



Forests, landscapes and governance: multiple actors, multiple roles

Edited by **Jane Carter**
Kaspar Schmidt
Patrick Robinson
Thomas Stadtmüller
Arjumand Nizami

The Swiss-based permanent working group on "Trees and Forests in Development Cooperation" regularly organises workshops and disseminates information on the importance of trees and forest resources and of sustainable forest management for rural livelihoods and poverty alleviation. The working group comprises members of the Swiss Agency for Development and Cooperation, SDC; the State Secretariat for Economic Affairs, SECO; the Federal Office for the Environment, FOEN; Groupe de foresterie pour le développement, GFD, Postgraduate Studies on Developing Countries, NADEL, ETH Zurich; the Centre for Development and Environment, CDE, University of Bern; Helvetas and Intercooperation.

Members of the Working Group:

Ueli Mauderli, SDC; Chantal Oltramare, SECO; Christian KÜchli and Christoph Dürr, FOEN; Jean-Pierre Sorg and Zora Urech, ETH Zurich; Ruedi Felber, NADEL, ETH Zurich; Andreas Kläy, CDE; Balz Strasser and Thomas Stadtmüller, Helvetas; Jürgen Blaser, Patrick Sieber and Kaspar Schmidt, Intercooperation.

This publication is based on the following two international workshops initiated by the Working Group:

- "Forests, landscape and governance – the roles of local communities, development projects, the state and other stakeholders" held on 3-7 September 2008 in Punakha, Bhutan. Workshop funded by SDC and organised by Helvetas.
- "Forests, landscape and governance – the roles and responsibilities of bilateral and multilateral cooperation" held on 29-30 October 2008 in Interlaken, Switzerland. Workshop mainly funded by SDC with additional financial support from the State Secretariat for Economic Affairs (SECO), and organised by Intercooperation with support from the Federal Office for the Environment (FOEN).

Publication edited by: Jane Carter
Kaspar Schmidt
Patrick Robinson
Thomas Stadtmüller
Arjumand Nizami

Copyright © Swiss Agency for Development and Cooperation SDC, 2009

Layout: liveart, Livia Grazia Greco
Cover photograph: Mukesh Rijal, Nepal
Printed by: Swissprinters, Druckerei Zollikofer AG, St. Gallen
Paper: Cyclus, 100% Recycling

Previous publications initiated by the working group are:

Pfund, J.-L. and P. Robinson (Eds.). 2006. Non-Timber Forest Products between poverty alleviation and market forces. Intercooperation, Bern.

Brüschweiler, S., U. Höggel and A. Kläy. 2004. Forests and Water: Managing Interrelations. Development and Environment Report No 19. Geographica Bernensia and CDE (Centre for Development and Environment), Bern.

Dürr, C. 2002. The contribution of Forests and Trees to Poverty Alleviation. IC Series no 3. Intercooperation, Bern.

Contents

Foreword	3
Acknowledgements	5
Summary of the findings of the two workshops	7
1. Introduction	13
1.1 Why forests, landscape and governance?	13
1.2 The 2008 workshop series on forests, landscape and governance	13
1.3 Defining governance and good governance	14
1.4 Inclusive understanding of governance	15
1.5 Governance of forests, local governance and sustainable development	16
2. Punakha Workshop, Bhutan	19
2.1 Introduction	19
2.2 Change is driven by people	20
2.3 A multi-stakeholder approach is essential	24
2.4 Appropriate policy and legislation is crucial	32
2.5 Pro-activeness in promoting equity	35
2.6 The importance of forests needs highlighting	38
2.7 Community forestry in Bhutan is moving forward	40
3. Interlaken Workshop, Switzerland	43
3.1 Introduction	43
3.2 Communities, forest governance and property rights: current situation, future trends and key aspects <i>Doris Capistrano</i>	44
3.3 Challenges for and approaches to forest governance in the Andes: The ECOBONA experience (Bolivia, Ecuador and Peru) <i>Galo Medina, Juan Carlos Romero, María de los Angeles Barrionuevo</i>	51
3.4 Forest law enforcement and governance priorities – the World Bank experience <i>Tuukka Castrén</i>	55
3.5 Promoting forest governance at the UN level: A promising strategy? <i>Walter Kälin</i>	58
3.6 From government to governance – the Swiss experience with forest governance: Summary of the field excursion to Klein Rügen, Interlaken <i>Christian Küchli</i>	62
3.7 Project Probosques Guatemala: Capacity building of municipal staff and other stakeholders for sustainable natural resource management <i>Thomas Stadtmüller</i>	64
3.8 Improving forest resource governance in post-Soviet Kyrgyzstan: Involving municipalities in a system of shared management responsibilities <i>Patrick Sieber</i>	66
3.9 Decision-making mechanisms in pilot community forestry activities in Vietnam <i>Patrick Rossier</i>	67
3.10 “Donor-driven” forest governance in northwest Pakistan – challenges and future outlook <i>Babar Shahbaz and Urs Geiser</i>	69
3.11 Challenges for forest governance in the Congo Basin <i>Asti G. Roesle</i>	71
3.12 Free, prior and informed consent: experiences gained in the field of governance in the Congo Basin <i>Christoph Wiedmer</i>	72
3.13 Forest governance in the Congo Basin: the case of Precious Woods <i>Felix Howald</i>	73
4. Conclusions	75
Annex 1 List of participants Punakha Workshop, Bhutan	81
Annex 2 List of participants Interlaken Workshop, Switzerland	82

Foreword

After two decades, in which forests and trees had limited visibility in the programmes of bi- and multilateral development cooperation agencies, they are now back on the international agenda. Trees are recognised as key, multifunctional elements of rural landscapes. Be it as precious assets for nations and communities in their adaptation to climate change or in their estimated potential to buffer several times the amount of annual global CO₂ emissions until 2030 – forests and trees have an important role to play – if nations decide to take the necessary measures. Sustainable forestry and agroforestry have positive impacts on community organisation, and influence water and soil quality and availability – supporting productive agriculture. Products and services produced and yielded by trees and forests both satisfy basic energy, construction and nutritional needs of local people and provide significant income generation opportunities.

The recent work of a highly motivated and dynamic group of people working in international forestry and governance issues in a large number of countries and programmes sheds light on key factors for success in the field. Gathered together by Working Group “Trees and Forests in Development Cooperation” – in two workshops supported by the Swiss Agency for Development and Cooperation (SDC) – one in Punakha, Bhutan, organised by Helvetas, and one in Interlaken, Switzerland, organised by Intercooperation – the participants reached the strong conclusion that integrating basic governance principles into the design of forest programmes is more decisive in achieving results than is the accuracy of more technically oriented measures.

Switzerland’s own forest policy only became successful (at least in densely populated zones) when important elements of subsidiarity were realised – that is, when management responsibility for large forest areas and corresponding tenure rights were clearly entrusted to lower levels of government. At the same time, it was necessary to create local social and economic incentives (and/or resource alternatives) to promote the sustainable use of forest resources by local people.

It can be seen that the growing interest in forestry measures in the context of developing global carbon markets has significant associated risks. Technocratic approaches to forestry appear to be on the rise again. Such approaches may work in some sparsely populated areas; however, these are becoming rare on earth. Looking back on decades – if not centuries – of global experiences, all the evidence including that in this publication suggests that in more densely populated areas, forests and many of their services and products are essentially public goods. Thus only socially oriented policies for them will be sustainable – and influence the future development and use of rules, institutions, tools and technology.

We recommend this lively text to every reader interested in the value of forests, natural resources and the preservation of nature for local development, whether they be a practitioner, a policy or decision maker or a researcher. Approaching the “woody” subject of forestry with a governance lens, this publication is easy and interesting to read, and will inspire everyone who feels that the self organisation capacity of rural societies to (re-)integrate multifunctional trees and forests in their landscapes is essential for reaching international development goals.

Hoping that this publication contributes to the fulfilment of this worthy role, we would like to thank all the hosts, participants and facilitators of the two workshops and all the members of the Working Group for their dedicated work, and the unique spirit, in which the results of these two international events were compiled. We would like to express particular thanks to Jane Carter, Kaspar Schmidt, Patrick Robinson, Thomas Stadtmüller and Arjumand Nizami, who did the hard work of the final editing of the document that you are holding in your hands.



Lyonpo Dr Pema Gyamtsho
Minister of Agriculture,
Bhutan



Dr Jörg Frieden
Directorate Global Cooperation,
Swiss Agency for Development and
Cooperation (SDC)

Acknowledgements

Many, many persons have contributed to the realization and content of this publication, which had a long path of evolution. This may in part be traced to the UNFF Country-led Initiative on Decentralization, Federal Systems in Forestry and National Forest Programmes, in which Switzerland has been involved since 2002. One event within this initiative was the workshop on Decentralization in Forestry that was held in Interlaken in 2004 (the proceedings being published as a book in 2005). This was one catalyst for Forest Governance being proposed as the 2008 annual working theme of the Swiss Working Group on Forests and Trees in Development. Another was a survey questionnaire that was sent out to forestry and related practitioners in projects and programmes supported through the Swiss Agency for Development and Cooperation (SDC), the results of which were analysed by Patrick Robinson. The 28 persons who took the time to respond to the survey verified governance as a key issue in forestry. The idea then took shape in discussions between Christian KÜchli, Ueli Mauderli, Patrick Robinson, Kaspar Schmidt, Jean-Pierre Sorg, Thomas Stadtmüller, and Balz Strasser. This preparatory group developed the concept of two workshops, one in a Southern country, followed by one in Switzerland, and shaped the way that both workshops were organised. The idea was to first exchange experiences in the field and to then share this with stakeholders in development cooperation in Switzerland, to produce a balanced South – North perspective. From the start, a joint effort between the different Swiss organisations involved in forestry in development was planned, with Helvetas taking responsibility for organising the first workshop, and Intercooperation, the second – in collaboration with the Federal Office for the Environment, FOEN. SDC provided a number of travel scholarships for the first workshop, to ensure that a wide variety of field practitioners from different backgrounds were able to attend.

Punakha workshop in Bhutan

The offer of the Royal Government of Bhutan to host the first of the two workshops is gratefully acknowledged. In particular, Dr Pema Gyamtsho, Minister of Agriculture, is thanked for his strong support, encapsulated in his insightful and encouraging message during the workshop opening ceremony. The Social Forestry Division of the Department of Forests, the Punakha District Forest Office, and the Dasho Dzongda and forestry staff of the Punakha Dzongkhag all provided invaluable assistance during the workshop. The Dzongkhag staff members are particularly thanked for organising a choice of field excursions as well as a number of cultural events. The staff of Helvetas-Bhutan fulfilled all the demanding logistical tasks associated with the five day workshop with great efficiency and ready humour. Without them, undoubtedly many of the participants would never have managed to reach Punakha; Nado Dukpa and Hans Beukeboom are particularly thanked in this respect.

The Punakha workshop was facilitated by Riff Fullan of Helvetas, who, through his ease in using knowledge management techniques, ensured that the workshop not only ran smoothly, but enabled the participants to share and exchange their experiences to the fullest. Thomas Stadtmüller and Patrick Robinson provided thematic input and overall coordination. After the workshop, the summary proceedings, followed by the main text, were produced by the editorial team and circulated for comment. Many participants took time to provide feedback; they are thanked for their ready engagement in this process. Those who provided specific material are acknowledged in the text.

Interlaken workshop in Switzerland

Although shorter in length than the Punakha workshop (being only two days), the Interlaken workshop also required considerable organisation – effected with skill and commitment by Claudia Greco and Ivana Ivkovic. Kaspar Schmidt undertook the thematic planning and coordination, liaising with all the presenters, whilst Jane Carter facilitated the workshop itself in an atmosphere of lively but relaxed learning and exchange. A half day excursion to the hillock of Klein Rugen, providing an insight into the historical development of forest governance in Switzerland, was organised and presented by Christian KÜchli. All the presenters are thanked for their insights during the workshop itself, and for their subsequent written contributions that appear in this text. Three resource persons, notably Urs Geiser, Arjumand Nizami and Lucy Koechlin, provided feedback on the discussions, some of their words being quoted in the concluding chapter.

Finally, the key role of SDC in providing the bulk of the financial support for both workshops and for the production of this publication is particularly gratefully acknowledged.

Summary of the findings of the two workshops

1. Forest and landscape governance is an urgent, major current issue

Forests are an integral part of rural livelihoods and the rural economy

Throughout much of the world, forests represent an important source of subsistence for people living in and around them. They also have increasingly wider significance in the rural economy – as a source of many diverse livelihoods based around the sale of forest products and forest services.

Making history

Viewed from a historical, global perspective, the narrative of local people's involvement in forest management – particularly in developing countries – has shifted dramatically over the last 40 years. From being widely perceived in the 1970s as hapless (even villainous) destroyers of the forest, local people came to be viewed in the 1980s as important stakeholders in afforestation and forest conservation. By the 1990s, local people were seen as partners in forest management, and now, in the first decade of the 21st century, they are actors at the forefront of forest reform and good forest governance.

