak of civil war.

Scenario 2 – Customary forest tenure institutions disbanded (and forest land given away)

Scenario 2 envisions the discovery of minerals in the area, which pushes the government to introduce policies that disregard customary forest and land management systems, leading to the collapse of customary forest tenure systems. The scenario sees:

- Weakened customary systems that fail to effectively manage forests and land, resulting in conflicts over forests and land that enable the government to justify the introduction of policies that further disregard cultural institutions.
- Most NGOs relocate their projects to places with fewer conflicts, and where local governments are willing to cooperate.
- Local people have limited access to information on forest tenure rights, as most information is in English.
- Corrupt local leaders encourage the undermining of cultural institutions, and engage in illegal logging for personal gain.

Scenario 3 – Politicians, NGOs and local government: conflict and collaboration on forest governance

This scenario envisions political influence pushing government to implement policies and plans that are antagonistic to the forest tenure rights of local people, while NGOs struggle to correct the situation by supporting the district government and local communities. This scenario sees:

- Selfish politicians promoting changes in forest policy and legislation that contradict forest conservation goals and livelihood improvements, such as by de-gazetting forested areas to pave the way for infrastructure developments (e.g. roads and schools) in forested areas.
- Poor coordination between local and central government, and between the different government structures that are responsible for implementing forest tenure reforms.
- A bureaucratic, expensive and corrupt land and forest registration process that results in only a few people managing to secure titles over their lands and forests.
- Information about forest tenure rights and roles being accessible only to district government implementers, which prevents local people from understanding and conforming to relevant rules and principles of forest governance.
- All of this, despite the existence of civil society that tries to counter the disruptive influence of politicians on local governments through the following actions:
  - Awareness campaigns to equip stakeholders (particularly local people) with relevant knowledge on forest tenure reform to mobilize their involvement in planning and implementing reforms.
  - Facilitating government implementation of measures such as the demarcation of forest boundaries.
  - Building the capacity of local people and local governments on the supportive monitoring of forest tenure reform implementation.
  - Supporting alternative income-generating activities for local people by raising funds that could go towards securing forest tenure rights, such as forest and land registration.

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Scenario 4 – Ideal forest governance situation in Lamwo district

This scenario envisions the ideal situation of local people’s forest tenure rights being well protected, resulting in improved forest and livelihood conditions. This results from effective collaboration between local government, NGOs, customary leaders, local people and other actors, who implement and bring about the following:

- Empowered local communities that are well informed about their forest tenure rights and are actively involved in making decisions on forest tenure reform implementation plans.
- Corruption-free, transparent, accountable, well-equipped and adequately staffed district and sub-county governments, effectively implementing their forest tenure reform responsibilities.
- The existence of cultural institutions that recognize and promote the rights and roles of women and youth in forest tenure rights issues, with other stakeholders also recognizing and respecting these cultural institutions.
- Increased NGO participation that works to inform and equip local people with the knowledge, skills and resources they need to protect their forest tenure rights.
- A faster and more affordable forest registration process that results in more people securing their forest tenure rights.
- Cross-border collaboration between the local governments of Lamwo and in neighbouring South Sudan, through a signed memorandum of understanding (MoU) on forest management, and on addressing forest threats, such as uncontrolled forest fires and the illegal timber trade.

Table 2. Action plan for Lamwo district forest tenure, produced by mixed PPA workshop participants

<table>
<thead>
<tr>
<th>DRIVING FORCES</th>
<th>PROPOSED ACTIONS</th>
<th>RESPONSIBLE AGENCIES AND INDIVIDUALS</th>
</tr>
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<tbody>
<tr>
<td>1. Community awareness and capacity building</td>
<td>• Train local community people on their forest tenure rights, roles and responsibilities, particularly users from customary community forests and collaborative forest management.</td>
<td>• District Forest Officer (DFO)</td>
</tr>
<tr>
<td></td>
<td>• Support women to own key resources such as land.</td>
<td>• NGOs</td>
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<td></td>
<td>• Involve local women in decision-making and the implementation of forest tenure reform planning at village, local council and district levels.</td>
<td>• District Community Development Officer (DCDO)</td>
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<tr>
<td></td>
<td>• Organize community dialogues and exchange visits to other places in Uganda, for communities to learn about best practice approaches to community involvement in planning and implementing forest tenure reforms.</td>
<td>• Senior Assistant Secretaries (SASs)</td>
</tr>
<tr>
<td></td>
<td>• Adopt a rights-based approach to promoting customary tenure rights.</td>
<td>• DFO</td>
</tr>
<tr>
<td></td>
<td>• Involve local communities in decision-making within the Lamwo Environmental Protection Association (LEPA) and enable their participation in its activities.</td>
<td>• Cultural leaders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• NGOs</td>
</tr>
<tr>
<td>2. Cultural factors</td>
<td>• Enhance the capacity of cultural leaders to keep informed about and updated on forest tenure issues, especially related to recent changes that affect them.</td>
<td>• DCDO</td>
</tr>
<tr>
<td></td>
<td>• Increase the involvement of cultural leaders in land allocation and conflict mediation.</td>
<td>• LEPA executive</td>
</tr>
<tr>
<td></td>
<td>• Encourage local people to register their land, with effective land demarcation in place.</td>
<td>• NGO</td>
</tr>
<tr>
<td></td>
<td>• Improve relations between cultural leaders and the government, by involving cultural institutions in planning and implementing forest tenure reform activities.</td>
<td>• District Land Board</td>
</tr>
</tbody>
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3. Involvement of NGOs

