

THE GOVERNANCE OF TREE PLANTING AND FOREST RESTORATION: WHOSE DECISIONS, WHAT NORMS, AND WHAT OUTCOMES?

Policy Brief 1

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Resource Tenure and Forest Restoration: A two-way relationship

Why is tenure important for forest restoration? How does it impact global, national and sub-national restoration initiatives? Tenure security has been correlated with successful restoration. Yet there are many nuances surrounding tenure in the context of forest restoration. This brief aims to clarify some of these issues to facilitate decision-making in forest restoration.



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Key Highlights

- ➔ Insecure resource tenure and conflict over resource rights are among the key underlying causes of both forest loss and degradation and therefore, a potential obstacle for restoration. But aspects of tenure can also facilitate the success of restoration efforts.
- ➔ Four key questions help us understand the links between forest restoration and tenure: 1. Rights over what? 2. Who has rights? 3. Which rights do they have? 4. How are rights held?
- ➔ Several challenges affect the relationship between forest restoration and tenure, but there are also opportunities including mechanisms that can help to facilitate the respect of different rights by local rightsholders.
- ➔ The challenges and opportunities around resource tenure and forest restoration highlight the complexity of this issue which is often embedded in other governance challenges.
- ➔ Resolving competing rights is important to ensure the sustainability of restoration efforts.

Introduction

Ongoing forest loss and degradation have prompted numerous calls and commitments for forest restoration. The Bonn Challenge launched in 2011 called for 150 million ha of restored forest landscapes by 2020 and 350 million ha by 2030. Since then, many other initiatives have been launched including regional commitments such as the AFR100 to restore 100 million ha of forest landscapes across Africa, and corporate commitments such as the 1 Trillion Trees campaign launched in 2020 at the World Economic Forum (WEF) meeting in Davos (and its recent successor, the Forest Future Alliance).

Recognising the broader importance of all ecosystems, in 2019 the UN General Assembly launched a UN Decade (2021-2030) on Ecosystem Restoration. Since then, forest restoration has appeared prominently in numerous forested nations' Nationally Determined Contribution (NDCs) under the United Nations Framework Convention on Climate Change and their National Biodiversity Strategy and Action Plans (NBSAPs) under the Convention on Biological Diversity. Yet, forest and tree loss continue across the globe, driven primarily by permanent agriculture, wildfire and logging but also, shifting agriculture, extraction of hard commodities, other natural disturbances, and expansion of settlements and infrastructure, although there are regional variations (Sims *et al.*, 2024).

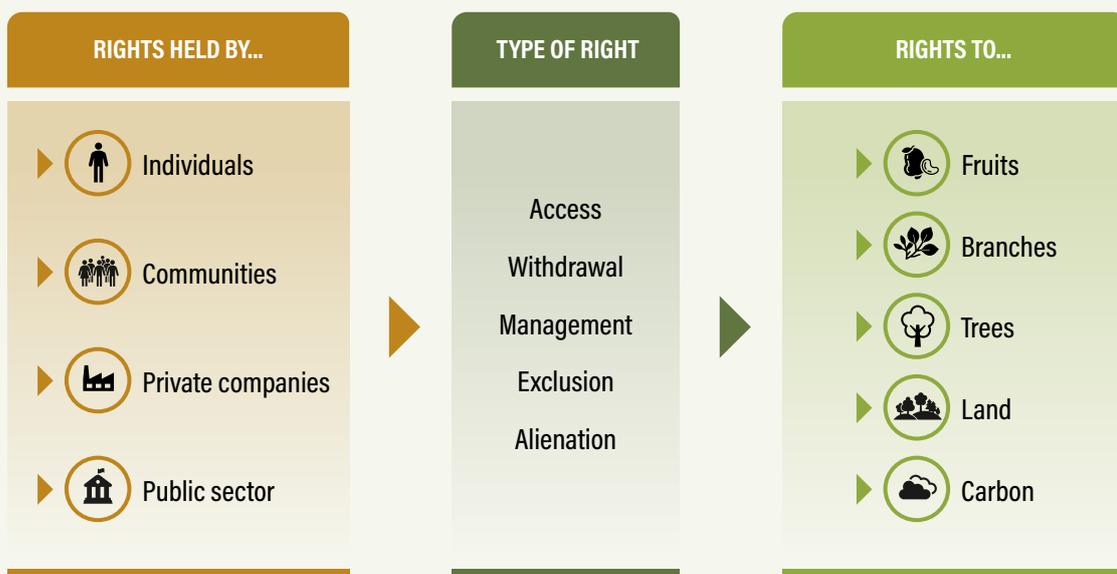
Unless causes of deforestation and forest degradation are addressed as part of restoration efforts, these efforts will remain futile. Aspects of resource tenure – tenure security, tenure of trees, tenure conflict – are among the key underlying causes of both forest loss and degradation and therefore, a potential obstacle for restoration. But aspects of tenure can also facilitate the success of restoration efforts.