Colonial past

Nevertheless, in many developing countries there are important factors stemming from colonial legacies (concepts, laws, regulations, terminology, power-distribution, training, etc.), that still influence development processes concerning natural resources and local communities. Their tendency to undermine local ownership and responsibility for forests needs to be recognised and addressed.

Taking a landscape perspective

The sound management of forests must be viewed as part of the sustainable management of all renewable natural resources, and is closely inter-linked with socially inclusive (multiple stakeholder) planning, decision-making and management. To ensure a holistic approach, this needs to be focused at the landscape level.

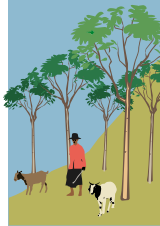
Global importance

Trans-national and global issues in forestry are gaining importance and require new approaches at the local community level. These include the opportunity for well organised forest communities and their networks/federations to become involved in the carbon trade, as well as being paid for other environmental services such as benefits accrued downstream from the management of trans-boundary watersheds.

2. Change is driven by people

Bottom-up change

The active involvement of local people in promoting good forest governance is most likely to occur when linked with a strong bottom-up desire for change. Community-based organisations (CBOs) and NGOs can play an important role in triggering, supporting and channelling such change processes into empowering social movements.



Attitudinal change

Disproven beliefs and attitudes that label governments as the sole responsible custodians of the forest and local people as ignorant users (or even destroyers) of the resource, are still quite widespread in many parts of the world. Attitudinal change is needed at all levels (community, administration, policy making). This will only come about through a thorough re-orientation of perceived roles and responsibilities, and consistent on-the-job capacity development.

Reluctance of government authorities to hand over forest to communities

Linked to the above, state officials are often still very reluctant to hand over use and control rights over forests to local communities. One reason is that handing over a resource is perceived by officials to represent a loss of power, revenue and jobs. Another is that state officials do not trust the capacities of communities to manage forests in a rational and sustainable way. There is a need to challenge the “zero sum” mentality that devolving responsibility to local people means a loss of power.

Champions amongst decision-makers

Conducive policy changes are often linked with generational changes and/or a critical mass of champions or change agents who manoeuvre to develop political and administrative leverage. This varies according to country context, but visionary individuals can play a crucial role.

3. Appropriate policy and legislation is crucial

Policies responsive to reality

Land use policies as well as policies over forest products and services must correspond with the current realities of multiple forest use by multiple stakeholders. This is most likely when they are developed in a consultative process with multiple stakeholders, and take into account lessons derived from field experience. Their enforcement is, in turn, most likely where there is clear supportive legislation, and the commitment of the stakeholders. Yet the reality is often that policies are outdated or ill-conceived, and/or implemented in a corrupt or ineffective manner.

Addressing forest crime

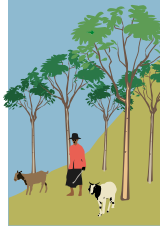
The enforcement of forest laws designed to ensure sustainable forest management, whilst respecting local community needs, is a necessary part of good governance.

Good natural resource governance is often linked to effective decentralisation

Effective decentralisation – where both decision-making and budgetary authority is transferred to local level – is highly conducive to good natural resource governance, in that the mechanisms are in place to respond to bottom-up demand. However, there are cases of good forest governance occurring in countries that do not have effective decentralisation.

Practical legislation: rules and regulations that are readily implemented

Rules and regulations in support of local forest governance must be practical and readily understood. Often building on indigenous or local norms is an effective way of ensuring their local ownership – as long as equity issues (full participation of women and other marginal groups) are taken into consideration. It is important to build in opportunities to appraise and update rules and regulations in the light of practical field experience.



Balancing local, national and international forest priorities

Quite commonly, the priorities that frame national policies and laws regarding forests are contrary to local needs, and vice versa. National priorities may also be different from international ones, raising issues about the power of sovereign States to decide matters on their territory. The most effective way to deal with such issues is through collaboration and negotiation between the concerned parties. Various international agreements and conventions, even if non-binding, can serve as leverage to balance priorities at different levels.

Ensuring coherence within the wider policy framework

Policy contradictions may also occur at a wider, inter-sectoral level. Thus contextual developments or government policies and associated legislation in sectors such as transport (roads), energy, health and others can have powerful (negative or positive) impacts on natural resource governance at the landscape level. A well coordinated approach, including fiscal policies, is essential to ensure national policy coherence. This is also true at supra-national levels (regional/transboundary and global) in bilateral or regional agreements. Ideally, the costs and benefits of developments/impacts should be shared on an equitable basis by the concerned countries. International laws and conventions (on biodiversity, human rights, indigenous peoples' rights, etc.) help to promote overall coherence and guide appropriate national legislative change.

4. Pro-activeness in promoting equity

Rights

It is essential that all members of communities are fully informed of their rights and responsibilities, especially where these are denied. Furthermore, they need the confidence and ability to demand their rights, and the means to fulfil their responsibilities. Rights imply clear benefits – unless such benefits are forthcoming, there will be little incentive for community members to invest their time and labour.

Equity

Equity in decision-making over forest management, and particularly over benefit sharing, remains a major challenge in forestry. It will not happen unless pro-active steps are taken to ensure the full participation of women and other marginalised groups. It is also important that poverty is defined in local terms, encompassing social as well as economic parameters, and promoting local awareness and sensitivity.

Indigenous peoples

International recognition of the rights of indigenous people and their growing representation in decision-making over forests is a very positive development. At the same time, it is important that the rights of non-indigenous people who live in and around forests and are dependent on them for their livelihoods, are also recognised.

Tenure

The complexity of tenure issues surrounding forestry and other natural resources in the landscape is increasingly recognised in national and international circles, yet there is still often failure to fully clarify different tenure rights (both use and control rights – which may be different for different tree products, forests, water and land) when practical interventions are made on the ground. This is essential as a first step, and should form part of a pilot phase in interventions (see below).

5. An intervention culture that builds on local ownership

Understanding the context

Projects involving forest (or other natural resource) management with and by local communities require a sound situational analysis before launching a project of any scale. Ideally, a short (1-2 year) pilot/exploratory phase should be implemented first, using action-research and participatory learning and action (PLA) approaches.

Long term commitment is crucial

The time needed for a given development process may vary considerably according to country context, and sometimes sudden leaps in development may occur. Such leaps often lead to the identification of important further challenges – sometimes referred to as different generation issues. Long-term commitment, dedication and patience are required from all actors in such development processes.

6. A multi-stakeholder approach is essential

Pluralism and continuous negotiation

The demands upon forests made by different interest groups at different levels are diverse, complex and sometimes conflicting. Continuous and inclusive negotiation between these stakeholders is necessary and vital to find acceptable ways to manage forests in a sustainable manner. Indeed, good governance implies a dynamic, on-going process.

Institutionalise multi-stakeholder platforms

Often, multi-stakeholder platforms are the only possible mechanism to manage deep-rooted conflicts. These may need to be institutionalised into legally recognised bodies which serve as a forum to plan new initiatives, discuss management issues, agree upon roles and responsibilities, and continuously control, monitor and evaluate activities.

7. Different stakeholders have different roles

Role of Community Based Organisations (CBOs)

CBOs can play a very important role in promoting pro-poor and environmentally sound forest management, representing the interests and views of local people at local, national and even international level. In this respect, their credibility is greatest where their membership is genuinely representative – especially with regard to issues of equity and discrimination. Networking and/or federating are important mechanisms for CBOs to be effective in advocacy and contribute to the elaboration of forest policy.

Role of NGOs

Many participatory/community based forest management initiatives involve facilitation by local NGOs, sometimes coordinated by national or international NGOs. Local NGOs have a particular role in building the capacities of local people and empowering them to claim their rights. The role of international NGOs lies more at the national level, and includes facilitating multi-stakeholder platforms, building networks and alliances, providing outside expertise and experience for developing capacities at all levels, informing forest policy discussions, and profiling relevant issues of international importance.



Role of national and local governments

Operating according to the important principle of subsidiarity, under which decision-making takes place at the lowest responsible body, the role of local governments should be to plan, implement and channel funds for local development initiatives. The main role of national governments is primarily that of providing an enabling environment – ensuring that appropriate policy, legislation, and rules and regulations are in place and enforced, as well as coordinating different actors and monitoring and evaluating development activities. Democratic elections play an important role in making government representatives downwardly accountable to the electorate.

Role of donors

There is still a need for better donor coordination in some cases, despite efforts made both before and after the Paris Declaration, and it is important that donors recognise the role of national governments in leading this coordination. One way in which “small” donors can make a particular contribution to development is through bringing relevant field experience to the attention of both national policy makers and other donors. Another is through their own behaviour and values, and the implicit messages that this gives.

Role of research organisations

Research organisations can play an important role in supporting good forest governance by investigating relevant aspects, and making the results of their analyses available to a broad public. They should ensure that research is as oriented to local demands as possible, working within integrated, multi-disciplinary approaches. They should also be pro-active in communicating research findings to local people, development practitioners and decision-makers – building local ownership of their findings in the process.

Role of the private sector

The private sector can play a very important role in forest governance, especially where there is strong commercial utilisation of natural resources (or where private companies promote land use which competes with forestry). The active participation of forest companies and entrepreneurs of all sizes in multi-stakeholder platforms is needed. It is important to test innovative ways to facilitate collaboration between local people and wider civil society, private companies and government bodies, and to build on the findings made.



*A landscape carved from the forest – North East Madagascar
(Photo: Jane Carter)*

1. Introduction

A workshop series on forests, landscape and governance

Kaspar Schmidt and Thomas Stadtmüller

1.1 Why forests, landscape and governance?

The members of the Working Group “Trees and Forests in Development Cooperation” chose “forests, landscape and governance” as a topic for two workshops held in 2008 because of its significance for human development and sustainable management of natural resources. Over the last few years, “governance” has become a key transversal issue in development thinking (cf. SDC 2007), and the concepts “governance” and “good governance” have gained increasing importance for natural resource management in general and forest management in particular.

Forests, and with them the products and services they provide, continue to disappear or to be threatened in many places throughout the world. Given this situation, improved forest governance is essential for slowing down and eventually halting the destruction of these multifunctional ecosystems and for getting closer to the goal of sustainable forest management. The threat of climate change further accentuates the importance of governance of forest resources, as forests play a crucial role in the global carbon cycle. Sound forest governance can be considered as a cornerstone and precondition for sustainable forest management. Mitigation of the negative effects of forest and other natural resource degradation requires combined efforts in governance as well as in sustainable resource utilisation (Intercooperation 2007).

Member organisations of the Working Group have gained a wealth of experience on governance issues, including in the domain of forests, landscapes and natural resource management. This is documented i.a. in a range of publications by the two workshop organisers Helvetas and Intercooperation (Crettaz et al 2005, Intercooperation 2007, Schärer and Füeg 2007, Robinson and Wehrli 2009). In the Swiss-supported development cooperation and international policy dialogue concerning forests and people, governance has gained considerable importance. From this stronger focus on governance, a range of experiences and lessons learned from a multitude of countries and contexts (eg. the Andes, Bhutan, Kyrgyzstan, Mali, Nepal, Vietnam) and from different multilateral processes and initiatives (eg. the National Forest Programme Facility of the FAO, the Forest Law Enforcement and Governance FLEG process of the World Bank, the United Nations Forum on Forests UNFF) is now available. Thus, the Swiss development cooperation and its partners have longstanding international experience in supporting improvements of forest governance. This draws also from Switzerland’s own forest history.

1.2 The 2008 workshop series on forests, landscape and governance

In 2007, SDC, with the support of Helvetas and Intercooperation, undertook a survey amongst the natural resource projects it finances, to better understand the potentials and constraints to improved governance in natural resources management. The results of the survey showed that a number of common issues, constraints and challenges emerged despite considerable differences in frame conditions in different countries. The respondents also outlined the issues on which they felt they would benefit from sharing experiences with development practitioners from other countries.



Based on these outcomes, the Working Group “Trees and Forests in Development Cooperation” initiated the following two workshops documented in this publication*:

- “Forests, landscape and governance – the roles of local communities, development projects, the state and other stakeholders” held on 3-7 September 2008 in Punakha, Bhutan;
- “Forests, landscape and governance – the roles and responsibilities of bilateral and multilateral cooperation” held on 29-30 October 2008 in Interlaken, Switzerland.

The overall aim of this workshop series was:

- For development practitioners (from donor agencies, projects/programmes, NGOs) to exchange relevant experience for their work in the field of forest governance and particularly for the conceptual development of working approaches;
- To provide conceptual input is provided for future coordination of the work of Swiss agencies and organisations in the field of forest governance.

The specific goals of the two workshops are given in Sections 2 and 3 respectively. The recommendations and conclusions from the discussions held during the first workshop in Bhutan were fed into the workshop in Switzerland via a presentation delivered by participants of the Bhutan workshop and a condensed summary distributed to the participants at the Swiss workshop.

