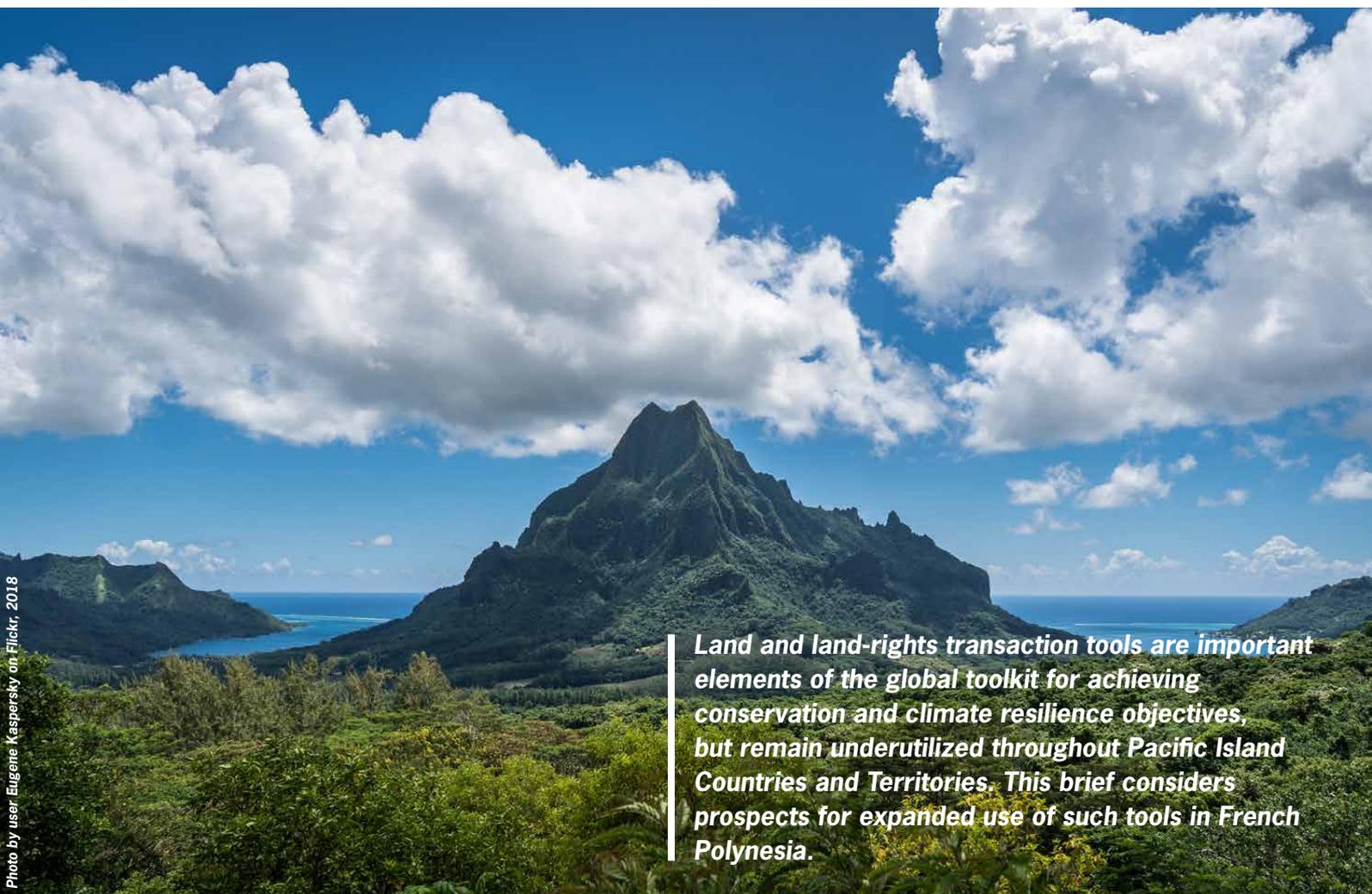




POLICY BRIEF

Advancing Transaction Tools for Conservation and Climate Resilience in French Polynesia



Land and land-rights transaction tools are important elements of the global toolkit for achieving conservation and climate resilience objectives, but remain underutilized throughout Pacific Island Countries and Territories. This brief considers prospects for expanded use of such tools in French Polynesia.

The Objective: Expanding Terrestrial Area under Protection or Conservation Management

Although French Polynesia enjoys a significant amount of autonomy from France, including in its environmental policy and actions, compliance with international conventions such as the Convention on Biological Diversity (CBD) and its Aichi Target 11 for terrestrial conservation rests principally with France. France is committed to achieving the CBD targets, including in its overseas territories.

French Polynesia has 32 Protected Areas on 15 islands. Twenty of these have been created since 2010, but 18 are Marine Protected Areas. Only 2-4% of land area is formally protected. 115 sites have been identified as significant for conservation, including 15 that are high priority or critical.

