STATE OF LAND
IN THE MEKONG REGION

POLICY BRIEF 3

Recognition of customary tenure in the forest landscapes of the Mekong region

More than 70 million people in the Mekong region depend on forests, but many lack the formal legal rights to use, manage and benefit from them (MRLG & Land Portal, 2021). Forest areas represent just under half of the region's total land area most of which are officially under State ownership. Lack of recognised and secured tenure rights results in communities losing access to land and forests critical to their livelihoods through different forms of land grabbing. When tenure is insecure, local stewardship over resources breaks down, which further incentivises deforestation and forest degradation. Tenure security is thus critical for improving the livelihoods of the rural poor as well as forest conditions.

Securing community tenure and access to forest resources through the recognition and formalisation of customary rights is a precondition for sustainable livelihoods and the management of forests. The recognition and protection of customary forest rights greatly contribute to food security, poverty reduction and economic development. It also contributes to forest conservation and climate change mitigation (Diepart et al., 2023; RECOFTC, 2021; Robinson et al., 2014).

This brief focuses on State-led tenure reforms and initiatives to recognise customary tenure arrangements and rights to use and manage forests. It maps out different options for formalising customary forest tenure offered by States, including their relative coverage and the associated rights and responsibilities devolved to communities.

Setting the stage

Forest degradation and responses

Forest landscapes managed under customary tenure arrangements have undergone a massive transformation. Over the last two decades, 17 million hectares of forest have reportedly been lost in the Mekong region (based on our calculations using the example set out by Hansen et al., 2013). This is mainly due to the expansion of commercial agriculture in upland areas, which have historically been inhabited by ethnic minorities. Even if increases in forest cover are observed through plantations in countries such as Vietnam, the picture for the region overall reveals a rapid decline in natural forest. This is placing severe limitations on communities' access to natural forests and undermining their connection to land, livelihoods and customary practices. In response, governments in the region have initiated legal reforms and opened new possibilities to formally recognise communities' customary tenure rights in forestlands. Several mechanisms and initiatives have emerged, such as land use planning, communal land titling, community forestry, or the zonation of Protected Areas. They all underscore a growing recognition that secure tenure and access to resources are essential for livelihoods and the sustainable management of forests.

What is customary tenure?

Broadly defined, customary tenure is a set of locally defined rules, norms, and practices that regulate the allocation, access, and use of land, forest, and water resources within a territory (usually a village or village cluster). They are embedded within institutions such as kinship, ethnicity, neighbourhood, village, etc. (MRLG & Land Portal, 2021).

Customary tenure systems are not static nor unchangeable: rules, norms, and practices are continuously adapted, reshaped, and renegotiated through processes that are contingent on local conditions and their interactions with wider dynamics.

Customary tenure is not limited to indigenous peoples or ethnic minorities practising shifting cultivation for self-subsistence: it includes a wide array of land use practices and forms of regulation for managing land and natural resources, often under mixed individual and collective arrangements (MRLG & Land Portal, 2021).

On paper, the various initiatives, policies and legislation throughout the region have similar overall aims of forest protection, conservation, and livelihood improvement. Yet initiatives to formalise community rights such as land and forest use, management planning, and the granting of titles, take many different forms in respect of their approach, priorities, and the scope of rights granted.

© Matyas Rehak

© Bart Verweij

Many initiatives that purport to attribute a greater role in the management of forests to communities, do not result in either protected forests or improved livelihoods. Forest conservation and livelihood outcomes are more likely to succeed when there is a robust and coherent legal framework that recognises community rights and right holders, accompanied by the dissemination of these laws, and the provision of legal training on land rights, safeguards and conflict resolution, to communities, government officials and investors (Hackmann, 2022; Lewis et al., 2023). Success also requires formalisation processes to be inclusive and flexible (Baird, 2013; Erni & Deligne, 2022; RECOFTC, 2022), and communities to feel secure that their rights are protected (Broegaard et al., 2017; RECOFTC, 2021). An enabling environment that allows communities to benefit from their land and resources is also required (Gritten et al., 2015; Hak et al., 2018).

Diverse approaches to the recognition of customary rights respond to different political opportunities, which can create opportunities for incremental change. The limitations and opportunities of different customary tenure formalisation mechanisms are discussed below, recognising that processes and outcomes are always context specific.