1.3 Defining governance and good governance

Governance can be defined as (adapted from UNDP 1997) “the exercise of political, economic and administrative authority” to manage a country’s or any other social or political system’s “affairs at all levels”. It “comprises the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations.”

This definition underlines the process nature of governance. Governance happens on all geographical levels, from the local, over the sub-national, national, and regional up to the international level (“vertical dimension of governance”). It happens as a dynamic interplay between different actors (“governance spheres” (Byrne pers. comm.)) including civil society, governments (the State) and the private sector (“horizontal dimension of governance”).

The concept of good governance emphasises the importance of the benefit for the society at large as the ultimate goal of the process of governing. Thus, good governance refers to the quality of the governance process.

Good governance “ensures that political, social and economic priorities are based on broad consensus in society and the voices of the poorest and the most vulnerable are heard in decision making over the allocation of development resources” (UNDP 1997).

Good governance is based on the observation of a series of principles such as (compiled from UNDP 1997 and SDC 2007):

* The international workshop “Forest governance and decentralization in Africa” held in Durban, South Africa, in April 2008 as a country-led initiative in support of the United Nations Forum on Forests (UNFF), another relevant workshop co-funded by Switzerland and held in 2008, is documented in a separate report available online on the website of the UNFF at http://www.un.org/esa/forests/pdf/cli/cli_durban_report.pdf.

- Accountability
- Transparency
- Non-discrimination
- Participation, participatory decision-making, empowerment
- Efficiency and effectiveness
- Legitimacy and legality
- Rule of law and compliance with rules and decisions

The observance of these principles can be interpreted as indicators of good governance. Other definitions of good governance include additional principles, such as government effectiveness. As far as forests are concerned, the conceptualisation and application of the principles of good governance in their management have become important issues in the international debate surrounding forests and development (see for example ODI (2002) and Ojha et al (2003)).

Important aspects of governance can be structured as follows:

1. Rules and values
 - Values in society in general and overall framework conditions;
 - Legal framework, rules and prescriptions;
 - Property rights and their distribution (tenure);
2. Power
 - Distribution;
 - Relations;
 - Decision making area of influence;
3. Structure and organisation
 - Stakeholders: state and non-state stakeholders;
 - Roles and responsibilities of stakeholders (participation, devolution, etc.);
 - Organisation and mode of work of the administration (decentralisation, transparency, accountability, etc.);
4. Processes
 - Implementation and observance of legal and other rules (local conventions, voluntary agreements, etc.);
 - Interplay between the stakeholders.

These aspects are closely interlinked, which is illustrated by the following key question: How can rules for the conservation and the sustainable management and use of forests be elaborated and, in collaboration between the different stakeholders concerned, be applied effectively and efficiently?

1.4 Inclusive understanding of governance

In the last two or three decades, there has been a shift of focus away from a narrowly defined sector-governance with the State, although often also including the large private sector, as the dominant governance player to an increasing opening towards non-state stakeholders, i.e. an opening of the horizontal dimension of governance; a change that can summarised as “from governments to governance”. The increasing application of participatory approaches to natural resource management, in particular in developing countries, and the stronger involvement of different interest groups in the planning of the management and use of forests, also in industrialised countries, illustrate this change of paradigm.

In the discussions at the workshops, local communities received particular attention amongst the non-state stakeholders. They can be seen as groups of people



with an interest in certain common issues or resources. With regard to natural resources management, they are groups which form around uses or user rights and have developed certain norms regarding rights and responsibilities. It is important to remember that local communities are usually rather heterogeneous and include many sub-groups and horizontal power sharing or struggles (Inter-cooperation 2007).

Forests are part of the wider landscape the latter being defined as a geographical space on the earth's surface and is conceived as a unit. Forests are strongly influenced by governance, dynamics and developments in other sectors, such as agriculture, infrastructure, demography or landscape/rural land planning, and by general macro-economic development. This underlines the significance of other policy areas for the conservation and sustainable management of forests and of an integrated approach to governance at the landscape level. This widening perspective can be expressed in short as "from forest governance to the governance of landscapes which include forests".

1.5 Governance of forests, local governance and sustainable development

Forest resources pose some specific challenges for their governance. These include (a) the simultaneous provision of environmental services in the public interest and of goods for private subsistence and commercial use, (b) the overlap of competing interests and expectations, and (c) unclear or contested property rights to forests. There is also a frequent imbalance between private use and benefit from forests, versus the social costs of forest conservation and/or destruction.

While posing many challenges, the governance of forests is also regarded as a promising and important entry point both for improving natural resource governance and overall local governance. This is partly because of the significance of forest and tree resources for the livelihoods of local people and for poverty alleviation. It is also because of the nature of forests as common pool resources. Other resources belonging to this group, such as pastures or water face similar governance problems. It is widely accepted that there are strong positive linkages between good governance, sustainable management of natural resources and positive social involvement and development (eg. reduced poverty). With the increasing focus on governance in development cooperation, the question arises as to what can be learned from the experience gained from development interventions in the field of forestry, and how aspects of governance can be further strengthened in the future in development programmes and projects working on issues related to people and forest and tree resources.

Undoubtedly, there are still many instances of ineffective or even "bad" governance in the forest sector throughout the world (eg. intransparent decision-making, hidden agendas, corruption, abuse of power). At the same time, there are also encouraging examples of improving governance of forest resources (eg. successes of community forestry in various countries). While there is thus considerable potential for improving forest governance, there are also many positive experiences gained in the field of forestry from which to learn for the future, even for other fields.

References

Crettaz M., P. Arnold and H. Stetter. 2005. Experiences in Local Governance. Learning from Swiss projects in four continents. IC series no 5. Intercooperation, Bern. 24 p.

Intercooperation. 2007. Natural resource governance. In: 25 Years of inspiring change: Intercooperation 1982-2007. Intercooperation, Bern. pp 17-28.

ODI. 2002. Meeting summary: Rethinking 'good governance' (2). Is Participation a Poor Excuse for Democracy? Lessons from the Forest Sector. Organised by the ODI Forest Policy and Environment Group. <http://www.odi.org.uk/speeches/envgov2002/meeting2.html> (accessed 04/03/09)

Ojha H.R., B. Pokharel, C. McDougall and K. Paudel. 2003. Learning to Govern: How to Improve Monitoring System in Community Forestry in Nepal? *Journal of Forest and Livelihood* 2: 23-34

Robinson P. and S. Wehrli. 2009. Making Good Local Governance Grow: Improving Local Governance through equitable sustainable natural resource management. Helvetas, Zurich. 55 p.

Schärer L. and K. Füg. 2007. Sharing Power in Development: Experiences in Local Governance and Decentralisation. Helvetas, Zurich. 56 p.

Swiss Agency for Development and Cooperation (SDC). 2007. Governance as a transversal theme: an implementation guide. Swiss Agency for Development and Cooperation, Berne. 28 p.

UNDP. 1997. Governance for sustainable human development. A UNDP policy document. <http://mirror.undp.org/magnet/policy> (accessed 10/02/09)





*Villager preparing the non-timber forest product, bamboo, for weaving – Bumthang, Bhutan
(Photo: Markus Wild)*

2. Punakha Workshop, Bhutan

The roles of local communities, development projects, the state and other stakeholders in the governance of forests and landscapes

Held in Punakha, Bhutan, September 3-7, 2008

2.1 Introduction

The overall aim of the Bhutan workshop was to gather together knowledge and experience in forest and landscape governance across a wide geographical range and variety of settings. The workshop was a truly international one, the (just over 30) participants coming from 18 different countries (Bangladesh, Bhutan, Bolivia, Cambodia, Cameroon, Guatemala, India, Indonesia, Kyrgyzstan, Liberia, Nepal, Nigeria, Pakistan, Philippines, Switzerland, Thailand, the United States and Vietnam). Some were invited because of their close involvement in Swiss-supported forest governance initiatives; others had no previous links with Swiss initiatives, but had responded to a web-based announcement. Selection sought to maximise the range of stakeholder representatives and bring a good gender balance. Travel grants were offered to secure the attendance of those facing funding constraints. To the participants' geographical origin may be added their field experience elsewhere; collectively, they brought substantial experience from other countries such as Madagascar, Mali, Ukraine, Costa Rica, and Honduras. Held in the peaceful setting of Punakha over a period of 4 days, the objectives of the workshop were as follows:

1. Provide the opportunity for an exchange of experiences between the participants
2. Describe and discuss current and future challenges and opportunities
3. Develop and propose – based on successes and failures – approaches and solutions appropriate to different contexts
4. Produce recommendations for different target groups (project and programme advisors, desk officers, relevant NGOs, research organisations and donors)
5. Provide conceptual input for better coordination of support by Swiss agencies and organisations in the field of natural resource governance, to be subsequently specifically addressed at an inter-institutional international workshop in Switzerland (Interlaken).

The workshop was organised according to knowledge management principles – with substantial time being allocated for small group discussions, mostly on topics defined by participants themselves.

Of course any workshop having a limited number of participants cannot claim to be truly representative of international thinking. The findings of the workshop participants should be seen in the light of who was present. Some participants noted that the gender balance was not 50:50 – although this had been a factor in participant selection; nonetheless with a 30% participation of women, the representation of women's views was better than at many other forestry gatherings. The experience of non-government organisations (NGOs) was particularly well represented, and to a more limited extent, community-based organisations (CBOs), donors (notably SDC), research organisations and governments. It was felt that numbers of government representatives (particularly by those in important decision-making positions) could have been greater – but most importantly, it was regretted that representation from the private sector was missing. Nevertheless, the participants' wide range of experience made for rich discussions – and resulted in clear, evidence-based findings. The text that follows seeks to outline these findings in a coherent manner, organised around a number of key topics.



Whilst the workshop brought together people predominantly (though not exclusively) specialised in forest governance, many of the findings are applicable to natural resource governance in general.

2.2 Change is driven by people

Many examples exist showing how a group of motivated people – or even certain far-sighted individuals – can be strongly influential in bringing about change. In the heavily populated, interconnected world of the 21st century, there is a growing risk of individual voices having little weight. At the same time there is greater individual awareness of global issues. This awareness can serve to heighten the potential for local, decentralised decision-making, and community action.

Bottom-up change

Local people are most likely to be active in promoting good forest governance when there is a strong bottom-up desire for change. This is often linked to a perceived threat to natural resources – either through heavy use or through developments coming from outside (concessions for forest exploitation; dam building, etc.). As common property theory suggests (Ostrom, 1999), resource users come together when they share a common interest – such as wishing to manage a resource themselves. Photographic illustrations from Nepal strikingly show how increased pressure on a resource does not necessarily lead to its decline; there can be more trees and more people if those same people have assumed responsibility for sustainable forest management, and have the right to its benefits.

Community-based organisations (CBOs) and NGOs can play an important role in supporting and channelling change processes into empowering social movements. An example of such a CBO is the Federation of Forest Users of Nepal, FECOFUN, whose membership comprises some 15,000 Community Forest User Groups (CFUGs), who altogether manage some 1.2 million hectares of forest. FECOFUN represents the interests of these users at national level, and is active in influencing Nepal's forest policy and legislation. Examples of NGOs that are highly influential in supporting social movements can be noted particularly in India, Pakistan, Bangladesh, Thailand, Indonesia, Bolivia and Ecuador. NGOs are, nevertheless, much more prevalent in some countries than others. They are often particularly weak in countries in transition, where the organisation of civil society is relatively recent – and may also be strongly donor-driven. This can result in NGOs being representative of only a small segment of society – usually the most articulate and outside-oriented segment, which interacts with foreigners with greater ease. At the same time, bottom-up processes are often particularly difficult to introduce in countries in which centralised control used to be the norm, since the change in mindset required is so great.

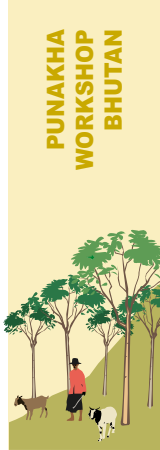
Attitudinal change

In many parts of the world, a common perception amongst those in authority is still that the state is the sole reliable custodian of the forest, whilst local people are ignorant users (or even destroyers) of it. Practical evidence from many countries disproves this view. Nevertheless, there is a clear need for attitudinal change and capacity building at all levels. Amongst local communities, this includes raising awareness of their rights and building skills and confidence in more technical forest management, in forest product processing and marketing, and in governance aspects. At the level of administration, capacity building should include awareness of and exposure to successful examples of community-managed resources, and training in participatory approaches. Policy makers may need particular exposure to examples of policies and legislation that devolve both the use rights and management of natural resources to the local level. Particularly at



Animated discussions amongst committee members of a Community Forest User Group – Dolakha District, Nepal (Photo: Jane Carter)

the higher levels, there is a need to challenge the “zero sum” mentality that power is finite and that devolving responsibility to a local level will therefore entail a loss of power. Instead, all stakeholders can gain power and status through greater local involvement in the governance of forests at a landscape level – if (and this may be a big “if”) improper financial transactions and all other forms of corruption are absent. This requires strong joint commitment on the part of all stakeholders, and can be promoted through joint agreement over procedures and methods of accountability.