Terminology

In the context of forest restoration, **'tenure'** refers to the right to hold or to use land, forest, individual trees or products from the trees (Bruce, 1998). The concept of tenure combines the holder (individual, public, community, company) and the types of rights they may have. Tenure may be *de jure* (enforced by law), customary (enforced under customary practices), or *de facto* (claimed in practice with or without rights). Having the right does not necessarily guarantee access, or the ability to exercise

the right. And vice versa: some access to trees or land does not depend on formal rights but instead on other social arrangements (Ribot and Peluso 2003).

We use the umbrella term **'forest restoration'** here to refer to any action to restore forest cover (Brancalion *et al.*, 2025) recognising that there are many terms associated with forest restoration that may focus either on the process or on the outcomes.



Tenure and forest restoration

To begin to unpack the links between forest restoration and tenure and property rights, we must explore four key questions:

- 1. Rights over what?** In the context of forest restoration, tenure and property rights are relevant to the land on which trees are intended to be planted, but also in many instances, to the individual trees, other forest plants and animals, and the products from the trees, including the carbon stored by trees which is increasingly becoming a monetized commodity. For example, at least 22% of all the carbon in tropical and subtropical forests is found on the lands of Indigenous Peoples and local communities (FPP, 2022), yet local people are overlooked by most carbon trading schemes (Young, 2024). Even when farmers have rights to the land, they may not have rights to the trees they plant on it (e.g., Ghana – Baruah, 2017). In Madagascar, this dissociation is also evident: landowners who have planted trees must obtain an exploitation permit before they can cut or sell them, in accordance with national forestry legislation. Inversely, rights to trees may exist without owning the land on which they grow as is the case in parts of India with customary rights retained on trees that are on public forestland (Kar *et al.*, 2024). These rights may also differ depending on the tree species used to restore a forest or landscape, and may vary within a household (with women and men for example having different rights). For example, the *néré* tree (*Parkia biglobosa*) in Burkina Faso may be the object of multiple tenure rights based on gender, ethnicity, residence status, marital status and seniority within a lineage (Pehou *et al.*, 2020).
- 2. Who has rights?** The tenure, or right to hold, use or manage a piece of land, forest, tree or tree products, may rest with a private entity, company or individual. It may be held by the government or a state agency, or it may be collectively held by a group of people. It may be owned by one entity by law (e.g., the state) but held by another, formally or informally. For example, in the Philippines, Community-based Forest Management Agreements (CBFMAs) are land title agreements between the government and voluntary membership-based community organizations that provide these organizations with 25-year (renewable) tenure over state-owned forestland. In some cases, different people may hold different rights over different components of the same forest or landscape, or even over a single tree. For example, the rights to individual argan trees in Morocco may be assigned to households and passed on from generation to generation; women may have the rights to the fruit yet at the same time, access to the argan forests is regulated by the Ministry of Forestry which effectively bans access three months of the year (Biermayr-Jenzano *et al.*, 2014; Michon *et al.*, 2016).
- 3. Which rights do they have?** Schlager and Ostrom (1982) identified five types of rights, the right of: access (right to enter), withdrawal (e.g., removing fruit), management (right to regulate internal use and transform a resource), exclusion (right to determine who has access) and alienation (right to sell or lease the resource), and in 2015 Galik and Jagger added the right to alter (which is relevant to restoration which may change a landscape). On state lands, communities may only have use or access rights. Different groups may hold different rights to the same tree or forest leading to potential conflict as illustrated in the example above of the *néré* tree in Burkina Faso. In the Boeny region in Madagascar, for example, local community-based organizations, have their own restoration zones which grant them access and management rights through management transfers, individual households have harvesting rights for non-timber forest products (honey, medicinal plants, deadwood), local authorities exercise a right of exclusion towards external exploiters, but alienation rights remain with the State. Space and time also affect these rights, so rights can depend on where people and forests are in relation to each other. For example, a study in India found that bamboo trees situated near houses were individually or jointly owned, while those situated further away were collectively owned (Kar *et al.*, 2025).
- 4. How are rights held?** These diverse rights may be upheld formally by government laws or they may be upheld by customary law through longstanding traditions, customs or practice. Often a mix of rights apply with many mechanisms in place to respect them. In any given situation, rights may be disputed, for example if governments and Indigenous People claim rights to particular areas of land, if neighbours disagree about their rights, or if land is borrowed. Riggs *et al.* (2016) highlight the plurality of tenure systems present in Indonesia which may lead to conflict. With new markets and external interests generated around forest restoration (including carbon and biodiversity) customary rights which might have been tacitly respected for decades are increasingly being threatened by externally-initiated and market-based transactions. Furthermore, local practices may favour more powerful community members. For example, in Jharkhand in India, the traditional patrilineal inheritance system skews tree ownership towards male heirs (Kar *et al.*, 2025).