Transaction Tools

Transaction tools involve exchanges between willing buyers and willing sellers for land or specific rights attached to a parcel of land. Three tools may be examined as means to advance conservation and climate resilience in French Polynesia:

- i. Outright purchase, in which a landowner irrevocably relinquishes all property rights to a buyer against payment. The buyer can be another private entity, a government entity, or an organization such as a land trust specifically established for the purpose of acquiring lands for conservation.
- ii. Easements, in which landowners irrevocably relinquish partial rights over property or accept restrictions on certain activities on the property, but not ownership of the property itself.
- iii. Leases, in which landowners relinquish use-rights for a defined period of time without ceding ownership of a property. Leases typically include payments based on economic value of the land, though all terms including payment amounts are subject to negotiation. Lease payments can involve private or public funds. Concessions can be considered as a special case of leases relating to public land.

These tools are distinct from imparting conservation status on an area through use of regulatory authority (with or without compensation to landowners), and also from approaches intended to motivate voluntary conservation (such as environmental education and awareness campaigns, or alternative livelihood programmes). That said, these measures may complement a transaction as when a purchase leads to formal protected area designation or a lease is accompanied by livelihood investments.

Transaction Tools in French Polynesia

Land purchases, leases, and more or less formalized conservation agreements have been used in French Polynesia, but several constraints complicate efforts to apply such tools at scale, particularly multi-generational joint ownership situations that affect about 50% of privately owned land. Despite the introduction of new legal provisions and resources to resolve joint ownership situations, it is unlikely that the amount of land available for transactions will grow significantly in the near future.

As the most commonly used transaction tool in French Polynesia, use of long-term leases could conceivably expand through longer durations and more contracts happening on private lands. Longer durations will suit those willing to make longer-term commitments that stop short of the irreversible nature of easements. Contracts on private lands can offer more economic opportunities to property holders and farmers in the form of incentives for conservation. Easements have been limited to right-of-way agreements, as the legislation only describes limited applications and does not accommodate broader use for conservation purposes.

Conservation non-profit SOP Manu has significant experience with leases and conservation agreements, though financial constraints have precluded purchases. It has partnered with a range of stakeholders, including public and private landowners as well as resource user groups such as hunters and farmers.

Key Feasibility Considerations

The following factors influence the feasibility of expanding use of transaction tools for conservation and climate resilience in French Polynesia:

Identification of priorities: As mentioned above, a total of 115 sites have been identified as significant for conservation, including 15 that are high priority or critical, but only between 2% and 4% of the land area is formally protected. According to an administrative auditing body, a number of protection projects have been initiated in the past 30 years but they have not been completed (for example, a nature reserve that would have included the Pari cliffs in Tahiti).

Policy context: The Government of French Polynesia has not yet finalized a comprehensive conservation strategy. A sector policy for nature was formulated by the Environment Department (DIREN), but for internal use only. Broader conservation strategy definition is difficult due to data constraints: there is no forest inventory and no data on erosion and resulting sedimentation, air quality, land use, or the impact of waste. Given the context of a high poverty rate, environmental policy may be overshadowed by the government's focus on economic development, productive activities, and social services.

Legal context: French Polynesia houses multiple land tenure systems. In its land registry (which excludes Rapa Island, the only area with customary land ownership and no land registry) completed as of 2017, 20% of land is public and 80% private, of which 50% is under joint ownership (indivisions successorales). Jointly owned properties commonly have dozens or even hundreds of owners, which has made leases or other agreements as well as sales rare. When joint ownership situations become resolved in the future, the supply of land for use and purchase will increase, along with the resulting threat of unsustainable development. Easements exist in French Polynesia in the form of servitudes which are traditionally granted for right-of-way, scenic purposes and water access.

Social and cultural context: Realizing the need for conservation in the face of climate change and population growth, many communities have embarked on reviving traditional resource management systems. A key example is rahui, a taboo system that enforces a prohibition over certain marine and land areas and/or species based on traditional authority and sacred power. This revival comes with some reluctance towards transactions that would be seen as a loss of land and thus identity. The perpetuity of easements may not appeal to landowners unwilling to cede property rights, but this tool may be better received if linked to the long-term protection of culture and traditions.

Implementation capacity and long-term management solutions: International NGOs are not active in terrestrial conservation in French Polynesia. Environmental organizations typically emerge to address a localized problem and then become less active once the problem has been solved. An exception is the SOP Manu. A federation of environmental non-profits (FAPE) counts

over 30 members and could act as broker for conservation transactions. French Polynesia's various administrative departments (i.e. Environment, Land, Agriculture, Land Use & Urbanism, Marine Resources, Tourism, Culture & Heritage) involved in environmental protection will be important despite resource constraints, primarily for transactions on public land but also by providing technical assistance on private land. Given the limited reach of the central government, municipalities will be influential, particularly for land that they own.