Box 1

The influence of a single forestry training institute

The Forest Research Institute (FRI) of Dehra Dun, India has been associated with forest research and education in South Asia for over 100 years. The first college for training Indians in forestry was started there in the year 1878; this grew into a renowned and widely respected institute which was eventually declared a Deemed University by the Indian government in 1991. India has a policy of selecting and training forest officers at national level under a highly competitive system; these Indian Forest Service (IFS) officers are trained at Dehra Dun. In addition, until recently forest service staff of Bangladesh, Bhutan, Pakistan, Nepal and Sri Lanka were also sent to Dehra Dun for their officer training. It is only recently that these countries have developed appropriate educational establishments of their own.

Those with personal experience of the training programme at Dehra Dun testify to its rigorous military discipline, strong hierarchical structure and essentially British colonial style working ethic. Students were taught to have pride in their superior scientific and technical knowledge, and to implement forest legislation to the letter – the emphasis being on punishing offenders. Although the current teaching curriculum includes models on more participatory approaches (notably Joint Forest Management), the influence of past teaching remains strong amongst many individuals now occupying senior positions in the forest services of South Asian countries. Their training has instilled in them an attitude of superiority and a belief in top-down decision-making, based on the concept of the state being the most appropriate sole manager of forest resources. It has ill-equipped them to appreciate the need for multi-stakeholder processes in forest governance, or to deal with the complexities thus involved.

Source: Workshop group discussions 4 September 2008, supplemented by Rodger (1928)

Reluctance of government authorities to hand over forest to communities

Linked to the above, state officials are often still very reluctant to hand over use and control rights over forests to local communities. Two reasons for this may be identified: One is that handing over a resource is perceived by officials to represent a loss of power and of revenue. This concern may be with regard to a reduction in official revenue to the state through royalties, and loss of jobs. It may also, in a significant number of cases, involve fear of losing unofficial revenue by individuals who benefit financially from corrupt practices. Another often quoted reason, is that state officials do not trust the capacities of communities to manage forests in a rational and sustainable way. This may be a genuine concern (based on a strong belief in scientific forms of forest management), but is also often used simply as an excuse to stall change. It is still quite common for token control or responsibility over forests to be handed over to local people, whilst real control over financial and law enforcement aspects is retained by officials.

Colonial history

It is striking how the legacy of colonialism still influences development processes concerning natural resources and local communities in many countries. This is not only with regard to assumptions, attitudes and training (as illustrated by the Dehra Dun example, box 1), but also policies, laws, regulations, and power distribution. Colonial influences are not limited to the European colonisation of Asia and Africa (where the British, French, Belgians and Dutch, in particular, left somewhat different traces, although the emphasis throughout was on commercial exploitation, with a strong focus in forest management on timber production and extraction). They also include the colonisation of Latin America by the Spanish and Portuguese (with the important difference from other European colonisers in that they never left), of what became the Soviet Union by Russia, of parts of Africa by the Arabs, and more recent “colonisation” of some countries by the USA. Whilst most of the influences of colonialism are negative, especially in the light of current norms and expectations of good governance, a few positive elements may be discerned (see box 2). As the example of Indonesia in box 3 shows, addressing colonial legacies in policy and legislation can take many years and can be especially subject to the whims of powerful individualistic rulers and their associates.

Box 2 Examples of the legacy of colonialism

Negative elements

- Indigenous people systematically subordinated or even wiped out, their culture destroyed or nearly so (much of Latin America, parts of Africa and Asia)
- Different ethnic groups forced into rivalry with another (many countries – “divide and rule”)
- Highly hierarchical systems, imposed from outside
- Staff trained to consider themselves superior, more knowledgeable (“scientific forestry”), and the only appropriate custodians of the forest
- Little or no acknowledgement of local rights, practices, knowledge (although a few exceptions – eg. van panchayats in India); often highly punitive legislation against local people for minor use of the forest
- In countries colonised by Russia, the enforcement of centralised planning and an institutionalised “top-down” approach

Positive elements

- Often good historical records, maps (even boundary markers still on ground)
- In some cases quite detailed botanic/silvicultural research - including records of local knowledge on indigenous species, introductions of exotics, etc.

Source: Workshop group discussions, 4 September 2008

Box 3

Legislative reform in Indonesia

The Dutch colonisation of what is modern day Indonesia dates back to before 1700, but was only solidified in the late 1800s and early 1900s. During this time, strong emphasis was placed on plantation forestry (teak), and training took place in the Netherlands in order to replicate the Dutch approach for such forests. Traditional forest management practices existed, and were to some extent allowed. Following independence in 1945, Indonesia slowly updated its laws and legislation to reflect its new status – although it took several decades to translate and revise everything from the Dutch language. Some Dutch forestry terms simply did not exist in Indonesian.

The period of Suharto's power (1967-1988) was a particularly difficult time, as traditional practices and the rights of local communities were ignored. Re-establishing indigenous practices is very challenging, as there are few who remember them (although colonial records on forest practices in Indonesia in general are good).

Source: Workshop group discussions, 4 September 2008, supplemented by Yurdi Yasmi, 2008 pers.comm.

Champions amongst decision-makers

Policy changes in favour of broad-based forest governance are often linked to generational changes amongst government staff at the level of political and administrative leverage and/or the existence of a critical mass of champions or change agents. Such champions typically not only have sound subject-matter knowledge, but are distinguished by the values that they demonstrate – of transparency, accountability, equity and support for participatory processes. The importance of champions varies according to country context, but visionary individuals in government, or networks of individuals in different functions, can play a crucial role. When selecting individuals for scholarships and other training opportunities, it is worthwhile to identify real and potential “change agents” at all levels – and to give particular attention to including the younger generation.





*Indigenous village women head-loading fuelwood – Western Highlands, Guatemala
(Photo: Helvetas)*

2.3 A multi-stakeholder approach is essential

The demands upon forests made by different interest groups at different levels are diverse, complex and sometimes conflicting. Indeed, conflicts are a part of natural resource governance, and aiming to solve them is often not feasible – the challenge is more to manage differences through continuous and inclusive negotiation, recognising that this can be time consuming and challenging.

Recognising the plurality of interests

The most common categories of stakeholders in forest resources are local people (possibly organised within CBOs), NGOs, government (local, sub-national and national bodies), the private sector, research organisations, and donors. Within this broad grouping, which is already diverse, a wide variety of sub-groupings are likely to exist. Identifying them is generally an early task of an outside facilitator; time must be taken to do this accurately and build trust. For example, local communities may be made up of more than one ethnic group or caste, or have different livelihood-based interests (hunting, fishing, NTFP collection, etc.). Even where all members of a community belong to one family or clan, interests in and knowledge about forest resources may differ according to eg. age, gender or occupation. A pluralistic approach is based on the premise that all interests are valid, and that common ground needs to be negotiated. Conditions in which such an approach is likely to be feasible (as identified during the workshop) include:

- willingness to participate
- a minimal level of respect for others and their point of view
- common recognition amongst main stakeholders of the existence of a crisis or external threat
- a stable political situation (although sometimes unstable situations can bring stakeholders together)
- clear rules for power sharing (these may need to be developed)
- response to (most) stakeholders' core interests
- presence of a respected facilitator/mediator (individual or organisation)
- presence of charismatic local leaders
- recognition and involvement of the existing local leadership structure (whilst not limiting discussions and negotiations to them)

Not all of these conditions may be present or necessary, although the first three are particularly important. With regard to local leadership, a careful balance often needs to be drawn between due respect and recognising that they may not necessarily represent all local people, particularly women and disadvantaged groups.

Box 4

The Mirador-Río Azul Roundtable in Guatemala

The ancient Mayan city of El Mirador holds enormous potential for tourism development. From 2000-2005, top-down development attempts by businessmen and archaeologists were met with enormous resistance from communities and conservationists. These escalated to threats of violence and a fierce legal battle that eventually terminated in the Guatemalan Constitutional Court. Despite great potential for benefits to all stakeholders from coordinated development, progress was at a stalemate and all dialogue was at a halt by 2006. A group of NGOs neutral to the conflict then contacted the different stakeholders individually to ask whether they would be willing to renew dialogue in a formal roundtable setting, with clear rules for negotiation and decision-making. Hesitantly, all accepted. The Mirador- Río Azul roundtable was formalised in a celebratory ceremony presided over by the President of the Republic and several ministers.

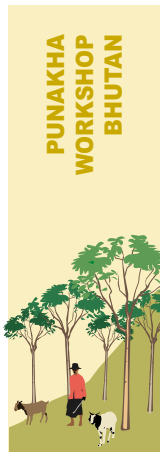
At the first monthly meetings, participants of 32 member organisations from all societal sectors agreed upon the objectives and scope of roundtable discussions, the roundtable structure, principles for negotiation and decision making, and facilitation procedures. Working commissions were developed for thematic and technical discussions, but all decisions were made by consensus in plenary sessions. Extension agents were hired to promote communication between the roundtable and community members. Occasionally, facilitators also organised extraordinary meetings with invited guests, including two Presidents of Guatemala, ministers, and congressmen, in order to ensure roundtable discussions were a part of national political decisions, as well as to legitimise the roundtable and create a sense of pride and importance amongst its members.

In its first two years of existence, the roundtable has made significant progress. Tangible results include:

- major fundraising and lobbying
- improved environmental security (development of strategies, field activities)
- holistic planning (a Master Plan for the National Park, initiation of a regional Public Use Plan)
- improved tourist services (design of tourism infrastructure and interpretative materials), and
- increased community awareness (local capacity building, community organisation activities).

Intangible results include increased trust, hope, respect, and mutual understanding, as well as decreased tension and risk of violence. Major challenges have included ensuring legitimate community representation at the roundtable and high member turnover, as well as political resistance during the 2007-8 governmental transition. However, the roundtable has recently been formally recognised within the new administration and will be in charge of advising major international bank investments and National Park administration.

Source: Jeremy Radachowsky, 2008 pers. comm. (arising from workshop discussions)



Institutionalise multi-stakeholder platforms

In many situations, mutual understanding between the diverse interest groups involved in a forest resource can only be established through regular multi-stakeholder meetings. These may need to be institutionalised into legally recognised bodies, serving as a forum to plan new initiatives, discuss management issues, and agree on roles, responsibilities and rights. Often multi-stakeholder platforms are the only possible mechanism to manage deep-rooted conflicts and discriminatory attitudes.

It is rarely possible for every concerned individual to participate in multi-stakeholder platforms. Thus an early issue to address (once the different stakeholder groups have been identified and ratified) is representation. This is generally best decided amongst each stakeholder group themselves, with the recommendation that age, gender, and socio/ethnic grouping are taken into account. Working with local chiefs and opinion leaders is important and necessary, but should not be taken to equate community consultation – which should be more broad-based. Some of the most important steps in multi-stakeholder meetings are illustrated in the specific example from Guatemala in box 4.

Role of CBOs

The term “CBO” covers a wide variety of organisations, from small self-help groups whose membership numbers only a few individuals, to much larger associations, or even local chapters of international voluntary organisations. There are many good examples of volunteer organisations/fora of environmental activists working voluntarily, based on their sense of social responsibility. By definition, CBOs are very close to, and well informed about, the field situation. They are however often too small to influence government policy and programmes. Thus to make their voice heard beyond the local level, they need to increase their lobbying capacity through networking with similar CBOs and/or NGOs, or creating federations. At the same time, to survive and thrive, they must continue to adhere to democratic processes to represent the consensus of their membership. This is particularly true when (as sometimes happens) CBOs group together to evolve into an NGO.

While NGOs are often important for stimulating the creation of CBOs, they can be wary of CBOs becoming independent as they see this as a threat to their own continued funding. This is well illustrated in India with women’s self-help groups (SHGs), which are often seen – and see themselves – as “belonging” to the NGO that facilitated their establishment. However, experience suggests that NGOs and CBOs can play complementary roles. As true grassroots organisations, CBOs should be supported by donors to gain financial independence; recommendations to this effect (drawn from the workshop) are as follows:

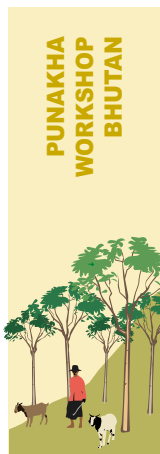
- CBOs should be given capacity building in organisational development and management, including financial aspects, democratic leadership and transparent, participatory decision-making processes
- CBOs should be encouraged to become legal entities that can receive funds directly; this may require appropriate legal advice
- Donors should only award funding to NGOs seeking support for CBO development if they can demonstrate clear commitment to promote CBO independence, based on strict criteria
- Where CBOs can receive funds, systems should be supported which allow them to choose the NGO that they feel most appropriate to offer services. Competitive grant systems are one useful mechanism to promote the development of such independence.
- CBOs should also be in a position that they can legally generate their own funds. This may be done in a wide variety of ways, from charging (a reasonable) interest rate on loans, to the sale of products and/or expertise.