- Support the work of existing NGOs and attract more NGOs to work in the district.
- Improve coordination between NGOs, public and private entities on forest tenure issues.
- Hold coordination meetings to clarify roles and agree on the distribution of roles, rights and powers between NGOs and other actors.
- Share work plans to ensure that all stakeholders are informed about each others’ plans.

**Responsible agencies and individuals:**
- Chief Administrative Officer
- District NGO forum
- District Council
- District technical planning committee

4. Forest fires

- Develop and implement an MoU on forest and fire control between Lamwo district and the responsible agency in South Sudan.
- Train communities on fire management in customary forests and forests under collaborative forest management.
- Ensure proper enforcement of forest bylaws.

**Responsible agencies and individuals:**
- District Council
- Resident District Commissioner
- DFO
- Sub-County and village councils
- DCDO
- DFO
- District Fire Brigade

5. Market forces for forest products

- Plan and implement activities to address unsustainable forest practices.
- Conserve natural forests and plant more trees on customary and private lands to increase the availability of forest products.
- Support collaborative forest management to expand community benefits from forests.
- Add value to local forest products, by promoting timber treatment, timber certification and wood processing in the district.

**Responsible agencies and individuals:**
- District Natural Resources Officer
- DFO
- National Forestry Authority Officer
- Media
- NGOs
- Communities
- District Commercial Officer
- District Natural Resources Officer
- NGOs
- The private sector

6. Forest governance

- Improve coordination and collaboration between state and non-state actors and across multiple levels of governance.
- Improve implementation and enforcement of the legal framework to address corruption of forest officers and politicians and illegal logging.
- Enhance community participation in law enforcement to address illegal logging, corruption and other problems.
- Lobby the government to allocate a larger budget to the district for forest management and the recruitment of District Forest and Land Officers (who work as volunteers and usually leave when they get paid work).
- Conduct Environmental and Social Impact assessments for current and proposed land use changes in the district.
- Enhance women’s participation in customary forest tenure reform implementation by providing targeted capacity development programs, and introducing affirmative actions for women’s involvement in leadership at all levels of government.
- Make it mandatory that all decision-making on forest tenure issues involves women.

**Responsible agencies and individuals:**
- Chief Administrative Officer
- District Planning Office
- District NGO forum
- The private sector
- District Natural Resources Officer
- DFO, patrol officers, forest supervisors
- National Forest Authority
- Environment Police
- Customary leaders
- Community members
- District Community Development (Gender) Officer
- Local councils
- Customary leaders
- District Forest Officers
avoid the undesirable scenarios. They first compiled an expansive list of possible actions, and then condensed them to more feasible actions in consideration of the availability of funds, the capacity of actors, time and legal aspects. The action plans produced by the mixed and women-only workshops are shown in Tables 2 and 3.

### Conclusions

The PPA exercise in Lamwo district demonstrated how different stakeholders have a diversity of knowledge, experiences and ideas, which can all contribute to a richer and deeper understanding of forest tenure security. The analysis showed that awareness of laws and policies, technical staff capacity, relationships and interactions between government officials and customary leaders, formalization of customary rights, the level of law enforcement, and women’s status all influence forest tenure security in the district. Equally, the exercise confirmed that not all community members share the same level of recognition or protection of their tenure rights, with women having less secure rights than men.

Women participants identified the main forces negatively affecting their forest tenure security as the negative attitudes of men towards women using or owning forest resources, women’s rights being conditional on their relationships with men, and patterns of land allocation and ownership that favour men.

Participants suggested that a rights-based approach to the implementation of tenure reforms, in particular to customary tenure, would help secure women’s rights.

The main measures proposed by participants were: simplifying and popularizing policy documents and processes to promote local community understanding; formulating and implementing related bylaws; continuing community sensitization and training activities; and increasing staffing levels in government agencies that are mandated with forest tenure reform implementation.

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References


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