



Comité technique



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

HIGH LEVEL MEETING
« LAND TENURE AND CARBON SEQUESTRATION IN SOILS »
13 AND 14 DECEMBER 2017 – PARIS

PROGRAMME

Organized by the 4p1000 Initiative and the « Land tenure and development » technical committee of the French cooperation, with the support of French Development Agency and the World Bank, this conference aims to discuss the state of current controversies and to identify recommendations for future strategies, for a better integration of land tenure issues and realities into the permanence of carbon sequestration in soils mechanisms. This conference will debate by 3 roundtables which will gather selected stakeholders with various profiles and from a broad geographical area came here for sharing their experience. More specifically, this conference will enable to :

- Present and map out several types of mechanisms that are currently identified or have already been experimented to incentivize or maintain practices that enable better sequestration of carbon in soils, and discuss the kind of land tenure rights and regimes (formal or informal) which they rely ;
- Identify constraints and difficulties in the implementation of soil carbon sequestration mechanisms in regards the complexity of land tenure regimes, and needs for addressing challenges in the future to develop specific land tenure focused arrangements or policies ;
- Discuss how practices aiming at soil carbon sequestration could be promoted without depriving from their access, or weakening tenure security of those who currently held legitimate tenure rights, particularly by the most vulnerable or most food insecure farmers or agricultural workers.

WEDNESDAY 13 DECEMBER

08:30 – 09:00 Reception of participants

09:00 – 09:30 — **OPENING SPEECHES**

- **JEAN-LUC FRANÇOIS**, Head of AFD Ecological and natural resources
- **PAUL LUU**, Secrétaire exécutif de l'Initiative 4p1000

09:30 – 11:15 — **ROUND TABLE #1 : INSTRUMENTS AND INCENTIVES FOR SUSTAINABLE SOIL CARBON SEQUESTRATION**

- **KEYNOTE AND FACILITATION** by Alain Karsenty (Cirad)
- **PANEL** : Jean-François Soussana (INRA), Jean-Luc Chotte (IRD), Céline Dutilly (Cirad), Marc Daubrey (Impactum), Elizabeth Mwiyeria (Vi Agroforestry)

11:15 – 11:45 Break

11:45 – 13:00 — **ROUND TABLE #1 DEBATES AND CONCLUSIONS**

13:00 – 14:00 Lunch Break

14:00 – 15:45 — **ROUND TABLE #2 : TAKING INTO ACCOUNT THE DIVERSITY OF LAND TENURE REGIMES IN INSTRUMENTS OF SOIL CARBON SEQUESTRATION**



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

- **KEYNOTE AND FACILITATION** by Camilla Toulmin (IIED)
- **PANEL** : Jean-Pierre Chauveau (IRD), Ina Porras (IIED), Pauline Nantongo (ECOTRUST), Iba Mar Faye (Gret and Fongs), Claude R. Heimo (CSEND)

- **MARC SEDLER**, World Bank - TBC

15H45 - 16H15 Break

16H15 - 17H30 — **ROUND TABLE #2 DEBATES AND CONCLUSIONS**

TUESDAY 14 DECEMBER

09:00 – 10:45 — **ROUND TABLE #3 : INSTITUTIONAL ENVIRONMENT AND PUBLIC POLICIES TO SUPPORT LONG-TERM AND NO HARMFUL CARBON SEQUESTRATION REGULATIONS**

- **KEYNOTE AND FACILITATION** by Michel Merlet (Agter)
- **PANEL** : Mamadou Cissokho (Roppa), Sébastien Treyer (IDDRI), Geneviève Michon (IRD), Olivier Ducourtieux (Agro-Paristech), Marie Mellac (CNRS)

10:45 – 11:15 Break

11:15 – 12:30 — **ROUND TABLE #3 DEBATES AND CONCLUSIONS**

12:30 – 13:00 — **CLOSING SPEECHES**

- **STEPHANE LE FOLL**, Vice-chair of 4p1000 Initiative, former French Minister of Agriculture