↓ Challenges

- **Tenure insecurity and/or absence** of titles may reduce investment in restoration. Without a long-term guarantee that they will be able to benefit from their products (or retain rights to the land on which they are planted) people have little or no incentive to engage in tree planting. For example, in Cameroon and Nigeria Degrande *et al.* (2006) found that farmers with more secure tenure were more likely to engage in tree planting. Similarly in the UK, tenant farmers are unlikely to invest in tree planting, as they are unable to reap benefits from the trees in the typically short (3-7 years) period of their tenancy (Urquhart *et al.*, 2025).
- **An emphasis on de jure rights** - as regulated by the contemporary formal legal system - fails to recognize the large numbers of Indigenous Peoples and local communities who have traditionally, and for generations, held and respected a diversity of informal – yet very real – customary rights over forests, land, trees and products from the trees. Colonial legacies have led many forest areas to be nationalised regardless of traditional customary practices and thus alienation of Indigenous Peoples and local communities from their lands and territories, as was the case in Haiti (Marzelius and Droste, 2022) and Morocco (Moukrim *et al.*, 2019). Where land rights are contested, forest restoration is unlikely to proceed smoothly, and planted trees are more likely to die. For example, many forest fires taking place on restored areas can be traced back to contestations over resource rights as was seen in Madagascar (Rakotonarivo *et al.*, 2023).
- **An emphasis on formal titles as the “guarantee” of tenure security** ignores the many ways in which titling programmes have historically been used to usurp land from traditional and other rightsholders (Peluso *et al.*, 2012), increased insecurity (Broegaard, 2005) and undermined customary systems. In Mexico for example, agrarian legislation intended to promote investment led to the privatization of collective ejido lands, the break-up of ejidos and loss of ancestral lands, while also driving deforestation (Vázquez-Castillo, 2004). Titling can also favour elites and further marginalise pastoralist populations and women.
- **The growing monetization of tree or forest products such as carbon and biodiversity leads** to the need to “secure tenure” at any cost which puts new pressures on existing (often contested) forest regimes with potentially negative impacts on Indigenous Peoples and local communities. Although secure and just tenure are desirable, the process by which this unfolds – commonly under the assumption that a land title will assure security – does not necessarily solve the problem. For example, typically the most powerful are able to obtain a title whilst the most vulnerable may face obstacles that dissuade them from seeking titles (Notess *et al.*, 2018); titles may in some cases make them more vulnerable (e.g. due to distrust of the state, or an increase in pressure to sell) (Broegaard 2005); and customary systems and those embedded in social networks may be perceived as more secure (Cronkleton and Larson, 2015). The launch of REDD+ in 2010 under the UNFCCC led to concerns over the dispossession of Indigenous Peoples and local communities and significant efforts by many agencies to clarify and secure tenure for local communities. Indeed in some national contexts, initiatives driven by the global climate regime may overlook the rights of Indigenous Peoples and local communities. In turn, insecure land rights may generate an unstable investment climate resulting in investors turning away from these initiatives to buy carbon directly through voluntary markets.
- **Large scale forest restoration projects are more likely to include multiple stakeholders** (Figure 1), with an associated patchwork of tenure and property rights arrangements that need to be understood and reckoned with. Tenure and associated rights can be shared by different entities and groups which may create several complications around restoration projects. For example, in rural Scotland, where only 432 individuals own 50% of private land, restoration schemes tend to benefit large and powerful landlords (often absentee) rather than local communities (Sharma *et al.*, 2023a). More generally, more powerful stakeholders are more likely to secure tenure certificates and therefore to secure benefits from restoration. For example, in Viet Nam wealthier households were found to claim land via reforestation programmes more easily than poorer ones (McElwee and Nghi, 2021). The restoration of forests in turn may generate more value, thus exacerbating these inequalities and also leading potentially to more outside interest in a restored area (Barr and Sayer, 2012).