Scope of this policy brief

Three **key themes** and debates are shaping trends and pathways for customary recognition of forest tenure, with implications for achieving tenure security, sustainable forest management, and improving livelihoods:

- Sectoral versus territorial approaches to tenure recognition;

- Private individual versus communal titling;

- Community-based forest management and the trade-offs between protection and livelihoods.

After describing these three key themes, this brief proposes pathways to take the recognition of customary tenure forward at different levels.

Approach

This brief is based on a meta-analysis of academic articles, reports, and case studies found in the Mekong Land Research Forum repository, hosted by the Regional Center for Social Science and Sustainable Development (RCSD) at the University of Chiang Mai in Thailand: www.mekonglandforum.org.

The search string, which was limited to English language articles published between 2008 and 2021, returned 91 references. We complemented this list with 13 review articles, focusing on the Mekong or Southeast Asia regions, retrieved from Google Scholar, as well as 15 reports produced by the Mekong Region Land Governance project (MRLG). Thus, the final sample used as an information basis for this brief included 119 documents.

Sectoral versus territorial approaches to customary tenure recognition

Land and natural resources managed customarily by communities are usually very diverse (agriculture, forest, water, grassland, etc.) and organised as a patchwork landscape. Two approaches towards customary tenure recognition can be envisaged: a sectoral one that recognises specific and bounded resource units, or an approach embracing diversity and recognising the landscape as a whole.

Sectoral approaches

The tendency in the Mekong region is to formalise customary rights through a sectoral or parcel-based approach that singles out resource units of a diversified customary landscape and places them under the juris-diction of specific laws and ministries. This is typically done through a Community-Based Forest Management agreement (community or village forestry) or the issuance of a private individual or collective title. This approach reflects the fact that the main tools used to recognise and formalise customary tenure are embedded in specific law and policy-making processes, as well as ministry-driven reforms.

This approach results in a legally firmer but fragmented approach to recognition that can exclude key sources of livelihood and increase the bureaucratic burden. Typically, a Community

© Bart Verweij

© JC Diepart

Sector-based customary tenure formalization including Community Forestry and titling.

Community Forestry needing approval from several ministries and ...

... individual titles issued by other ministries

'Whole-of-landscape' approach recognizing customary tenure for a community's entire territory.

Customary land rights covering the entire territory of a community

Forestry agreement focuses on forests and generally prohibits, or limits, agriculture. Even the Cambodian model of communal land titling, which is often described as territory-based recognition, is sectoral in its approach as it consists of the issuance of parcel-based titles for specific land use types and prohibits various forms of utilisation.

Territorial approaches

Forest-dependent people do not rely exclusively on forest resources. Their livelihoods depend on a range of land types that are used and managed in an integrated way. Their ancestral and spiritual connections to land also span different land use types and topographical features. Thus, an integrated area-based jurisdictional approach to the recognition of customary lands would help to overcome the limitations of a sectoral approach. A territorial approach involves State recognition and enforcement of external boundaries around a territory (e.g. a village). It can be an interim measure that enables later provision of legally stronger tenure formalisation mechanisms, notably titling, if and where appropriate.

Such a territory-based approach is typically a village land use planning exercise consisting of a detailed assessment of past and current land-use systems, understanding customary rules, and then combining this into a planning exercise for future land use and land tenure management (FAO & MRLG, 2019; Hackmann, 2022).

The drawback of this approach is that it requires collaboration across jurisdictions and between several stakeholders and ministries. Even if land use plans are signed by territorial authorities, they are not legally as strong as community-based forest agreements and titles in protecting communities against external interests.

Combining approaches

These two approaches are not mutually exclusive. A territory-based land use plan is not an alternative to formalisation but could serve as an interim protection measure until formal land registration, titling, or Community-Based Forest Agreements are obtained. Likewise, a land use plan can empower communities to articulate and assert their land rights against competing interests. Land use

plans can build evidence to help communities to anticipate any issues that may emerge if and when the government rolls out land titling or another land and forest formalisation program.