ÉVÈNEMENT
LABELLISÉ
SIDE EVENT

KEYNOTE OF THE ROUND TABLE #1

POSSIBLE INSTRUMENTS AND INCENTIVES FOR SUSTAINABLE SOIL CARBON SEQUESTRATION AND THEIR INTERACTION WITH LOCAL LAND REGIMES¹

The objective of this round table is to present different instruments and procedures that will contribute to sustainable long-term change in 'Four for 1000' practices (techniques and tools, functionality, scale), and discuss their specific need to secure individual and collective land rights, even those not recognised or formalised by existing legislative frameworks in the global South.

There are many different 4/1000 agricultural practices. The main ones are:

- Zero tillage and sowing under plant cover
- Intercropping with legumes, planting grass strips and hedges
- Optimising pasture management
- Agro-forestry and certain types of reforestation
- Using methods such as assisted natural regeneration and/or nitrogen-fixing plants to restore degraded soils.

These technical recommendations often require rural producers to abandon or adapt their current practices, knowing that the changes will

not necessarily increase their incomes or lessen the risks to which they are exposed (at least in the short term, and may even reduce revenues in the first few years). This raises the question of how to ensure that these practices are adopted and sustained (permanent sequestration). Different instruments and procedures already exist or could be envisaged to encourage their uptake and retention, such as:

- Procedures that strengthen collective action to change practices on the ground (e.g. 'sustainable landscape' projects). These aim to make environmental quality a public good which includes a set of practices that encourage soil carbon sequestration. This kind of dynamic could lead to territorial labels attesting to the collective effort invested in building environmental quality.
- Financial and non-financial incentives to adopt and maintain certain practices on a contractual basis. These incentives could take several forms:
 - Tax measures: lower property or production taxes, exemptions from inheritance tax, tax-exemptions on '4/1000' investments;
 - Registered soil-related environmental easements (landowners who decide or agree to put in place permanent easements could receive financial compensation or more favourable tax allowances);
 - Mechanisms for Payments for Environmental Services (PES): contingent and recurrent financial or non-financial

¹ Alain Karsenty, Research Manager in CIRAD



ÉVÈNEMENT
LABELLISÉ
SIDE EVENT

remuneration (usually annual).² PES pay for practices (with results based on a 'proxy', the practices adopted), and may evolve with changes in context.

- Production certification systems (such as the 'forest-friendly' sustainable cocoa slogan used in Côte d'Ivoire) could also provide incentives for producers to adopt practices that contribute to 4/1000 objectives.

Making environmental quality a public good (sustainable landscape projects) requires a certain level of collective action (capacity to decide on and implement rules). This can come under pressure from 'institutional tinkering' (actors using different registers of legitimate rights according to the context) that is partly linked with increasingly heterogeneous communities (presence of newly arrived or longstanding migrants, major players representing commercial investors' interests ...). In this respect, the situations in Latin America seem more favourable than in Asia or (especially) Africa, even though there is much more privately-owned land in South America, some of which is held under collective titles.

Tax incentives could be an interesting solution for privately-owned titled land and effective property taxes, but currently seem impracticable in most situations in developing countries. The same goes for environmental easements, which require well-established property (and transfer) rights. On the other hand, PES, labels and certification are used at both the collective and individual levels. The key point with PES is that there are effective rights of exclusion over spaces that are identified through some form of demarcation. PES are contractual instruments that recognise

² It is immaterial whether PES are financed by carbon trading on the voluntary market or a REDD+ national fund. Using carbon finance brings its own constraints, with high transaction costs (carbon measurements, counterfactual scenarios, taking account of the effects of leakage and the changing number of credits purchased, certification of credits by a specialist

rights but also require fairly precise geographic identification of the space to which the undertakings will apply.