The role of CBOs in the political area is often controversial. Broadly, CBOs should avoid party politics, and work towards the specific interests of their members. However, this may bring them into direct conflict with the national government – which may see them as a threat. Nepal provides an example, where the previous government actively tried to support the establishment of an alternative forest user group federation with the intention of reducing the influence of the democratically elected FECOFUN. This was because the government perceived FECOFUN as a threat to existing power relations, under which the interests of forest users are not fully served (despite strong community forest legislation, the government is, for example, still able to limit the sale of forest products by CFUGs, particularly timber). FECOFUN has lobbied successfully to prevent legislative changes detrimental to community forest users; in other countries, networks of CBOs have played a similar pro-community lobbying function, eg. Pakistan. It is in countries in which governments have a poor track record of taking into account the interests of natural resource users that the need for CBOs is likely to be strongest. Where strong consultative mechanisms are in place for policy and legislative development, the need for strong, vocal CBOs may be less.

Overall, CBOs can have an important public/social auditing role, not limited to relevant government departments, but also towards NGOs and the private sector. They can be a strong public voice for pro-poor and environmentally sound forest resource management. However, even when organised into networks or federations, they often need capacity building to take up this role in a strategic and effective manner.

Role of NGOs

Currently most participatory/community based forest management initiatives involve facilitation by local NGOs, sometimes coordinated by national or international NGOs. (There are a few exceptions to this, in countries in which NGOs are poorly developed – such as in Bhutan and, at least in forestry if not other sectors, Kyrgyzstan). Local/national and international NGOs have distinct, although sometimes overlapping, roles, as outlined in box 5. Whilst the table was prepared in the context of supporting good forest governance, it is also of more general relevance to development activities. The roles of local NGOs may also sometimes overlap with CBOs, although where the latter have the capacities to act, NGOs should support them in so doing. All NGOs should have common principles of operation, based on good governance – notably accountability, transparency and empowerment – although in practice they are not infallible, and there is a wide range in the quality of their operations.



Box 5**Important roles of local/national and international NGOs in supporting good forest governance**

Local/national NGOs	
Expected role	Points on which to take care
Represent civil society (while maintaining an individual identity of their own), especially where government and private sector are weak / not present – or where government is strong and anti-devolution	Avoid trying to replace government or private sector organisations, or creating alternative institutions
Raise awareness amongst the community regarding their rights, and at all levels regarding policy related issues	Seek to empower local people but avoid getting involved in party politics
Articulate local needs – serving as advocacy organisations promoting dialogue with service providers and donors. They should facilitate the creation of linkages for local stakeholders	Where possible, build capacities of CBOs to speak for themselves – work to empower
NGOs may play a public/social auditing role – this depends on circumstances, but may include being a “watchdog” over government and private sector actions	As far as possible, avoid direct confrontation in order to keep the process constructive
Raise funds – in a transparent manner. Some NGOs have been so successful in this that they have become donors themselves (eg. Bangladesh)	Avoid conflict of interest between implementation and advocacy roles
Capacity building of communities and other institutions in organisational, technical, financial and thematic matters.	Aim to empower CBOs to become independent.
International NGOs	
Keep in touch with ground realities – build partnerships or execute field projects to create synergies between strategic and field interventions.	Avoid being active only at a high strategic level (this leads to lack of credibility)
Facilitate, mediate multi-stakeholder dialogues and processes	Ensure all stakeholders are heard, but strive to maintain a neutral stance between them
Build alliances with national partners	Do not compete with local and national NGOs (this is easier in some countries than others, and somewhat circumstance-specific)
Build capacity of local, national NGOs – and other stakeholders (eg. government) as needed. Bring in expertise from other countries for enrichment, promote knowledge sharing.	Take care to promote a participatory, bottom up, locally empowering mindset in all training programmes; demonstrate this also in practice
Advocacy for international and global themes and awareness raising – bringing these issues to bear on the local situation	Be selective in international issues that are relevant/appropriate to the local context
Raise funds and channel funds to other partners in a transparent manner.	Avoid conflict of interest between implementation and advocacy roles
As far as possible, work closely with host governments	Try to ensure accountability to host governments and to local people. Avoid non-accountable structures.

Source: Workshop group discussions, 6 September 2008

Role of national and local governments

Local governments have a strong potential role in supporting effective forest governance, especially where subsidiarity is practised in its true sense, so that they have real power to make decisions over local development, including the necessary financial means. This is outlined further in the section concerning decentralisation.

National governments have a far more varied role; some of the most important elements are outlined in the table below.

Box 6

Important roles of national governments in supporting good forest governance

Expected role	Points on which to take care
Provision of an enabling environment – ensuring that appropriate policy, legislation, and rules and regulations are in place, and avoiding inconsistencies or incompatibilities in the legislation of different sectors	Openness is required to respond to field evidence and/or citizen demand if policies or legislation need to be updated. Ideally, multi-stakeholder platforms should be established to allow for such discussions
Enforcement of the policy and legal framework	As much enforcement as possible should be devolved to the local level; the aim should be to promote local responsibility, avoiding a top-down policing role
Strategic coordination of different actors, including donors	Even where national governments are heavily reliant on donor funding, they should coordinate and steer the whole development process.
Monitoring and evaluating of development activities.	Local level, participatory monitoring and evaluation should be promoted, feeding up into a national system
Human resource development – education, in-service training	Curricula should be updated to modern needs, equipping trainees to deal with the complexities of multiple stakeholder claims on forest resources.
Establishment and maintenance of necessary infrastructure	The positioning of government infrastructure should ideally be based on bottom-up demands/assessed needs. Where infrastructure is provided by donors, agreements over maintenance should be made at the time of construction.
International negotiation, follow-up obligations	Ideally, national governments should not only commit to international agreement/protocols, conventions/treaties, etc., but also contribute pro-actively in their development, bringing in local, country-based knowledge.
Information generation, dissemination and communication	National governments need to ensure that their citizens are fully informed on legal aspects, planned new developments, etc. This may require translation into many different languages, and the production of materials in locally appropriate “user-friendly” ways (radio, videos, TV, newspaper articles, newsletters, etc.)

Source: Workshop group discussions, 6 September 2008



An important (if obvious) – point is that neither local nor national governments are necessarily socially responsible, participatory, or transparent bodies. In this context, democratic elections play an important role in making government representatives downwardly accountable to the electorate. Bringing such a mind set and approach into government procedures requires concerted demand on the part of citizens, NGOs, and the private sector – with support as appropriate from other stakeholders, such as donors.

Role of donors

The impact of donors can be mixed, and unfortunately is not always very positive. Despite efforts made following the Paris Declaration, there is still a need for better donor coordination in some cases (as indeed was highlighted in the recent Accra Accord, 2008). Experience shows that the number of donors involved in a given country or sector has a major influence on the dynamics with the national government. If there are many, coordination between them is essential. If there are few and government funds are limited, the government may have little bargaining power. National governments should be pro-active in seeking donor coordination, to avoid “over-kill” at the regional and/or local level. Furthermore, it remains important that donors encourage national governments to take the coordination role. Donors still have a role of advocating for the interests of local level actors, particularly marginalised groups, in the whole process.

One way in which “small” donors (those without large financial resources) can make a particular contribution to development – in promoting good governance of natural resources as well as other matters – is through bringing relevant field experience to the attention of both national policy makers and other donors. Another is through their own behaviour and the implicit messages that this gives. Examples of recommended good practice for donors (as identified in the workshop discussions) include the following:

- Apply good, transparent practice when calling for and examining (screening, reading and sorting out) proposals for funding decisions
- Continue to play an important role in training and capacity building
- Ensure regular “reality checks” through field exposure
- Demonstrate long-term commitment and patience with regard to programmes designed for impact in natural resource management, even in countries facing civil unrest
- Be consistent with regard to shared objectives and principles
- Be flexible in adapting to contextual changes
- Recognise the key role of governments in the coordination of donors
- Practice transparency in the negotiation and implementation of the development agenda
- Give strong focus to improving the livelihoods of marginalised and disadvantaged groups
- Encourage open and critical feedback from different partners
- Ensure that there is sufficient space for innovative approaches in harmonisation
- Ensure that the views and needs of communities are included in the design of Sector Wide Approaches (SWAPs).

Role of research organisations

Research organisations can play an important role in supporting good forest governance by investigating relevant aspects, and making the results of their analyses available to a broad public. To do so, it is important that they have core funds – thus ensuring that they are independent. They also generally need to place greater emphasis on communicating the results of research to all stakeholders, most particularly the communities with whom they work. As researchers quite often do not excel in communication skills, investment may be needed in improv-



*Participatory action research in an agroforestry system – Vietnam
(Photo: Daniel Valenghi)*

ing capacities in this regard (notably in public relations, networking with other groups). Examples of recommended good practice for research organisations (as identified in the workshop discussions) include the following:

- Undertake research in a participatory manner, using PLA (Participatory Learning and Action) and similar approaches to ensure that studies are as oriented to local demands as possible
- Strike a balance between local and national needs
- Adopt an integrated, multi-disciplinary approach
- Expose researchers to, and train them in, collaborative methodologies
- Endeavour to continue research over a long time frame
- Be open to learning from traditional technical and management knowledge and experience, as well as local institutional/organisational mechanisms
- Be more pro-active in communicating research findings to local people, development practitioners and decision-makers – building local ownership of their findings in the process

Role of the private sector

The private sector can play a very important role in natural resource governance, especially where there is strong commercial utilisation of natural resources. Unfortunately, the absence of representatives of this sector at the Punakha workshop limited the discussion – but a strong recommendation is that forest companies and entrepreneurs of all sizes should be encouraged to participate actively in multi-stakeholder platforms. This also includes those involved in the trading and/or processing of forest products. A further observation is that in many cases, some elements of the private sector are operating illegally or at least in a legal “grey area”. They may thus be unwilling to participate openly in discussions. In such cases, it can be important to leave room in stakeholder discussions to bring in “fringe stakeholders” later, and/or to work through champions who are widely accepted as their representatives. It was noted, for example, that in Madagascar, local politicians can play a valuable role in coordinating representatives of the logging sector, since they are often themselves a part of it. At the same time, it is important that good governance principles are maintained, and that negotiation processes do not (even tacitly) uphold non-transparent or illegal practices.



2.4. Appropriate policy and legislation is crucial

Whilst local initiatives in the good governance of natural resources can be very successful, the existence of an appropriate policy and legal framework is usually the only way to ensure that such initiatives are scaled up to a national level. On the other hand, a good legislative framework may be the only way to ensure that initiatives actually take place at the local level. Ideally, the two should promote each other.

Policies responsive to reality

Land use policies must correspond with the current realities of increasingly intense, multiple uses of natural resources by multiple stakeholders. This is most likely to be the case when they are developed in a consultative process with multiple – especially local – stakeholders, as described in the section on multi-stakeholder platforms. The enforcement of policy is, in turn, most likely where there is clear supportive legislation, and commitment from the stakeholders. Yet, often, the reality is that policies are out-dated or ill-conceived, and/or implemented in a corrupt or ineffective manner. Examples of positive and negative policy and legislative frameworks with regard to local forest governance are given in box 7.

Box 7

Examples of positive and negative policy and legislative frameworks

Nepal has very positive community forest policy and legislation, allowing for the establishment of autonomous, legally registered and democratically robust Community Forest User Groups (CFUGs). These are now managing over 30% of the country's forest area and generating approx. US\$ 10 million per annum. They use this income to improve the forest resources (a mandatory minimum expenditure of 25% of each CFUG's budgetary outlay); promote the livelihood of the poorest communities (a mandatory minimum expenditure of 35% of each CFUG's budgetary outlay); and otherwise support community development. Furthermore, the CFUGs are engaged in policy dialogue at national level through their organisation into a federation, FECOFUN. A national community forestry meeting held every 4-5 years serves as a meeting ground for the exchange of experiences between all stakeholders. In Bangladesh, forest policy and legislation supports community plantations on degraded land, as well as a participatory approach to the management of protected areas. Gender equity is ensured in social forestry. In Indonesia, the Forest Act (1999) and associated regulations cover detailed aspects of forestry, including clearly defined rules regarding matters such as area, group character and size, etc. (intended for improved law enforcement).

On a more negative note, Nepal still faces a number of policy challenges in promoting good forest governance. These include ensuring that all users are identified and their voices heard; avoiding the capture of benefits by elites; and ensuring the interests of distant users in the large forests of the Terai (flat plain contiguous with India) – essentially an issue of spatial equity. In Bhutan, a particular institutional challenge is that the government forest service remains split into territorial and district (Dzongkhag) units, with community forestry being largely the responsibility of the latter, although reporting to both is required. In Bangladesh, policy and legislation give local communities a very limited role in forest governance – restricting their "participation" to protection duties. There is no provision for community control over or ownership of forest resources. In Indonesia, a lack of coordination amongst different institutions (within forestry and within sectors) has a weakening influence on good forest governance. Excessive detail in the forest regulations has also limited flexibility to adapt to the local situation, hampered creativity and has resulted in conflicting legislative frameworks.