Combining these approaches also offers different forms of engagement with the State, from delegation by ministries to manage different territories, to creating checks and balances across ministries. But supporting such a cross-jurisdictional approach needs to go hand-in-hand with effective institutions, and human and financial resources. This could be shaped via an inter-ministerial committee with adequate resourcing and establishment of a dedicated office within each ministry.

In establishing checks and balances, it is important to mainstream cross-cutting issues, such as gender inequality, as women often lack decision-making power in forest management and suffer disproportionately from the loss of forests (Beban & Bourke Martignoni, 2021; RECOFTC, 2022).

© Bart Verweij

Private versus communal land titling

Land titles are perceived across the region as the ultimate form of tenure security. But titling programs often lead to polarised positions on the benefits and risks of individual and communal titling to recognise customary tenure and benefit the poor.
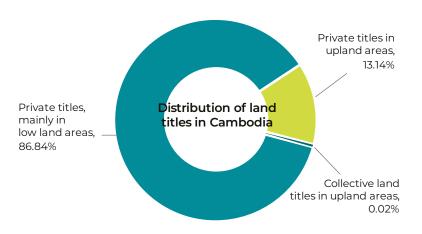
Private titling: the Holy Grail?

The review of these mechanisms highlights a clear preference on the part of governments toward private individual land tenure (title or land use certificates) over communal tenure across the region. Private individual titles facilitate land markets and land collateralisation to obtain loans, which are considered modern recipes for development in the land sector. In turn, communal titling is seen as a form of isolating communities from market opportunities, with restrictions on sale and transfer which may constrain farmers' options.
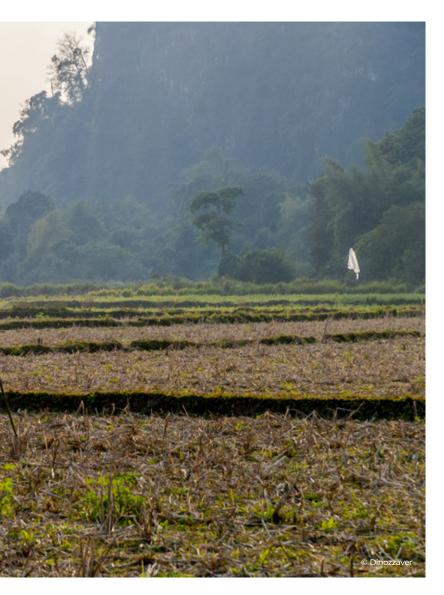
In the legal framework, communal titling is either limited to non-agricultural land categories, thus excluding land under shifting cultivation (as in Laos), or involves cumbersome processes whereby communities are required to prove indigenous status and to register as legal entities (as in Cambodia). Farmers who

Distribution of land titles in Cambodia

Private titles in upland areas, 13.14%

Private titles, mainly in low land areas, 86.84%

Collective land titles in upland areas, 0.02%

Source: (Ministry of Land Management, Urban Planning and Construction (MLMUPC), 2017)

© Dinozzaver

practice shifting cultivation are more affected by these legal limitations as shifting cultivation is associated with communal management (Dressler et al., 2017).

Titling efforts in Cambodia are a good illustration of the bias toward private land tenure. Land adjudication has occurred mainly in lowland areas, where most land eligible for titling is located (87% of titles issued, see Figure below). In the uplands, smallholders have an intense need for land security as they face competing claims from large-scale land-based projects. However, in these areas, land has mainly been ineligible for private titling, since the government's main approach to addressing tenure insecurity and the land dispossession of Indigenous Peoples in the uplands was to offer communal titles.

In light of competing land claims and associated conflicts related to land concessions and the migration of Khmer people to the uplands, the government opted in 2012-2013 for a one-off campaign that issued individual titles in the uplands (around 13% of titles issued in the country). In contrast, only 0.02% (856 titles) have been issued to 33 communities in the uplands.

Communal titling as protective measure

Practitioners and researchers tend to converge around communal land titling as a better solution to recognise people's land and forest customary rights, and to provide protections for traditional land practices such as shifting cultivation. This is because collective ownership has the potential to mitigate the risks of territorial fragmentation and land accumulation induced by private titling. It also acts to curtail internal land sales, and to support forest conservation. However, legal options for collective ownership remain limited in the region and experiences with communal land titling in Cambodia and Laos leave much to be desired (Baird, 2013; Hak et al., 2018).