At the community level, financial and non-financial incentives can help strengthen mechanisms that exclude third parties and mechanisms for collective land management, through social pressure on individuals whose failure to respect commitments would lead to the loss of benefits for the community. At the individual level, there are difficulties with indirect forms of land use such as sharecropping: the landowner and user must both have a stake in the contract (the landowner's income will be affected by the sharecropper's financial compensation for lower yields). Traditional contracts to 'lend' land (which are often a mixture of rental and sharecropping) often prohibit the planting of trees or perennial species to avoid the taker subsequently claiming ownership of the land. Therefore, strategies (such as long-term leases) need to be envisaged to secure the tenure of both takers and customary owners who fear that they will be dispossessed of their land. The risk with activities such as assisted natural regeneration is that leaving land to regenerate naturally could be interpreted as signalling a lack of rights to the land, and result in it being taken over by squatters. Land also needs to be protected from livestock in order to regenerate. This requires a strong local capacity for collective action to jointly manage the landscape, as well as legislative changes in access to ownership through 'productive use'.

auditor, etc.) that are not found in PES, despite the substantial costs of monitoring compliance with the conditions for PES. The main thing with PES is the conditional 'results-based' financial incentive, where the results are the practices that are adopted rather than the amount of carbon sequestered.



Comité technique



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

Questions for Speakers and Audience

- **W**hat instruments and procedures currently exist to encourage a shift towards 4/1000 practices and permanent organic soil carbon sequestration, and what types of land rights are they based on?
- **D**o certain land regimes based on positive law (all laws and regulations relating to land and forests) or customary rights/practices help or hinder these instruments and procedures?
- **I**n the framework of these procedures, is it possible to work on approaches that combine landscapes (which involve financing public goods that can provide a focus for collective dynamics and actions such as 'sustainable landscape projects') and producers/value chains (finance for changing practices, which could be funded by firms with a social and environmental commitment to support value chains)?



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

KEYNOTE OF THE ROUND TABLE #2

LAND TENURE REGIMES: TAKING INTO ACCOUNT THEIR DIVERSITY, WHAT ARE THE MAIN ELEMENTS THAT CAN CONTRIBUTE TO LONG- TERM SOIL CARBON SEQUESTRATION?³

The purpose of this second Round Table is to identify the constraints, which result from land tenure issues on achieving effective carbon sequestration (CS) in crop and grazing land. This round table will discuss both what the literature on land tenure tells us, and how these problems have been faced in practice. We also will explore whether there are particular forms of CS for which tenure issues raise greater problems than others.

Farm and grazing land can be accessed in multiple ways, depending on history, institutional, and political context. While freehold title to land is the most prevalent form in many OECD countries, there are many hybrid systems of land tenure in Asia, Africa and Latin America, which offer a mix of statutory and customary, public and private, individual and collective tenure forms. Even in European countries like the UK, land held and managed as commons remains important in certain areas, such as the uplands.

Systems of land tenure are important for providing a framework of rights and obligations relating to a given resource, a sense of assurance that such rights and obligations will be respected, and a means to resolve

disputes in the event of conflicting claims. In countries where governance is poor, and where the rule of law is weak, there are likely to be a range of difficulties which will discourage both land users and carbon markets from investing in CS measures. It was widely asserted in the 1970s and 80s that titling of land was essential for providing sufficient incentives to invest in land improvement. However, a large body of work now demonstrates that titling is neither necessary nor sufficient. Rather, a mix of institutional forms can offer security, depending on circumstances. Typical examples of difficulties include (supplementary cases to be added):

- A gap between what statutory law provides for, and actual practice on the ground. This gap stems from multiple sources, such as limited knowledge of the law amongst local people as well as local administrators; promulgation of new laws without implementation of application decrees; conflicts between the provisions of new and old laws; power relations which mean that some people cannot actually claim their rights under law.
- The status of natural resources which are managed collectively, often under customary rules or an administrative instrument, such as conventions locales, or by-laws. In many cases, while these arrangements are recognised by the local administration, they have no formal weight in law. Consequently, they are vulnerable to more powerful external interests, reversal of recognition by local administration, and fragmentation from within the "community" of users.