Source: Workshop group discussions, 4 September 2008 – with supplements from Heru Komarudin, 2009 pers. comm.

Good forest governance is often linked to effective decentralisation

Effective decentralisation – where both decision-making and budgetary authority is transferred to local level – is highly conducive to good natural resource governance, in that the mechanisms are in place to respond to bottom-up demand. Switzerland provides an example of a country in which there is strong local governance, linked to strong local decision-making (backed by budgetary allocations) over forest resources. The degree of decision-making by communities over forest resources naturally depends on whether they are owned by the community itself, the Canton, the State (Federation), or by private individuals, but even in the latter case, the public good is ensured in management decisions. This said, effective decentralisation is not a prerequisite for good local forest governance. This is well illustrated by Nepal, where the CFUGs have thrived in the absence of effective local government. In fact, Nepal provides an example of devolution, given that responsibility for forest management has been devolved from the state to local forest users. In most countries, the link between decentralisation and the promotion of good, local forest governance is complex. This is often because the decentralisation processes themselves are partial or flawed, with state forest authorities exhibiting particular resistance to decentralise their functions. Changing institutions can be far harder than changing policies and legislation. The examples from the Philippines, Pakistan, Bhutan and Indonesia given in box 8 illustrate this point.

Box 8

Influences of government decentralisation on local forest governance

The Philippines Local Government Code of 1991 provides for the decentralisation of functions concerning the environment and natural resources (ENR) to local government units (LGUs). This, however, is subject to supervision, control and review by the Department of Environment and Natural Resources (DENR). The functions that were initially decentralised include the implementation of community-based forestry projects. However, the DENR only decentralised 4% of its personnel (the lower ranking staff), retaining technical human resources in the Staff Bureaus [sic] (eg. Forest Management and Research Bureaus) of the DENR. This clearly limited LGU access to technical expertise. Co-management of forest resources in some LGUs is now slowly emerging as another interpretation of decentralisation processes.

In Pakistan, a number of flaws of decentralisation may be identified. They include that salaries of staff relocated to the district level are paid by the province, leading to a problem of accountability; top-down management; and refusal of the forestry department to devolve functions, even after the Presidential Proclamation legalising devolution. However, some improvements include the preparation of annual plans at the district level, communities' participation in political process through citizens community boards, allocation of funds for smaller schemes at local level, etc.

Bhutan introduced decentralised planning 6 years ago, under which 5-year plans are prepared in a bottom-up manner from geog (block) to district to national level. It is noteworthy that after the first experience of decentralised planning (for the 9th 5 YP), the following plan (the 10th 5 YP) has shown an increased demand for community forestry. However, the government's forest services remain only partially decentralised, with uneasy power relations between territorial and district-based staff.

Indonesia passed a Decentralisation Act in 1999 in response to considerable demand from local governments (LGs) to gain more meaningful authority over governmental affairs, including forestry. This is especially the case in forest-rich areas. LGs have limited capacities in natural resource management, and there has thus been a proposal to transfer personnel from central government to local governments. In this case, however, there is not only resistance from the national staff – but, in particular, resistance from some of the LGs to accommodating staff from the national office. In 2004, the government finally issued some forestry regulations and a new Act to replace the 1999 Decentralisation Act, revoking the LG's authority over forestry.

Source: Workshop group discussions, 4 September 2008 – with supplements from Leonida Bugayong and Heru Komarudin, 2009 pers. comm.



Practical legislation: rules and regulations that are readily implemented

Practical experience shows that local norms established by communities themselves are often more effective than the official laws, rules or regulations. This is particularly well illustrated by cases from Latin American countries such as Bolivia and Ecuador, although it is also broadly true elsewhere. Local people are most likely to respect rules and regulations that are in accordance with their customs, concepts and existing uses of forest resources. There is, however, an important caveat. This is that local systems – especially those that have been developed over many generations – are not necessarily equitable. Locally determined norms often favour the dominant group or groups in the community, and are rarely gender sensitive. For example, in many West African countries, the local chief – sometimes with a number of other male elders – assumes total authority for decision-making over local resources. Women are not consulted – and neither are the youth. This can lead to major tensions if the resources in question are highly valued, and rights over their exploitation are being negotiated. Similarly, the issue of who is included in community decisions may hold particular tensions if the local population includes immigrants (nomadic herders, recent arrivals but also those present since generations).

Increasingly, international and national legislation tends to uphold the rights of indigenous peoples; the recent passing of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in India is a case in point. Brought into force a year later (31 December 2007), the law ensures the rights of forest dwelling communities to land and other resources. It has been criticised by environmentalists and conservationists, in particular, as a licence to destroy forest resources, although this was neither the intention nor the likely consequence of the Act. It serves, rather, to give four sets of rights to forest-dwelling people: title rights, use rights, relief and development rights, and forest management rights.

Whilst recognition of the rights of indigenous peoples is a broadly positive step, it can have difficult consequences for others – and ultimately, for the sustainable management of the resources in question. Where there are many migrants who have been resident in an area for generations and have nowhere else to go, debate over the rights of indigenous versus non-indigenous people can be superfluous. In terms of sheer practicality, it may not be realistic to exclude the migrants from decision-making or accord them lesser rights than indigenous peoples. The normal procedure in such cases is to determine a cut-off date for being considered as a resident; this is best done through a consultative process. The date should then be respected by all, including the indigenous peoples.

Contributing to policy dialogue

It is crucial that field experience is brought to the attention of policy makers and other policy influencing actors when new policies are being shaped, or necessary modifications to existing ones are being formulated. This may be achieved through various means – through the collaboration/networking of CBOs and NGOs to achieve a critical lobbying mass; through donors providing examples of project/programme experience; through groups of donors collaborating on specific issues, etc. However, in the latter case it is important that donors play a role that is supportive to national concerns and, as outsiders, do not try to take a lead in dictating the policy agenda.

Wider national and international framework

Contextual developments or government policies and associated legislation outside the forestry sector can have powerful (negative or positive) impacts on forest governance at the landscape level, particularly policies and legislation concerning agriculture and pasture management. On the other hand, the designation of an area as a national park, or as an economic development zone, may also have



*Workshop participants from Cambodia, Liberia and Bhutan in discussion – Punakha, Bhutan
(Photo: Thomas Stadtmüller)*

a major influence on community forestry groups. There is thus a need for a well coordinated approach at national policy level. At supra-national levels (regional/transboundary and global), bilateral or regional agreements between countries must take into account sectors relevant to forest and other natural resource management that may have cross-border influences, as well as international laws and conventions (on biodiversity, human rights, etc.). A pertinent example is the dam over the Kosi River in Nepal that breached in August 2008, resulting in huge flooding and loss of life downstream, mainly in the Indian state of Bihar. In this case, the governments of Nepal and India had agreed that the latter had responsibility for dam maintenance, so no criticism could be levelled at Nepal. In many mountainous countries, hydro-electric dams exist or are being constructed with the intention of supplying electricity chiefly to other countries. Bhutan has an ambitious programme supplying India in this regard. Ideally, the costs and benefits of developments/impacts should be shared on an equitable basis by the concerned countries, fully involving the communities who are implicated. At the wider global level, the same principle of equitably shared costs and benefits applies to international conventions and agreements (eg. carbon trading modalities).

2.5 Pro-activeness in promoting equity

Those who experience discrimination and a denial of their basic rights are, by definition, rarely able to make their voices heard in a constructive way. Thus a pro-active approach in promoting equity is needed – deliberately identifying the disadvantaged and building their capacities to demand their rights.

Rights and responsibilities

It is essential that communities are fully informed of their rights and responsibilities, especially where these are denied. Furthermore, they need the confidence and ability to demand their rights, and the means to fulfil their responsibilities. Introducing a human rights based approach (HRBA) may be useful in this respect by identifying rights holders and duty bearers (even if these rights and duties are not respected). When adopting HRBA, it is usual to conduct a situational analysis in terms of all human rights, but then, through a participatory process, to make a choice on which ones to focus (since it is rarely possible to have the skills and resources to focus on all).



Raising community awareness may require considerable capacity building and other direct support. Advocacy trainings, social campaigns and networking can be highly effective in this respect, but often need to be continued over a substantial time period. For the broad dissemination of information (on rights as well as other issues), radio is often the most effective medium for reaching large numbers of people in rural communities.

Equity

Ensuring equity in decision-making over natural resource management, and particularly over benefit and cost sharing, remains a major challenge. Indeed, a well defined benefit and cost sharing mechanism is a precondition for good forest governance – but is not sufficient alone (see box 9). Ideally, the promotion of equity should reach household level, with approaches being tailored to household needs. This may be best achieved working through CBOs, since they know their members best, although in countries in which decentralisation is effective, local government may be the most obvious body. Similarly, definitions of poor and/or disadvantaged are best made in local terms, encompassing social parameters and not just economic ones. Adopting local definitions of poverty or ill-being not only increases the likelihood of appropriate targeting, but also of acceptance and ownership of pro-poor activities by community members. One example in this respect is the well-being ranking used by CFUGs in Nepal.

Box 9

Indicators of pro-poor natural resource governance

- The poor are properly identified according to locally defined criteria, and the analysis is accepted by all the community members.
- Planning takes place at household level (as per livelihood assessment), as well as at landscape level.
- A human rights based approach is practised (recognising the rights of local people), not a welfare approach (giving charity).
- User groups have a legal mandate to reach households and are able to make specific provisions for the identified poor.
- All livelihood capitals (physical, natural, economic, social, human and political) are considered in making provision for the poor (eg. land, forest products, forest enterprises, leadership roles, education, outside contacts, etc.).
- Space for other development actors (linkages to them) is created, avoiding duplication.
- Periodical participatory assessments show positive shifts in wellbeing.
- Group income is monitored to show how much is channelled to the poorest households, and a minimum is fixed in this regard.
- Direct feedback from communities, particularly the identified poor, is institutionalised.

Source: Workshop group discussions, 4 September 2008

Tenure

The complexity and importance of tenure issues surrounding natural resources is widely recognised in national and international circles, yet there is often still failure to fully clarify different tenure rights when practical interventions are made on the ground. This is essential as a first step, and should form part of a pilot phase in interventions (see below). Furthermore, local development professionals do not always have conceptual clarity on the different types of tenure rights that may come into play in natural resource governance (which are outlined in the general introduction to this publication).

The national laws of different countries vary widely with regard to tenure rights, although it is very common for forested land to be defined in national legislation as the property of the state. Where the participation of local people in forest management is encouraged, it is often only use rights that are given, and possibly management rights. In Bangladesh, there is a system of giving use rights to forest areas for 10 years (on a renewable basis); in Kyrgyzstan the period is 49 years. As noted earlier, there is general strong reluctance on the part of state officials to hand over rights over forests to local people. Thus, for example, in Mali there has been legislation since 1994 permitting the transfer of land from the national to the local government – but progress has been very slow. Similarly in Madagascar, there was movement 10-15 years ago to hand over use and management rights of forests to local communities, but in practice very little has really happened.

Where there is strong resistance to transferring use and control rights from the state to local people, it may be appropriate to do this in a stepwise fashion, allowing local people time to build their capacities in forest management and governance, and at the same time building mutual trust between them and government officials. In fact, this is already practised in a variety of countries in which there is legislation supporting local forest management. Individual user groups usually have a time-limited permit or agreement (generally ranging from 5 to 10 years), which is renewed by the state authority on the basis of successful performance, sometimes for a longer period than originally granted (eg. Nepal, India, Kyrgyzstan, Madagascar, Bolivia). Where national legislation is being revised in favour of community-based forest governance, the (usually long) time period needed to bring in new legislation must be balanced against the likely benefits of doing this in a stepwise fashion.

Sound investigations

Projects involving natural resource management with and by local communities require a sound situational analysis before launching a project of any scale. Ideally, a short (1-2 year) pilot/exploratory phase should be implemented first, using action-research and participatory learning and action (PLA) approaches. The pilot phase should include a careful institutional assessment to identify all the main stakeholders and potential partners, as well as their inter-linkages. The choice of partners for future cooperation is crucial, as matters can go very wrong if inappropriate choices are made. A decision on whether or not to start the full scale project should only be made after concluding the pilot phase. If the decision is in the affirmative, the project design should be sufficiently flexible to respond to windows of opportunity, other contextual developments and different regional/local contexts.

Long term commitment

The time needed for a given development process may vary considerably according to country context, and sometimes sudden leaps in development may occur. Such leaps often lead to the identification of important further challenges – sometimes referred to as different generation issues. For example, first generation issues may cover handing over use and control rights of forest resources to local communities, whilst second generation issues may include maximising the commercial use of the resources (on a sustainable basis) through local product processing by associations of community producers, and issues surrounding good group governance, including equitable benefit and cost sharing. Third generation issues may include payment for environmental services (eg. water supply, soil conservation, and carbon trading). Each set of issues requires appropriate support, including capacity building. Long-term commitment, dedication and patience are required from all actors in such development processes. This implies the need for long term fund allocation and a programme approach on the part of donors, as well as a well-planned exit strategy that seeks to ensure the sustainability of interventions.