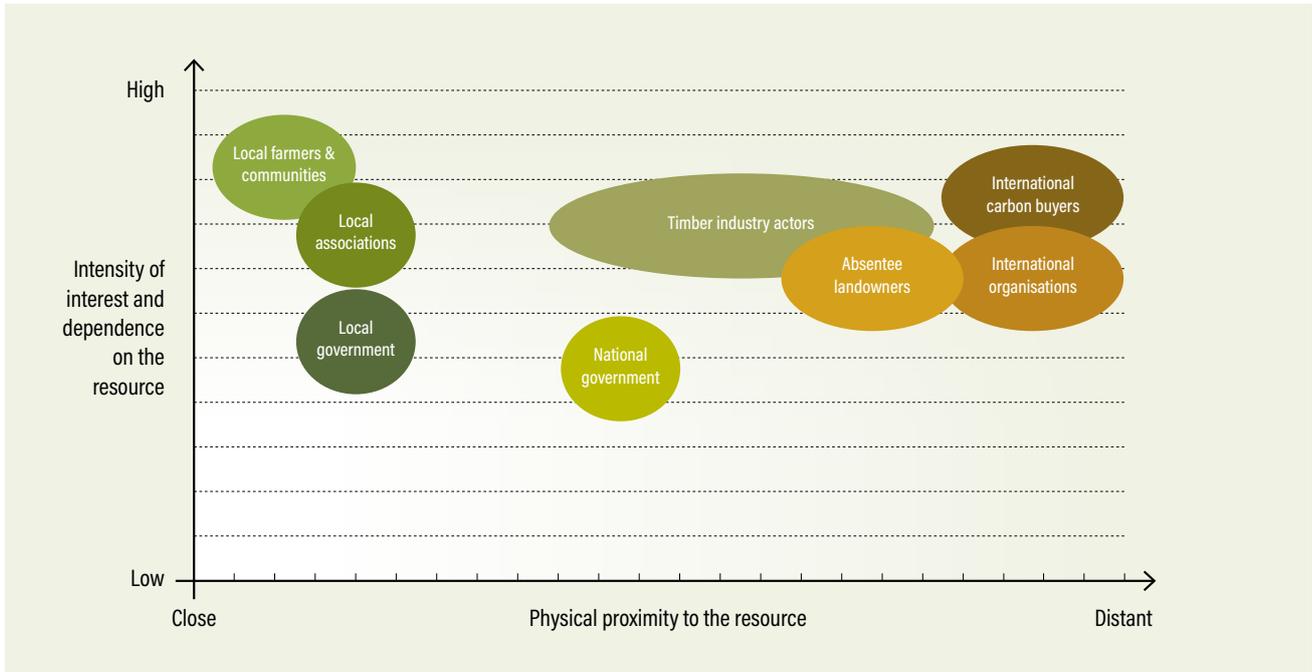


Figure 1: Two dimensions of the relationship between some key stakeholders and forests that influence the tenure-restoration link

- Biodiversity, climate, food and cultural objectives for restoration may influence tenure and rights** as divergent objectives may justify different claims (and potentially “grabs”) and restoration approaches (e.g., plantations of exotic versus native species, grazed woodland versus woodlots). Whereas fast growing tree species may be recommended to meet climate mitigation goals, biodiversity objectives may lead to the selection of a more balanced diversity of local species (or other measures such as the introduction of carnivores to reduce pressure on the land). Restoration might emphasize disaster risk reduction, as was the case in Spain at the start of the 20th century, with large-scale planting of *Pinus* species for flood control and stabilising coastal sand dunes with limited biodiversity or social values (Guadilla-Sáez *et al.*, 2020). At the same time, at the local scale, communities might have their own preferred species aligned with their traditional uses of land, forests and trees, and for different priorities such as food security. The use of diverse species to respond to these different objectives may have implications on local rights and tenure as illustrated below.
- The species of trees used for restoration may have long-term impacts on tenure (and vice versa).** For example, in Madagascar, native forest is government-owned while exotic plantations can be owned by those planting them thus creating a disincentive for the use of native tree species in forest restoration (Mansourian *et al.*, 2018) and also prompting more planting of exotic tree species where regeneration might otherwise occur more naturally and at a much lower cost. The same is true in many other countries, such as Thailand (Sapkota *et al.*, 2021) or India (Nath *et al.*, 2016). Local populations in both Madagascar and Cameroon associate certain species with the threat that government may assert claims over their land (Larson *et al.*, 2024). In Costa Rica, changing land use from forest to other uses is prohibited, therefore encouraging restoration of a diverse tree population of native species may lead to the loss of rights to use that land for other productive purposes.
- Power inequalities exacerbate injustices that arise when it comes to tenure and rights, skewing the balance in favour of more powerful stakeholders.** In the context of carbon projects, large multinational companies may seek to obtain carbon rights over a 30-year period, while local communities who have immediate needs find that they can no longer access vital resources, and typically receive minimal, if any, compensation. Forest restoration may also be used by powerful groups to claim land (including in conflict zones). Land grabs have been documented in many contexts around the globe.
- The relationship between tenure and restoration evolves over time.** Restoration is a long term process and tenure and rights are likely to change over the course of such a process. Restoration may also precipitate some changes in rights. For example, at the Marohogo forestry station in Madagascar, reforestation carried out by several actors altered local land relations: some plots were subject to new claims and land certificates, despite their officially belonging to the national forest domain, leading to conflicts over use between the State, the projects, and local stakeholders. Equally a clarification of rights may facilitate and accelerate restoration. Economic winners and losers result from these forms of inclusion and exclusion around forest restoration programmes.