³ Camilla Toulmin, Land tenure and governance expert



Comité technique



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

- Weak or insecure rights at the level of the household, or individual. This could be due to internal tensions within a lineage or household, so that they or the individual does not believe they can assert long term rights over the land/resource in question. Or equally, fears that land and resources are vulnerable to seizure by a more powerful outsider, or government.
- Landlord/tenant relations which inhibit long term investment in land, soils, trees and other forms of land use. In the first case, tenants are usually discouraged from making investments such as fertilising or improving soils in other ways, because they fear if they improve the land the owner will take it back. Equally, the land-owner usually discourages the planting of trees by a tenant because they constitute a sign of rights being acquired by the person planting the trees.

Interestingly, much of the cocoa and coffee sectors in Cote d'Ivoire and Ghana was developed through use of a traditional sharecropping arrangement found within Akan society. The long established abusa/abuna institution specifies the share of the crop to be harvested by the land owner vs the tenant sharecropper, depending on the division of labour in planting and caring for the tree crops. These arrangements are meant to last for the lifetime of the trees in question, usually taken as 50 years for both coffee and cocoa. Hence, there may be traditional institutions which allow for the landlord-tenant problem to be resolved, which would also have relevance for the design of long term tree related CS investments.

Questions for Speakers and Audience

- Given the current complexities of land security for particular groups, what are the possible CS measures which could be envisaged without a change in the law?
- Given the requirements of particular CS measures, what changes might be needed in terms of law and its application to provide sufficient incentives?
- What practical experience exists on dealing with tenure complexities with projects to encourage CS? How have the difficulties been addressed?
- How can the necessarily long-term nature of CS measures modify the vision and administration of tenure options? Transmission of rights over land, carbon stocks and associated liabilities could also raise important questions, as the intention is to enable permanent sequestration of carbon.



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

KEYNOTE OF THE ROUND TABLE #3

HOW THE INSTITUTIONAL ENVIRONMENT AND PUBLIC POLICIES TO SUPPORT LONG-TERM CARBON SEQUESTRATION LINK INTO LAND ISSUES⁴

The objective of this round table is to reposition public policies to support long-term carbon sequestration in their global, ecological, economic and social setting, and consider how they link into land issues. Because they are embedded in much wider institutional arrangements and public policies, we will focus on the need for these specific public policies to be consistent with a whole range of other policies. Another question that needs to be addressed is whether different forms of agriculture and natural resource management are compatible with the climate objectives set at COP 21.

Since the French Minister for Agriculture, Mr. le Foll announced the 'Four for 1000' initiative, various commentators have underlined the possible risks associated with 'project' type mechanisms that, by virtue of their apparent ease of implementation, could favour interventions by large companies. These companies could then benefit from substantial funding to execute projects that are supposed to support carbon sequestration on land that they control, and could even use the stated objectives to access land that is regarded as vacant or under-utilised.

⁴ Michel Merlet, General manager of AGter

- On the one hand, interventions by new 'investors' or new operators could lead to the eviction of current land users, especially when national laws do not recognise their rights to access or use land.
- On the other hand, the primary beneficiaries of access to funding based on the expected benefits of carbon sequestration could be actors with significant political and economic weight whose practices and economic logics have hitherto reduced levels of soil organic matter in the land they use and diminished carbon sequestration in plant cover.

There is a risk that this type of situation cannot be avoided by simply respecting the spirit of the Voluntary Guidelines on land governance. Careful consideration should be given to regulations and policies that incorporate soil carbon sequestration into a more global policy framework aimed at limiting climate change, and looking at the links between the Four for 1000 initiative and land issues from this perspective.

Reflection on how to deal with these issues should be based on an overview of how agrarian systems have evolved over time, and recognition that 'agro-ecological' practices were developed thousands of years before the heavy use of non-renewable fossil-based energies and inputs. In addition to laying down unbreachable red lines regarding the way that projects affect human rights, we need to go further and decide which direction we want to go in. Other questions that need careful consideration are whether past and present policies to modernise or intensify agricultural production are consistent with long-term carbon sequestration initiatives, and the antagonistic or synergistic effects that carbon sequestration has on other aspects of sustainable development



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

(other environmental issues such as water quality and social and economic issues).