At the same time, land scarcity associated with land concessions, internal migration, and the expansion of Protected Areas are altering customary tenure institutions that previously maintained community subsistence protection in favour of informal private property.

Many indigenous families in Cambodia, for example, are choosing not to apply for, or to withdraw from, their collective titles in favour

of obtaining individual titles. Therefore, while some see communal titles as providing protections and recognition of indigenous land practices — such as shifting cultivation — others see it as a barrier to accessing bank loans, and as a hindrance to the adoption of modern forms of production (Baird, 2023).

Seeking complementarity between private and communal titling

In practice, however, there is no dichotomy between private individual and communal tenure. Customary tenure systems are often a combination of communal land and plots owned by individual families. Yet resource commodification and large-scale investments create more tenure insecurity, which results in a growing demand for individual private tenure. In this context, communal tenure is increasingly seen as collective protection for land and resources held privately.

Recognising and securing customary tenure is not just about delineating a piece of land and issuing a title for it. It is mainly about shaping durable social relations between all actors involved in using and managing these resources. What is needed are measures to facilitate the emergence of institutions that recognise the rights of individual users, acknowledge the agency of communities to manage these rights inclusively, and empower them to generate sustainable livelihoods. In that pursuit, private and communal tenure are not antagonists and can be combined.
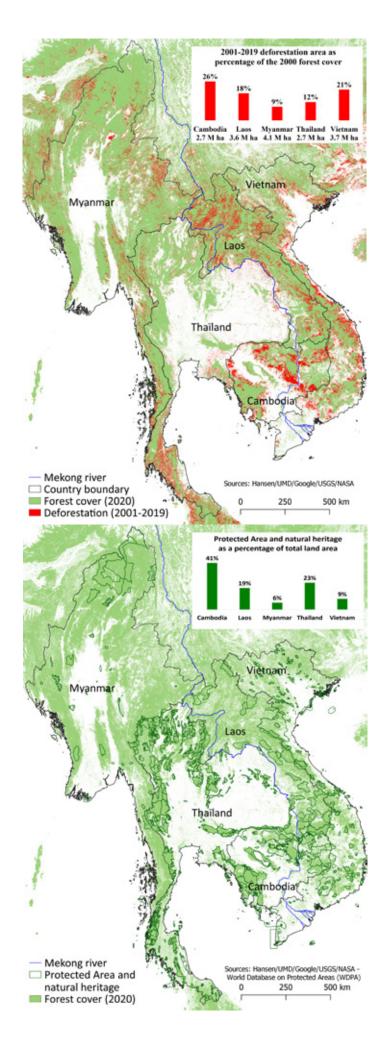
Community-based forest management: a data view

The data jungle

Access to, and analysis of, data relevant to forest management – and community-managed forests in particular – is a core challenge, even for organisations committed to social forestry. Datasets are not easily accessible in the public domain. They are also usually inconsistent across different forest types (production, protection, conservation, etc.) and are often not spatially explicit. These limitations tend to undervalue the importance of Community-Based Forest Management and cast a shadow over the recognition of communities as key actors in forest management.

© Bart Verweij

© Bart Verweij

2001-2019 deforestation area as percentage of the 2000 forest cover

Cambodia 2.7 M ha	Laos 3.6 M ha	Myanmar 4.1 M ha	Thailand 2.7 M ha	Vietnam 3.7 M ha
26%	18%	9%	12%	21%

Sources: Hansen/UMD/Google/USGS/NASA

— Mekong river
☐ Country boundary
■ Forest cover (2020)
■ Deforestation (2001-2019)

0   250   500 km

Protected Area and natural heritage as a percentage of total land area

Cambodia	Laos	Myanmar	Thailand	Vietnam
41%	19%	6%	23%	9%

— Mekong river
☐ Protected Area and natural heritage
■ Forest cover (2020)

Sources: Hansen/UMD/Google/USGS/NASA - World Database on Protected Areas (WDPA)

0   250   500 km

Forest loss versus forest protection

A tension that lies at the core of forest management across the region is the co-existence between unprecedented deforestation, and the consolidation of Protected Area management. Despite variations between countries, the loss of forests has been rampant between 2000 and 2019 (Map below). At the same time, governments have maintained, or enlarged, the area delineated for nature conservation (Protected Areas or natural heritage), which can represent a significant part of national territories as shown in the Map below. Both processes place limitations on access to the forest for forest-dependent peoples.