Opportunities

- **Diverse mechanisms exist that can help to facilitate the respect of different rights by local rightsholders.** As outlined in Table 1, these include tree tenure certificates as seen in Ghana (Baruah, 2017); the formalisation of alliances or platforms that support coalitions of rightsholders; restoration contracts; payments for ecosystem services schemes that support local rightsholders; legal recognition of customary rights; concessions or permits that can grant rights to trees or forest areas to a community for a given timeframe; policies that support recognition of community ownership and rights; modern technologies to map lands and forests; devolution of forest management to communities.

Table 1 – Overview of some mechanisms to uphold different rights

Some mechanisms to support rightsholders	Example
Tree tenure certificates	Farmers can obtain a certificate to the trees they plant on their agroforestry plots in Ghana that ensures that they can benefit from the rights to that tree (Baruah, 2017)
Formalisation of alliances or platforms that support coalitions of rightsholders	In Brazil, Indigenous groups have formed associations of native seed collectors that help to bring different groups together and make their voices heard when there are conflicts with other external land users (Padovezi <i>et al.</i> , 2024).
Restoration contracts	In Madagascar, co-management contracts that have been used for several decades between community-based organizations and the forest service are also being adapted to include restoration (Mansourian <i>et al.</i> , 2018). In Central America, CATIE has promoted official technical standards for the silvicultural management of secondary forests, which promote the growth of commercially valuable species and thus favour forest restoration that combines forest management and conservation.
Payments for ecosystem services schemes that support local rightsholders	Viet Nam has been widely cited as a successful example of payments for ecosystem services. Smallholders were offered financial (and other) incentives to restore forest cover for water regulation, soil erosion reduction and scenic landscape amenities (Cochard <i>et al.</i> , 2020).
Legal recognition of customary rights	In Pemba (Tanzania) the local government has granted all households 3 acres of forestland. While officially all land belongs to the government, households receive a lease or Right of Occupancy (Andrews and Mulder, 2022). In Galicia (Spain) the recognition of customary tenure helps rightsholders to engage in forest restoration (Laxness, 2025).
Concessions or permits that can grant rights to trees or forest areas to a community for a given timeframe	In DRC, the legal system recognises both community forests (recognising <i>de facto</i> communally managed forests) and community concessions which are akin to private concessions but formally allocated to a community (Vermeulen and Karsenty, 2017).
Policies that support recognition of community ownership and rights	Spain has only recently re-instated a legal tenure to communal forests (whereby commons had gradually been abolished around the sixteenth century). In this category, law 21/2015, the Forestry Act, distinguishes between three different sub-categories of community-ownership forests: (1) Forest commons, (2) Partners' woodlands, and (3) Neighbour woodlands. Where communal forestry remained the <i>de facto</i> tenure over the centuries, as in Urbión Forest in Castile and Leon, northern Spain, a forest of diverse native species can be found today (Guadilla-Sáez <i>et al.</i> , 2020).
The use of modern technologies to map lands and forests	In the Maya Biosphere Reserve (MBR) in Guatemala communities use drones to monitor forest lands to secure tenure claims (Millner <i>et al.</i> , 2024)
Devolution of forest management to communities	In Scotland, the Land Reform Act 2003 introduced the Community Right to Buy whereby communities can purchase and then manage woodlands. Approximately 200 community woodland groups exist and tree planting is part of many management strategies (Sharma <i>et al.</i> , 2023b; https://www.communitywoods.org/about).