*Oak forest managed for timber and firewood by a local community – Western Highlands, Guatemala
(Photo: Thomas Stadtmüller)*

2.6 The importance of forests needs highlighting

Forests are an integral part of rural livelihoods

The formal involvement of local communities in forest management was often first conceived as a means of supporting subsistence needs and restoring forest cover (often for the benefit of the state). It is much more than this. Forests represent the source of many diverse livelihoods based around the sale of forest products and forest services, although subsistence uses remain important. Legislation supporting commercial as well as subsistence uses of community forests, is an important step in providing communities with the opportunity to finance sustainable management activities. Ideally, it should also include the possibility for payment for environmental services.

Taking a landscape perspective

Rural development and natural resource conservation must be addressed within the framework of good governance at the landscape level. This understanding has grown out of past approaches to rural development which, in the 1980s, focused on farming systems, followed by emphasis on sustainable livelihoods in the 1990s. The current landscape approach recognises the inter-linked nature of natural resource management, and the need for socially inclusive (multiple stakeholder) planning, decision-making and management. It also implies consideration of ecosystem services – for example, maintaining upstream forest cover in watershed catchments and thus regulating water supply and decreasing soil erosion.

At the global level

Trans-national and global issues in forestry are gaining importance and require new approaches at the local community level. Examples include the opportunity for well organised forest communities and their networks/federations to become involved in the carbon trade (see boxes 10 and 11), as well as being paid for other environmental services such as benefits accrued downstream from the management of trans-boundary watersheds.

Box 10

Carbon forestry issues: opportunities for local communities?

The following are important observations to bear in mind when seeking to involve local communities in carbon trading.

- Generally, interest in carbon trade comes from national level – it is top down, beyond the knowledge of communities, or necessarily interest in their involvement. However, communities should be involved in the formulation and implementation of carbon trading mechanisms if these are to serve their interests.
- It is not possible to have a carbon trade for a few households; community forestry as an aggregation has the advantage of representing a critical mass of forest area. Some argue that there needs to be aggregation of several community forests in order to make carbon forestry cost-effective.
- REDD (Reducing Emissions from Deforestation and forest Degradation) involves a baseline issue; REDD favours those countries that had a high deforestation rate in the past and are now able to slow this down. It is not applicable to countries such as Bhutan where forest cover is stable. REDD is dependent on baseline data against which changes in forest cover can be compared; exact criteria are however uncertain. Specific baselines remain to be negotiated on an international, national and/or local level.
- There are also issues of “leakage” (i.e. forest conservation in the community forest at the expense of deforestation or degradation of surrounding forest land); “additionality” (the need to prove that forest conservation would not have occurred anyway, without a carbon forestry intervention); and ensuring the permanence of resulting carbon stocks.
- Countries with a sound forest policy, and experience with decentralized forest management, will have a better chance of being paid for carbon under REDD.
- Awareness needs to be raised amongst communities about opportunities under, and the meaning of, carbon forestry, the requirements for carbon trade, and the available supportive schemes. Documentation and evaluation of existing schemes would help in this respect.
- Clarity of tenure – land, trees, carbon – is increasingly recognised as crucial, and much clarification is needed – including basic information such as the position of forest boundaries, but also the reconciling of contradictions in national forestry policy and legislation.
- The return on investment is unclear, as is the gap in time between investment and reward. It is uncertain how fluctuations in the carbon price will be accounted.
- In distributing the eventual benefits to communities, there is a risk that inequities could be reinforced or become stronger. Thus social and economic aspects must be monitored.
- There is a need for clear equity provisions – rewarding according to investment.
- The specific approach adopted for carbon forestry (project-level or national-level) has strong implications for the equity and distribution of benefits, cost-effectiveness, governance framework and type of monitoring system.

Source: Workshop group discussions, 4 September 2008 – with supplements from Bryan Bushley, 2008 pers. comm.



Box 11

Proposed actions for supporting local communities in carbon forestry

- A simplified, user friendly system for measuring/monitoring carbon (standardised at national/international level) is needed.
- Capacity must be built at national and local level for measuring, monitoring and verifying.
- A system should be devised for rewarding the maintenance of existing forest cover; national governments have to lobby and negotiate to have this included in international agreements (ie. REDD).
- Awareness needs to be built amongst government, civil society, donors, academic institutions, etc. – clarifying the rights, responsibilities and consequences for communities on eg. CDM (and whatever succeeds it) and REDD.
- There is also a need for awareness-raising and participatory research/planning to address the potential risks of engagement in carbon forestry for poor and disadvantaged groups, in terms of access and equity.
- Greater input is needed in international policy negotiations (eg. CDM and REDD mechanisms) from those with local and national insights – through a network of government, civil society (including community representatives), and the private sector.
- Appropriate representation of communities and government is required at national and international level.
- National networks of community-based forest management institutions should promote awareness, advocacy and capacity for effective, fair engagement in carbon forestry.
- Clarification is required on how to deal with fluctuations in the price of carbon, and awarding communities accordingly.
- National level guidelines should be prepared on equitable mechanisms for benefit allocation within communities (collective and/or individual?).
- Donors should not pay for carbon sequestration (carbon trade should not be part of financial aid); donor support should rather be given for capacity building, pilot activities, supporting processes, etc.
- Donors (and government) should ensure that poor people benefit from carbon trade; donors should lobby and assist the government to ensure this.
- A national-level institutional mechanism is needed to build capacity at all levels, develop policy and legislation, and monitor activities.

Source: Workshop group discussions, 4 September 2008 – with supplements from Bryan Bushley, 2008 pers. comm.

2.7 Community forestry in Bhutan is moving forward

Bhutan's constitution requires the national forest area to remain above 60%, indicating the importance of forests in this mountainous country. Rangeland management for livestock also represents an important source of livelihood for some citizens. Community forestry in Bhutan is provided with a sound legislative framework through the Forest and Nature Conservation (FNC) Act of 1995. Although a somewhat cautious approach was adopted at first, community forestry has gained considerable momentum in the past few years. Support from different levels in the government has been one reason – the finalisation of the FNC Rules and Regulations (2006) being a particularly important step, in giving clear operational guidelines to field staff. There has also been growth positive field experiences; the country's 100th community forest was handed over in October 2008. Awareness of community forestry is growing amongst local people, with the system of decentralised planning introduced by the government six years ago resulting in an increased bottom-up demand for community forests. The establishment of such forests has been supported over decades by a number of donors (notably SDC, the World Bank, GTZ, SNV and the EU). This support also included the capacity building of staff, and a critical mass of well trained and capable professionals has now been reached. Nevertheless, Bhutan's community forestry programme would probably be enriched through exchanges of experience with other countries and stakeholders.

Some of the most important challenges remaining for the further development of community forestry in Bhutan are at the legislative and institutional level. With regard to legislation, local interest in community forestry is likely to be dampened by the fact that the state guarantees all Bhutanese citizens a supply of subsidised timber under the Rural Timber Supply Scheme which ensures that villagers are treated particularly favourably. Another issue that is perhaps special to Bhutan is that a minimum of 10 households is needed to form a Community Forest Management Group, whilst many villages are made up of less than this number – also, of course, limiting the workforce available to manage the forest. At the institutional level, a very clear challenge for the implementation of community forestry is the split in the forest service between territorial and dzongkhag (district) administrations – the latter being responsible for forestry extension and citizen requests for forestry support under decentralised planning. Dzongkhag foresters are thus primarily responsible for community forestry, although the territorial division is also involved (especially in mapping and marking). Inevitably there is some overlap and lack of complete clarity in roles, with passive resistance to community forestry from some territorial staff. Further confusion amongst local people as to the role of state bodies is also potentially introduced in National Park areas, where community forests are permitted, but the park authorities must also be involved. Overall, consultation with the full range of stakeholders in forestry – including private companies, NGOs, etc. is still at an early stage in Bhutan. The case of Goeshari geog (box 12) illustrates some of the challenges of establishing community forests in remote areas.

Box 12

Establishing community forests within Jigme Dorji National Park

Goeshari geog (the lowest administrative unit in Bhutan) covers an area of 84 km², and comprises 5 villages with a total population of 622 people (129 households). The entire geog (which is part of Punakha Dzongkhag) lies within the large Jigme Dorji National Park. Some 90% of the geog is forested, 5% cultivated, with the remaining land being shrub and pastures. Most people live over two hours walk from the nearest road (and school), without electricity. As they explained, this means that there are limited opportunities for marketing agricultural produce. There is also little interest on the part of the youth to remain in such remote areas, so out-migration is high. Often the young men seek outside work on their own, leaving the women and children behind; this increases the work burden on women.

The geog has identified two community forests for development under the current (10th) Five Year Plan: Shelngosa (25 households, approx. 70 ha) and Gumgang (15 households, approx. 60 ha). Part of the reason for the relatively modest area proposed is that under current rules, a maximum 2.5 ha per household can be handed over as community forest. Community representatives are concerned that with population increase, the area may become insufficient in the longer term. More broadly, they see community forests as an opportunity to claim clear use rights to forest products even within the park, and possible compensation for the park's negative effects on their livelihoods. Since the park was established in 1995, they have experienced increased crop losses due and the killing of livestock by wild animals. Compensation can be claimed in theory, but is difficult to obtain in practice. As yet they have seen little benefit from eco-tourism.

The number of households in Shelngosa and Gumgang is small, and in each case all are kinship groups. The only problem mentioned is that some women-headed households are unwilling to participate due to lack of labour. However, community representatives said that in any case they should be allowed to join, to ensure the children have membership rights.

Goeshari geog illustrates the particular challenges of establishing community forests in remote areas. A tightly knit community with a clear common interest is a positive factor in establishing a Community Forest Management Group. However, the high rate of out-migration means that labour is limited, and there are potential difficulties in ensuring full representation in decision-making.

Source: Workshop field trip, 5 September 2008.



References

Ostrom, E. 1999. Self-Governance and Forest Resources. CIFOR Occasional Paper No. 20.

Rodger, A. 1928. The Forest Research Institute, Dehra Dun, India Nature 122, 146-149. <http://www.nature.com/nature/journal/v122/n3065/abs/122146a0.html>



*Preparing the transport of wood blocks, used for fuel and fibre-board production – Eastern Bhutan
(Photo: Kaspar Schmidt)*

3. Interlaken Workshop, Switzerland

The roles and responsibilities of bilateral and multilateral cooperation in the governance of forests and landscapes
Held in Interlaken, Switzerland, October 29-30, 2008

3.1 Introduction

Held in a relaxed and convivial setting in Interlaken, the broad goals of this workshop were to

- identify major challenges and most promising approaches for future work in forest governance in developing and transitional countries, based on the experiences of recent years in bilateral projects and multilateral processes; and
- provide a basis for the development of strategies, future interventions and lines of activities in forest governance in the South and East through bilateral programmes and projects and multilateral processes.

The workshop brought together representatives of the main Swiss federal agencies involved in forest policy and development issues (notably SDC, SECO and FOEN), practitioners from development organisations; international forest policy specialists; members of staff and students of different Swiss universities; representatives of a variety of forest conservation and advocacy organisations; and stakeholders from the private sector. Included amongst these participants were a number of Swiss representatives in delegations to COPs of different multilateral environmental agreements (eg. UNFCCC, CBD, UNCCD) and fora (eg. UNFF). Whilst, as in the case of the Punakha workshop, there was not a full gender balance amongst the participants, nearly one third were women.

Given that the time available was relatively short, the Interlaken workshop was organised into a number of punctual inputs. It began with a brief thematic introduction, and a presentation of the main results of the Punakha workshop (Tashi Wangchuk and Arjumand Nizami). Participants were also briefly informed of the link between the two Swiss-supported workshops, and a workshop on Forest Governance and Decentralisation in Africa that was held in Durban in April 2008 as a country-led initiative in support of the UNFF, and in which a number of the Interlaken workshop participants had played an active role (Christian KÜchli). Three key speakers then provided stimulating food for thought in their presentations on current and future forest governance issues (Doris Capistrano); Latin American experiences in forest governance, focusing on the Andes (Galo Medina); and forest law enforcement and governance (Tuukka Castrén). The participants then had the opportunity to see forests in a landscape very close to Interlaken, and to learn about the history of forest governance in the country (Christian KÜchli). The day was rounded off by the launch of a joint publication by Anthroscape, Intercooperation and the Society for Threatened Peoples publication on Free and Prior Informed Consent in Sustainable Forest Management in the Congo Basin, a work funded by SECO and the foundation Art for Tropical Forests.