Community-Based Forest Management

Concerns over the continued loss of forests and biodiversity, and community demands for greater access and control over resources, has prompted governments in the region to initiate legal reforms and open up new possibilities to recognise customary tenure in State forestlands. These include various types of Community-Based Forest Management schemes – also known as Community Forestry, Community Protected Areas, or Village Forestry – that are usually formalised via a co-management agreement with the State. They also include forestland allocated to individuals or households. In each country in the Mekong region, forest co-management is referred to as:

- Cambodia: Community Forestry in production forest, and Community Protected Area in Protected Areas

- Laos: Village Forestry in production forest and Control Use Zone Permit in conservation forest

- Myanmar: Community Forestry

- Thailand: Community Forestry

- Vietnam: Individual and community Forest Land Use Certificate through forest [re] allocation.

Community-based forest management: addressing trade-offs between protection and livelihoods
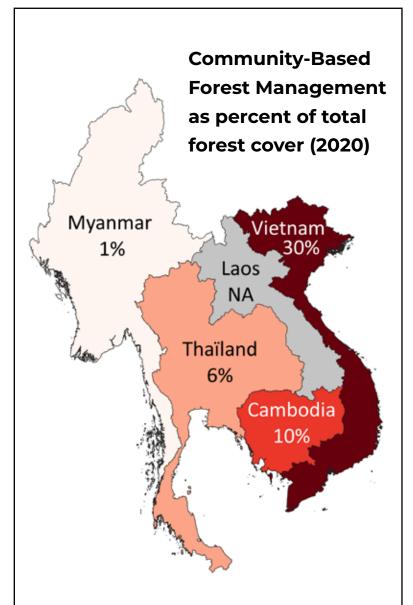
There is a tension in Community-Based Forest Management between what is asked of communities as 'partners' of the State to protect the forest, and the livelihood benefits and tenure security they gain from these efforts.

A tainted picture of outcomes

The literature indicates that Community-Based Forest Management (CBFM) across the region often contributes to improving forest conditions, mainly because communities help to restore degraded forests allocated to them by the State (Gilmour, 2016). Despite this, our figures show that, with the notable exception of Vietnam, CBFM schemes represent only a small share of the total forest area in each country (see Map).

Another common finding is that the devolution of rights from the State to communities and the strength of tenure rights are often insufficient to deliver significant impacts on livelihoods. The rules and conditions that accompany rights usually confine communities to forest protection activities and traditional and non-profitable use of forest products (Diepart et al., 2023).

Gaining customary tenure recognition often requires communities to be formed as legal entities making them recognisable to the State, as well as forming operational rules for internal management of commons to ensure fairness and sustainability. But these processes are cumbersome not just for acquiring State recognition (only a very few Community Forests have submitted management plans to the State for approval), but also on the internal operations side (internal rules within CBFM are often not obeyed). The literature further suggests that the potential of Community Forestry to overcome gender inequality often remains unfulfilled as women have minimal participation and have little or no leadership positions in the forestry sector.

Community-Based Forest Management as percent of total forest cover (2020)

Myanmar 1%
Vietnam 30%
Laos NA
Thaïland 6%
Cambodia 10%

Data on community-based forestry from: (a) Cambodia: Forestry Administration (2018) and Ministry of Environment (2022); (b) Myanmar: Department of Forestry (2022). Dataset provided by OneMap Myanmar project, CDE; (c) Thailand: RECOFTC, 2020; (d) Vietnam: THƯ VIỆN PHÁP LUẬT, https://thuvienphapluat.vn. Total forest areas derived from FAO Global Forest Resources Assessment (2020).

Bringing in trade

Commercial community-based forest enterprise models are now being promoted to improve livelihoods and incentivise conservation. They encourage village-based enterprises and engagement in local and global markets through sales of timber for furniture, non-timber forest products, ecotourism, payment for ecosystem services, etc. However, these new developments raise questions regarding benefit-sharing.

