Weak laws and risks of land conflict during forest conversion

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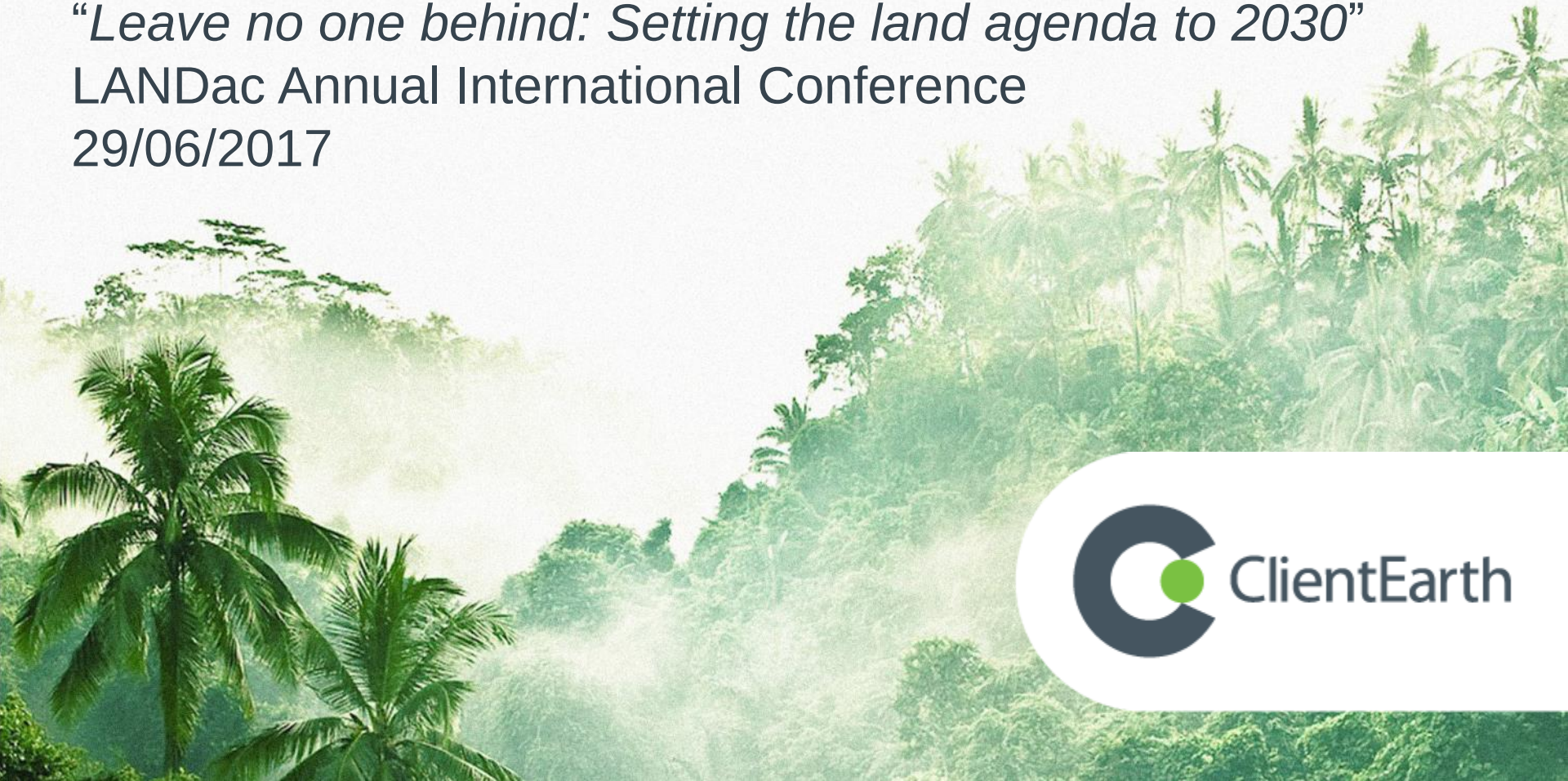

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Introduction to ClientEarth

- ClientEarth is a non-profit environmental law organisation
- We use law, science and policy to tackle key environmental challenges
- The Climate & Forests team works on illegal logging; forest clearance & land use change; local communities and indigenous peoples' rights

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Legal framework on forest land conversion

1. **Land use decision**, via land use planning
2. **Land rights allocation**, e.g. agricultural concession
3. **Rights to clear / harvest timber**, e.g. forest permit
4. **Environmental safeguards**, e.g. EIA
5. **Trade** in commodities

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Weak laws and risks of illegality

- Weak, contradictory & incomplete laws = risks of illegality
  - Land use conflict
  - Land dispossession (particularly community land)
  - Illegal deforestation of natural forests
  - Community rights' violations
  - Risk of illegal timber or commodities

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How do weak laws contribute to land conflict and land dispossession?

Land use conflicts and community land dispossession

- No nation-wide land use plans or concession maps
- Lack of transparency
- Contradiction and conflict between sectors' laws
- Lack of coordination between Ministries' land titling decisions

- Weak customary land tenure
- Exclusion of community & civil society actors from decision-making on land allocation

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How can strong laws contribute to peaceful and inclusive land use?

1. How to avoid land conflict and promote peaceful and inclusive societies?

2. How should we plan for and implement sustainable and inclusive land governance?

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1. How can the law help to avoid land conflict and promote peaceful and inclusive societies?

- Transparency / accessibility of land use information
- Whole-of-Government approach to land allocation

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2. How should we plan for and implement sustainable & inclusive land governance?

- Recognition of customary land rights in law
- Requirement for companies to engage early with communities – before land is allocated
- More prescriptive information on how consultation should be performed – who, when, how long, where

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Concluding thoughts

- Law as a tool for democracy and inclusion
- Law as a tool for government coordination

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Thank you

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