Financing options: Public funding (government, France, EU) constitutes the main source of support for conservation and climate resilience activities in French Polynesia. A feature specific to French Polynesia is the existence of four different environmental taxes. However, very little of this revenue has gone to conservation and climate resilience. International philanthropy has focused predominantly on marine conservation, but given its recognized charismatic nature, French Polynesia should be able to mobilize more private as well as corporate philanthropy.

SYNTHESIS OF FEASIBILITY CONSIDERATIONS FOR FRENCH POLYNESIA^{*,**}

	PURCHASE	EASEMENT	LEASE
Identification of conservation priorities	2	2	2
Policy context	2	1	3
Legal context	3	1	4
Social and cultural context	3	1	4
Implementation capacity	2	1	2
Financing options	2	1	3
Long-term management solutions	3	3	3
Average Score	2.4	1.4	3

* Each factor is scored from 1 to 5 where 1 means *least conducive to feasibility*, and 5 means *most conducive to feasibility*.

** The numbers reflect initial scoring based on desk review, interviews with key informants, and group discussions in stakeholder workshops.

Recommendations

Prospects for broader use of purchases, easements and leases for conservation and climate resilience ends are mixed in French Polynesia. One constraint is the limited amount of available land due to joint ownership complexities. However, entire valleys remain untouched in the interior of some islands. Cultivating community support and addressing ownership ambiguities could expand supply of relevant parcels as an economic opportunity in such areas. Such parcels could be effective future demonstration sites, as would the two sites currently working with RESCCUE in Moorea and the Gambier archipelago.

Long-term leases have been commonly used in French Polynesia, mostly for farming purposes, including on public land. Strengthening environmental provisions in such leases can help further conservation goals. The main obstacle to purchases has been the lack of funding, which may be addressed through more efforts to mobilize international and corporate philanthropy.

Easements in French Polynesia mostly have consisted of informal rights-of-way agreements with weak enforcement. A country-level law (*Loi du Pays*) would be needed for easements to broaden their definition and enable application to area-based conservation. Lack of buy-in may be an obstacle to conservation easements, as suggested by stakeholder scepticism due to the tool's permanence.

The policy context is characterized by the absence of framework documents for conservation strategies, and by somewhat stretched resources for the relevant administrative departments. Despite considerable expertise within these departments, policy and resource limitations constrain the scope for advancing use of transaction tools. Government department heads tend to emphasize better enforcement of existing regulatory tools rather than new tools, including transactions. Municipalities generally are managed conservatively, but some more risk-tolerant and pragmatic mayors may be open to applying new tools or experimenting through pilot sites in their municipalities.

French Polynesia has attempted twice to create a CEN such as those that exist in New Caledonia and metropolitan France, without success. The establishment of a CEN would facilitate the expansion of existing tools as well as the introduction of new ones. Environmental non-profit organizations, mostly small and local, are represented by their federation (FAPE) that could coordinate organizational and technical capacity-building with the help of larger organizations such as SOP Manu.

In this institutional context, partnership between the government, municipalities, and environmental organizations offers the greatest prospects for significant impact, drawing on extensive historical use of regulatory tools for land use and the introduction or expansion of transaction tools. Sites characterized by a good working relationship between central and municipal government and an active environmental organization should be selected to test this collaborative approach.

Key points to demonstrate would be: participatory approaches and inclusive stakeholder engagement processes; conservation outcomes; cost-effectiveness; and concrete benefits to landowners.

In sum, recommended steps to expand use of transaction tools in French Polynesia include support for:

- The formation of a CEN-French Polynesia that would become the central actor in the use of transaction tools in partnership with public and private landowners, drawing on lessons from the past two unsuccessful establishment attempts (e.g. taking specific steps to cultivate the requisite political will, such as exchanges with CEN-New Caledonia to learn about both their establishment process and their accomplishments).
- Exploring the potential for a territorial conservation trust fund mechanism, with institutional linkage to the formation of a CEN-French Polynesia and an explicit mandate to catalyze conservation and climate change activities of government and civil society.
- Formulation of a conservation outreach and fundraising strategy that aligns efforts of government (e.g. Environment, Land Use & Urbanism, Marine Resources, Tourism, Culture & Heritage departments), civil society (coordinated through FAPE) and the private sector, especially tourism and cruise operators.
- A survey of relevant stakeholders to assess perspectives on desirability and prospects of advancing legislation to enable wider use of conservation easements (including identification of potential demonstration sites), focused on further identifying acceptability and appetite within government as well as among landowners.
- Selection of several sites through a consultative multi-stakeholder process, where collaboration between government, municipalities, and non-profit organizations permits testing of transaction tools for conservation – in particular, in areas with limited historical economic activity, and taking into consideration enabling conditions that have benefited from RESCCUE investment. One possible site for consideration is the island of Kamaka in the Gambier archipelago, given ecological value, the threat of invasive species, an existing relationship with SOP Manu, and, crucially, indications of owner interest in pursuing creative solutions.