When profit generation is involved, the literature consistently identifies the issue of elite capture by village headmen or representatives of groups who seize collective benefits as their private interest. Corruption and poor administration are often linked to the failure of many CBFM schemes to meet poverty reduction targets, an issue well-documented across the region (Sikor et al., 2013).

The global carbon economy mobilised for reducing emissions from deforestation and forest degradation (REDD+) illustrates these tensions. It engages primarily with deforestation driven by smallholder farmers, while forest loss due to infrastructure projects and large-scale concessions are usually excluded. This puts a considerable burden on forest-dependent farmers, whereas their actions are often framed by much larger-scale dynamics of commodification and deforestation (Dwyer & Ingalls, 2015). Considering the scale of funding made available to local communities (compared with the financial benefits flowing to State and other actors), REDD+ is neither a poverty alleviation mechanism nor even a credible means to incentivise the avoidance of deforestation and forest degradation.

Moving forward?

Even though CBFM has gained prominence in national development agendas and the forest policies of the Mekong region countries, more is needed to deliver on its objectives. There have been some encouraging steps, but the recognition and protection of customary forest tenure needs to be strengthened in both law and practice.

Two interlinked issues are at stake. First, there is a need to ease the regulatory framework and allow communities to gain more substantial benefits from forests. This requires moving beyond the tendencies to confine forest villagers to unprofitable pursuits, or to pair-up village enterprises in exploitative relations with corporations. Second, there is a need to understand better who 'the community' is and embrace the diverse needs and livelihoods of forest-dependent people such as women, the poor, and ethnic minority groups. This necessitates long-term engagement from State authorities and civil society, and prioritising those with less power.

Pathways to enable the recognition of customary tenure in forest landscapes

Despite significant improvements, current initiatives to recognise and formalise customary tenure in forest landscapes lack effectiveness: deforestation continues unabated, the spatial scope of recognised tenure is limited, and livelihood outcomes remain inconclusive. Weak recognition of customary tenure works against the interests of States to achieve their goals of sustainable forest management and inclusive economic growth.

To overcome current limitations, an enabling environment is needed that supports smallholders' land- and forest-based livelihoods, and that allows for the emergence of resource governance systems that give communities more control over resources.

1. A creative institutional framework

Stronger statutory frameworks that recognise a wide array of rights to land and forest resources are needed so that communities can generate benefits that go beyond traditional non-commercial use.

An incremental and hybrid approach to recognition that combines different legal and institutional mechanisms may open viable pathways. For example, area-based approaches, such as land use planning, could provide complementary protection to formalisation via specific Community Forestry schemes or titling efforts enacted through more sector-specific legal instruments. These approaches should not be seen as competing, but rather complementing each other, particularly when it comes to providing interim protection for areas most at risk.

Institutional creativity requires coordination and collaboration between different sectors to address conflicting mandates and legal loopholes. This requires an inter-ministerial taskforce with adequate human and final resources dedicated to it.

2. Decentralised and inclusive decision-making

There is no easy technical fix to the recognition of customary tenure. Recognition needs to be responsive to different contexts and to remain flexible, which means taking a variety of decentralised approaches. Overall, approaches should give communities more decision-making power and control over shaping their tenure arrangements, and that strengthen their rights to use and manage their lands and resources. These rights need to be backed by law as well as account-ability mechanisms to ensure legal rights are upheld. This includes developing accessible and inclusive mechanisms to address grievances and resolve conflicts.

Decentralisation entails a two-tiered process. Communities must lead the process to continuously shape and protect their customary tenure institutions. But local institutions must also be transparent and downwardly accountable to avoid elite capture and social exclusion.

3. Inclusive monitoring of impacts

Processes for the formalisation of community rights create institutions that combine customary norms and statutory rules. These hybrid institutions must be monitored for impacts in communities' own terms, according to their own perceptions of performance, justice, and sustainability. This does not preclude a supervisory role for outside institutions to ensure that local institutions for the governance of shared resources remain accountable (e.g. they address equity concerns).

Community-based monitoring and learning is part of a wider reflexive process that leaves room for adjustments to be made in the face of changing circumstances at multiple levels: land use and livelihood changes, intra-community social differentiation, interactions with the State, and environmental transformations.