- **Global restoration commitments can help to accelerate the clarification of rights and tenure arrangements for trees and forests for the benefit of local rightsholders (even as they may also create challenges).** Indeed restoration can have a direct impact on tenure with for example, restoration of trees being employed as a mechanism to clarify boundaries in Ethiopia and reduce the risk of expropriation (Mekkonen, 2009). The Climate Community and Biodiversity standard under the scheme Verra recognises explicitly the importance of tenure security and ensuring that no local rights are infringed during a certification process.
- **The positive relationship between land management by Indigenous Peoples and local communities and biodiversity conservation (FPP, 2022) supports the argument to expand their role and rights in restoration practice and the formalization of these rights.** For example, the traditional knowledge held by Indigenous Peoples can inform restoration management decisions, including species to use for restoration, seasonality and tools such as fire to manage forests (Reyes-Garcia *et al.*, 2019). Various forms of co-management and community forestry have proven effective to secure both rights and forest functionality. For instance, community-based forest management arrangements in the Philippines or community forests in Nepal.
- **Growing recognition of the importance of tenure has led to new legal tools to support restoration through strengthened rights.** For example, in China tenure certificates that identify rightsholders, specifying forestland use rights, forest and tree ownership, and other relevant rights, have been granted to households for a renewable 70 year period (Zhang and Putzel, 2016). In Brazil, under the Native Vegetation Protection Law (commonly known as the Forest Code), landholders are obliged to restore areas that were illegally deforested (Chiavari *et al.*, 2023).

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Recommendations

The challenges and opportunities highlighted above associated with resource tenure and forest restoration highlight the complexity of this relationship. Furthermore, it is often embedded in other governance complexities around historical colonial legacies and chronic power imbalances and injustices. Resolving competing rights can ensure the sustainability of restoration efforts. In some cases this may mean creating tools that fill a gap between customary and legal practices, such as long-term land certificates in Viet Nam that may be passed on to one's heirs. The role of community associations and "neutral" facilitators in reaching negotiated outcomes around compromises where tenure is either contested or insecure, is critical as demonstrated in Madagascar (Mansourian *et al.*, 2018). Existing forest management or co-management bodies (such as community-based forest management associations in the Philippines, Madagascar or Nepal) can be adapted to include restoration. Such tools and best practices for securing land need to be capitalised on or disseminated on a large scale. While it is unlikely that all tenure issues can be addressed in any one restoration project, we identify a number of recommendations that can assist policy- and decision-makers to promote a more favourable governance context for restoration.

Governments, companies and non-governmental organisations should:

-  **1.** Understand **local practices** as they relate to tenure and rights around trees, forests and land so that these can be harnessed to support restoration interventions. This includes the social dynamics around particular regional and local tenure dynamics, documenting and assessing the impacts of actual practice.
-  **2.** **Map and archive land rights** (including areas of uncertain or disputed rights) in a transparent process in partnership with local communities, and make sure communities have access to all technologies (e.g., computer GIS), data and training needed to engage in legal processes.
-  **3.** Promote a **supportive legal and policy framework** for restoration that includes the clarification of tenure and property rights which in turn is often instrumental in attracting future investment.
-  **4.** Promote **just and fair tenure security** that ensures that local rightsholders can establish legal claims to their land, forests and trees and benefit from restoration interventions.
-  **5.** Support rightsholders (including Indigenous Peoples and local communities) to **formalise their claims** to land, forests and trees. This includes ensuring that no entitlements over Indigenous territories are given to external parties, notably in the context of carbon markets.
-  **6.** Invest in locally-led initiatives that **safeguard the long-standing rights** of Indigenous Peoples and local communities, and vulnerable groups, including women.
-  **7.** **Monitor** the impact of tenure interventions related to restoration to minimize and mitigate any unintended consequences.
-  **8.** Share and build on **lessons learnt from innovative solutions** that provide rightsholders with diverse rights to trees and products from trees.
-  **9.** Strengthen **synergies** across different branches of the state to remove or at least minimise contradictions around tenure and forest restoration.
-  **10.** Ensure that Indigenous Peoples and local communities are properly **compensated** for their contributions to sustainable environmental stewardship and can generate income from land-based livelihoods without unreasonable restrictions. This includes ensuring that restoration aligns with local needs and goals, including food security.

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