The globalisation of trade, planetary issues associated with global warming, food security and the concentration of land and wealth, etc. now oblige us to work simultaneously at different local, national and global levels. While it is impossible to cover all these complex issues in the space of a few hours, we should remember the opportunities for regulation at these different levels (legislation, binding agreements), and differentiate very clearly between incentive mechanisms on the one hand and voluntarily enforced recommendations on the other.

This round table aims to consider projects in isolation, in their socio-environmental context and in the context of a whole set of public policies that affect a territory. To do this, we will need to abandon the classic approach to monitoring projects, which starts from a baseline situation at a given moment and analyses the situation at the end of the project. This approach would prevent us from achieving the objective set by the 4/1000 initiative, which is to increase carbon storage capacity over time in order to reduce atmospheric CO₂. Rather than a procedure that thinks in terms of before / after the project, we need to think in terms of a situation without the project and with the project, which recognises that agricultural systems⁵ and the ecosystems in which they operate are not static, but constantly changing. We need to take account of these different dynamics and evaluate the impact that '4/1000' projects will have on them and their underlying trajectories. As the increase in greenhouse gas emissions from the agricultural and forest sectors is largely due to the way that agricultural systems have evolved thus far, our interventions should focus on their future evolution.

We will start by identifying the main situations that have contributed to the sharp decline over recent decades in organic matter stored in soils and the permanent vegetation they support. The culprits could be deforestation, monocropping in mechanised agricultural systems that use huge quantities of mineral fertilisers, or changes in land use with soil sealing for urbanisation or transport infrastructures. We have seen that in certain situations, agricultural systems that helped maintain or even improve carbon sequestration in soils and vegetation already existed – usually, but not always, in peasant farming systems. When small-scale producers do not have access to land, water, credit or markets likely to reward them for their labour, they may be forced into degenerative land uses that lead to erosion, loss of biodiversity, deforestation and reduced soil organic matter. This initial list of possible scenarios should be completed by participants, and the main scenarios analysed.

We will be looking at the processes and mechanisms that lead to these situations and consider the following questions from this viewpoint, which was not fully explored in the first two sessions:

- Who are the main actors in soil and vegetative carbon sequestration, and which short- or medium-term socio-economic logics drive their decision-making mechanisms?
- How and under what conditions can each of these types of individual and collective actor make arrangements to maintain or increase organic matter in the soils and vegetative cover on which they work or which they help manage?

These different actors often have contradictory interests (not only small family farmers and large-scale capitalist operations with employees, but

⁵ In the broad sense of the term, which includes crops and livestock.



Comité technique



ÉVÉNEMENT
LABELLISÉ
SIDE EVENT

also agro-industries, traders, financial sectors, urban property developers, etc.), and are engaged in a very unequal competition for access to land or markets for inputs and agricultural, animal and forest products. Their individual interests may sometimes intersect with those of the 'communities' or social groups to which they belong, but can also clearly diverge from them.

In order to take account of the way that agricultural systems contribute to efforts to combat climate warming from the perspective of different actors and that of society as a whole, we will consider the three following questions:

Questions for Speakers and Audience

- **H**ow are these actors affected by (or how might they be affected by) different policies (on land, territorial development, tax, agriculture, forestry, water, trade, etc.), and how could these policies affect their medium-term capacity to help achieve the objective that has been set for carbon sequestration?
- **W**hat regulations and conditions should be put in place so that carbon sequestration initiatives such as '4 for 1000' do not make the most vulnerable populations in the South even more insecure, but actually increase their capacity for resilience and self-determination?
- **W**hich regulatory mechanisms for the different land markets (sale/purchase, rental, shares), capital markets, markets for forest, livestock and agricultural products and carbon markets could help achieve the carbon sequestration objectives?