4. The building of mutual accountability through alliances

Given the collaborative processes mobilised for the recognition and protection of customary tenure, it is important to create spaces for dialogue that are not bound by policy-making agendas or project time frames and logic. Networks should include a wide array of State and non-State actors, from indigenous organisations to global networks, advocating the greater responsibility of private investors in land. These networks converge on various issues of mutual interest. Working in the spirit of an alliance helps to identify areas of compromise, and creates more effective accountability and support mechanisms than what is offered in a more classical State-community setting. Including a wide network of actors also fosters learning and exchange, which is critical to navigate complex issues of community tenure.

© Bart Verweij

Sources

Baird, I. G. (2013). 'Indigenous Peoples' and land: Comparing communal land titling and its implications in Cambodia and Laos. *Asia Pacific Viewpoint*, 54(3), 269–281. https://doi.org/10.1111/apv.12034

Baird, I. G. (2023). Indigenous communal land titling, the microfinance industry, and agrarian change in Ratanakiri Province, Northeastern Cambodia. *The Journal of Peasant Studies*, 1–27.

Beban, A., & Bourke Martignoni, J. (2021). 'Now the Forest Is Over': Transforming the Commons and Remaking Gender in Cambodia's Uplands. *Frontiers in Sustainable Food Systems*, 5(October), 1–15. https://doi.org/10.3389/fsufs.2021.700990

Broegaard, R. B., Vongvisouk, T., & Mertz, O. (2017). Contradictory Land Use Plans and Policies in Laos: Tenure Security and the Threat of Exclusion. *In World Development* (Vol. 89, pp. 170–183). Elsevier Ltd. https://www.sciencedirect.com/science/article/pii/S0305750X15304848

Diepart, J.-C., Scurrah, N., Beban, A., Gironde, C., & Campbell, N. Y. (2023). The recognition and formalization of customary tenure in the forest landscapes of the Mekong region: A Polanyian perspective. *Journal of Land Use Science*, 18(1), 211–226.

Dressler, W. H., Wilson, D., Clendenning, J., Cramb, R., Keenan, R., Mahanty, S., Bruun, T. B., Mertz, O., & Lasco, R. D. (2017). The impact of swidden decline on livelihoods and ecosystem services in Southeast Asia: A review of the evidence from 1990 to 2015. *Ambio*, 46(3), 291–310. https://doi.org/10.1007/s13280-016-0836-z

Dwyer, M. B., & Ingalls, M. (2015). *REDD + at the crossroads: Choices and tradeoffs for 2015 – 2020 in Laos.* https://doi.org/10.17528/cifor/005536

Erni, C., & Deligne, A. (2022). *Restoring land rights: Pathways for the recognition of customary tenure in Myanmar* (Thematic Study #13). Promotion of Indigenous and Nature Together and Mekong Region Land Governance.

FAO & MRLG. (2019). *Challenges and opportunities of recognizing and protecting customary tenure systems in the Lao People's Democratic Republic.* 12.

Gilmour, D. (2016). *Forty years of community-based forestry. A review of its extent and effectiveness.* Food and Agriculture Organization of the United Nations.

Gritten, D., Greijmans, M., Lewis, S. R., Sokchea, T., Atkinson, J., Quang, T. N., Poudyal, B., Chapagain, B., Sapkota, L. M., Mohns, B., & Paudel, N. S. (2015). An uneven playing field: Regulatory barriers to communities making a living from the timber from their forests-examples from Cambodia, Nepal and Vietnam. *Forests*, 6(10), 3433–3451. https://doi.org/10.3390/f6103433

Hackmann, R. (2022). *Assessment of Customary Tenure Systems in the Lao PDR.* Word Bank. https://openknowledge.worldbank.org/server/api/core/bitstreams/24dee00a-2200-536b-b4b4-7205ba135da0/content

Hak, S., McAndrew, J., & Neef, A. (2018). Impact of Government Policies and Corporate Land Grabs on Indigenous People's Access to Common Lands and Livelihood Resilience in Northeast Cambodia. In Land (Vol. 7, Issue 4, pp. 1–20). https://www.mdpi.com/2073-445X/7/4/122/htm

Hansen, M. C., Potapov, P. V., Moore, R., Hancher, M., Turubanova, S. A., Tyukavina, A., Thau, D., Stehman, S. V., Goetz, S. J., Loveland, T. R., Kommareddy, A., Egorov, A., Chini, L., Justice, C. O., & Townshend, J. R. G. (2013). High-Resolution Global Maps of 21st-Century Forest Cover Change. *Science*, 342, 850–853.

Lewis, S. R., Faure, N., Leonard, S., Pen, R., Ba Ngai, N., & Phengsopha, K. (2023). Safeguarding customary forest tenure in the Mekong Region: A legal analysis. *Journal of Land Use Science*, 18(1), 84–108.

MLMUPC. (2017). *Report of the General Assembly of the Ministry of Land Management, Urban Planning and Construction: Results of 2017 and planning for 2018.* MLMUPC.

MRLG, & Land Portal. (2021). *Mekong Regional Land Forum 2021: Land tenure in Mekong forest landscapes: Advancing the recognition of customary rights and responsible investment practices. Summary Report.* Mekong Region Land Governance.

RECOFTC. (2021). *Tenure and social forestry in ASEAN Member States: Status, analysis and recommendations*. RECOFTC. https://www.recoftc.org/sites/default/files/publications/resources/recoftc-0000387-0003-en.pdf

RECOFTC. (2022). *Gender, tenure and customary practices in forest landscapes*. RECOFTC and MRLG. https://www.recoftc.org/sites/default/files/publications/resources/recoftc-0000387-0003-en.pdf

Robinson, B. E., Holland, M. B., & Naughton-Treves, L. (2014). Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation. *Global Environmental Change*, 29, 281–293. https://doi.org/10.1016/j.gloenvcha.2013.05.012

Sikor, T., Gritten, D., Atkinson, J., Huy, B., Dahal, G. R., Duangsathaporn, K., Hurahura, F., Phanvilay, K., Maryudi, A., Pulhin, J., Anthony, M., Ramirez, S., Win, S. T., Vaz, J., Sokchea, T., Marona, S., & Yaqiao, Z. (2013). *Community forestry in Asia and the Pacific: Pathways to inclusive development*. RECOFTC.

Authors:

Jean-Christophe Diepart *School for Field Studies, Siem Reap, Cambodia*

Natalia Scurrah, *Regional Center for Social Science and Sustainable Development (RCSD), Chiang Mai University, Thailand*

Alice Beban, *School of People, Environment and Planning, Massey University, New Zealand*

Christophe Gironde *Geneva Graduate Institute, Switzerland*

Natalie Y. Campbell *MRLG*

The Series: This brief is part of a series of four on the agrarian transition in the Mekong region. It highlights issues that emerged as critical concerns in a consultation involving inputs from more than 100 experts from the region.

Brief 1 'Pathways towards sustainable land systems'

Brief 2 'Agricultural commercialisation: Balancing efficiency, equity, and justice'

Brief 3 'Recognition of customary tenure in the forest landscapes of the Mekong'

Brief 4 'Creating agricultural landscapes with positive environmental outcomes'

The Mekong Region Land Governance Project (MRLG) aims to improve the land tenure security of smallholder farmers in the Mekong Region and has been operating in Cambodia, Laos, Myanmar and Viet Nam since April 2014. MRLG is an initiative of the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC), with co-financing from the Government of Germany and the Government of Luxembourg.

Please visit www.mrlg.org

The Centre for Development and Environment (CDE) is an interdisciplinary research centre at the University of Bern. CDE's commitment is to advance innovative approaches in research and education that are appropriate for transforming highly complex sustainability problems into widely supported sustainable development pathways.
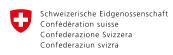
Disclaimer

The views, opinions and interpretations expressed in this publication are those of the authors and contributors. They should not be interpreted as representing the official or unofficial views or positions of SDC, Germany or Luxembourg.

Produced by:

MRLG
MEKONG REGION
LAND GOVERNANCE

Funded by:

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development and Cooperation SDC

german
cooperation
DEUTSCHE ZUSAMMENARBEIT

LUXEMBOURG
AID & DEVELOPMENT

u^b
UNIVERSITÄT
BERN
CDE
CENTRE FOR DEVELOPMENT
AND ENVIRONMENT

Implemented by:

Land Equity
International

GRET

Supported by:

giz