As snow fell outside the following morning, the participants gathered for a stimulating presentation on promoting forest governance at the international level, notably through the United Nations (Walter Kälin). A series of shorter presentations highlighting practical experience followed; the countries covered included those of the Congo basin; Guatemala, Kyrgyzstan, Pakistan, and Vietnam. There was then time in the afternoon for the participants to break into discussion groups, focusing on community empowerment; the roles and responsibilities of local and national stakeholders; national policy level interventions; international



policy interventions; and the impact of external influences on local and national processes. The workshop was rounded off by feedback from the three resource persons, and closing remarks from SDC (in the person of Ueli Mauderli).

3.2 Communities, forest governance and property rights: current situation, future trends and key aspects

Doris Capistrano

Evolving narrative on communities in forest governance

Major changes over the past three decades have created spaces for forest dependent communities in developing countries to participate in decisions regarding forests and potentially benefit from their management and conservation. In the 1970s, forest dwelling communities and households dependent on forests for their livelihood were viewed as culprits and agents of deforestation. Perceived as threats to the forest and environment, policy responses generally sought their removal, relocation or inducement to alternative modes of livelihood. In the 1980s, faced with financial crisis and mounting deficits, many governments were forced to undertake structural adjustment reforms. Under pressure from international donor agencies, the downsizing of government bureaucracy, privatization of state-owned assets and market liberalization undertaken by governments led to decentralization of resource management in many countries. State-owned, centrally managed forests, particularly degraded non-productive forests, were gradually handed over for community management and placed under various forms of state-community-corporate co-management arrangements. Initially undertaken on pilot experimental basis, typically with external donor funding, the lessons from these experiments provided the foundation for larger scale models of community forestry, leasehold forestry and other forms of decentralized forest management currently under implementation.

The 1990s saw the transition to electoral democracy in several countries formerly under dictatorship and authoritarian regimes. A discourse of popular participation accompanied this period of democratic reforms and provided impetus to demands for further decentralization. Multi-stakeholder dialogues, forums and partnerships, although typically largely dominated by entrenched interest groups and elites, nevertheless opened up some spaces for marginalized stakeholders and disenfranchised groups to participate. The poverty and livelihoods of forest dependent communities and households became increasingly acknowledged as major issues in and of themselves as well as challenges to the sustainability of forests. And the meaningful participation and empowerment of forest users and forest dwelling communities were recognized as critical to alleviation of their poverty and to the sustainable use and management of forest resources. Thus forest user communities and households became increasingly regarded as critical actors and essential partners in the sustainable forest management enterprise.

With the gradual organization and mobilization of forest users into a recognizable polity in a number of countries, they were also increasingly acknowledged, albeit often reluctantly, by the state and corporate stakeholders as an important constituency in forest policy making. The acknowledgement of corruption and weaknesses in the rule of law as major factors in unsustainable and unjust forest exploitation also led to several regional and local initiatives to enhance forest law enforcement and forest sector reform at the turn of the millennium. Since September 11, 2001 the discourse on the "war on terror" promoted more vigorous policing and law enforcement in forest and other resource sectors around the



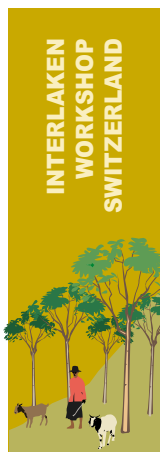
*Local farmers enjoying a training event on silviculture – Western Java, Indonesia
(Photo: Thomas Stadtmüller)*

globe. With the sharpened focus on law enforcement, regulation and control of forest crimes, forest communities came to be viewed as the first line of defence against illegal logging and corruption in the forest sector.

At the same time, increased appreciation for the variety of products and services forest ecosystems provide, also recast forest communities as environmental service providers. The broadened discourse around forest and ecosystem services was accompanied by a broadening of concern beyond livelihoods and poverty alleviation to a more holistic notion of human well-being in the context of human-ecosystems interactions. Concern about climate change in recent years has called increased attention to forests and the important contribution forests can make to climate change mitigation and adaptation. Rapidly developing markets for carbon sequestration, watershed protection and other environmental services are creating new opportunities for communities to potentially benefit from compensation for their contribution to environmental service provision. But in order for communities to realize these potential benefits, their tenure and rights to forests and forest resources need to be clearly established, protected and enforced.

Clear and secure property rights, including rights of use and withdrawal, management, exclusion and alienation of forests and forest resources, are a key to defining who gains and who loses (Schlager and Ostrom 1992). Building on progressive language from international conventions, indeed forest communities and indigenous peoples, along with their allies and supporters, have been advocating nationally and internationally for more secure rights and a more level playing field for small scale and community owned forest enterprises.

The narrative around communities and forests has thus shifted over the past three decades from one which cast forest communities as agents of forest destruction to one which regards them, in rhetoric at least, as agents of reform and at the forefront of forest management. From a focus on government or the state as



central actor in policy making, there is now also a broader focus on multi-stakeholder “governance”, i.e., on how decisions related to forests and forest dependent people are made, who are responsible, how they wield their power, and how they are held accountable.

Governance encompasses decision-making processes and institutions, i.e., generalized formal and informal patterns of behavior between individuals and groups at local, national, regional and global level (Mearns and Leach 1997). It pertains to both formal and informal institutions. While formal institutions may be thought of as rules that require exogenous enforcement by a third party, informal institutions may be endogenously enforced by mutual agreement among the social actors involved, or by relations of power and authority between them. Informal institutions, by their nature, are “socially embedded”. The interlocking of formal and informal institutions constitutes a matrix of relations which determine to a large degree who has the right to access forest resources and how benefits are shared in practice.

Good governance has been defined as characterized by predictable, open and informed policy making based on transparent processes, a bureaucracy imbued with a professional ethos, an executive arm of government accountable for its actions, and civil society participating in management decisions and public affairs, all adhering to the rule of law (World Bank, 2008). It is often described as a mix of representative government and participative politics acting in the public interest and is generally associated with social justice and equity. Clear, secure and enforceable property rights of communities, households and corporate entities to forests and forest resources is central to effective forest governance, sustainable forest use and equitable sharing of the resulting benefits.

Status and trends

Legislation giving communities and indigenous people stronger rights are now in place in many countries, including Bolivia, India, the Democratic Republic of Congo and Indonesia (Sunderlin et al 2008). At the international level, the adoption in 2007 of the United Nations Declaration on Rights of Indigenous Peoples to lands, territories and resources they have traditionally owned, occupied or otherwise acquired has fortified indigenous peoples in their long struggle for recognition and rights. Other international organizations are also increasingly promoting recognition of community rights, not just indigenous peoples’ rights, in national policy and legislation. At the local level, the rise of community forest user associations, federations and networks has facilitated learning, networking and access to technical support and strengthened the institutional bases for future advocacy and action.

At the same time, norms and standards of corporate practice have been changing, albeit slowly. Largely in response to citizen and consumer demands, and to forestall tighter regulation, a growing number of companies are considering or voluntarily adopting ecologically and socially responsible business practices. These have opened up channels for mutually beneficial engagement among corporate entities, civil society and local communities. And they have facilitated the development of market-based tools and instruments, such as certification, which seek to promote improvement in forest governance and more sustainable and equitable forest use and conservation. Building on the language from international conventions, notably the Convention on Biological Diversity, certain certification standards are also promoting the implementation of principles of Free and Prior Informed Consent and Access and Benefit Sharing in corporate entities’ dealings with local communities.

The area of forest under indigenous and local communities has expanded. Indigenous and local communities now own or administer 22% of forests in develop-

ing countries and 19% of forests in tropical countries (Sunderlin et al 2008). But States retain ownership of most of the forests in developing countries and still tend to favor management by industrial concessions and conservation over communities and indigenous people.

Communities have also been investing significantly in forests. In 2002/2003, for example, community investments in the forest sector was estimated to range from US\$1.3 to 2.6 billion, compared to total official development assistance (ODA) of US\$1-1.2 billion and government investment of US\$1.6 billion in the forest sector during the same period (Khare 2004). Although generally small in size, forest enterprises owned and managed by local communities and households can contribute substantially to local development and poverty alleviation. Small and medium-sized enterprises, including those owned by communities comprise more than 80% of forestry enterprises in many developing countries. Compared to their private sector equivalent, enterprises owned by local communities and households invest more in the local economy and can have greater developmental impact (ITTO/RRI/FT 2007).

Continuing challenges and emerging issues

While progress continues on many fronts, there remain serious challenges and persistent constraints to achieving good forest governance that also benefits forest communities. Emerging new issues threaten to create new obstacles and could even roll back gains already made. The most difficult forest governance challenges tend to be systemic and require persistent efforts to address.

Multi-stakeholder processes are typically dominated by powerful stakeholders and can be limited in their ability to accommodate competing views and interests. Efforts to resolve conflicts and to craft lasting and equitable solutions are often hampered by the unequal power of contending stakeholders. Those most affected by decisions are typically neither positioned nor equipped to effectively participate and represent their interests. The notion of “community” in community forestry and different forms of community-based forest management glosses over differences and structural inequities within and among component groups. To say that communities are not homogeneous and that there will always be gainers and losers is stating the obvious. Elites and powerful interest groups will continue to dominate and capture a major share of the benefits unless mechanisms are put in place to guard against these tendencies and to level the playing field.

Without the needed legal and regulatory reforms, more vigorous law enforcement alone could have significant implications for social justice and rights, particularly for the poor and powerless. Many laws and regulatory mechanisms are contradictory and incompatible. Many are neither just nor consistently and fairly applied. Laws and regulations are often selectively applied in favor of large-scale forest enterprises at the expense of small scale producers (ITTO/RRI/FT 2008). Neither are they sensitively calibrated to offer incentives for responsible behavior among key actors and entities impinging on forests. Transactions costs tend to be highest for those who can least afford to bear them, and the brunt of inconsistent or unjust regulatory enforcement and sanctions is often most acutely felt by those whose livelihoods are most precarious and insecure. Complex laws and myriad bureaucratic requirements also often render the livelihood activities of many forest-dependent poor as technically illegal and fail to recognize customary rights and forms of land ownership and forest management (Colchester et al 2006; Sunderlin et al 2008).

Procedures to secure rights, where they exist, are often too onerous and costly. Tools such as certification and third party monitoring to improve governance practices and strengthen law enforcement can discriminate against local communities and small scale forest enterprises. As a requirement for market access and trade,





*Local guide at the edge of a small patch of remnant native montane forest – San Pedro de Cachora, Peru
(Photo: Jan Baiker)*

certification can serve as a barrier against small producers and community forests that cannot afford the high costs of getting and maintaining certification.

Decentralization and limited devolution have facilitated access and encouraged broader participation in forest governance. But these reforms do not guarantee improved rights for forest dependent communities and households. Central and lower levels of government have generally resisted devolving real power and authority. And financial, technical and other resources provided are generally inadequate to support devolved responsibilities (Colfer and Capistrano 2005). Where communities have been managing local forests, decentralization and other forms of forest co-management arrangements can result in state intrusion, extend state control and curtail rights that communities previously exercised.

Models of forest conservation and protected area management are gradually moving towards participatory approaches and landscape level forest interventions. But tensions and conflict remain over differences in conservation and livelihood priorities between conservation organizations and local communities. These conflicts and tensions are likely to persist especially in areas where conservation areas overlap community forests and indigenous peoples' territories. In Latin America, for example, over 80% of state protected areas overlap indigenous territories.

Rapidly rising food and energy prices in international markets and shortages of staple grains in a number of countries during the past year have renewed global concerns about food and energy security. The resurgent interest of governments and producers in agricultural intensification and expansion for food and fuel is likely to heighten competition for land, raise land prices and increase pressure on forest lands. An estimated 30–35 million hectares of new land will be needed for bio-fuel production by 2030 and these are likely to come from forests (Roberts 2007).

Forest dependent communities, including indigenous peoples, stand to lose where their rights to forest land and resources are unclear, contested and insecure. At the same time that they present new opportunities, developing markets

for carbon and other environmental services can also pose similar challenge to communities and their access and rights to forest resources. Communities with high value forests but weak local institutions and low levels of organizational capacity to defend their tenuous rights, are particularly at risk.

The financial crisis and economic recession currently afflicting the global economy also presents risks and challenges. Dampened demand for wood and forest products in major markets in the US, Europe and Asia, notably China and India, has reduced pressure for forest products harvest. However, as the experience with the 1997/1998 Asian financial crisis indicated, dislocated and unemployed urban workers can return in large numbers to the farm and seek land for agriculture and food production, resulting in pressure on forests where cultivable lands are limited.

Around the globe, the financial crisis is also prompting a rethinking of the role of government in governance. With the state ending up as the “bailer out of last resort” of troubled corporate entities in many countries, particularly in developed countries which have pushed for deregulation and market regulation, there is a greater appreciation for the capacity and role of government. And there appears to be greater public acceptance of government intervention in markets and in forest and other sectors deemed vital to the national interest. There is a risk, however, that the renewed appetite for government intervention, regulation and control can swing the pendulum back to recentralization and reverse incremental steps already made towards participatory governance.

Implications for development cooperation

The international donor community has been and continues to be a major force for governance reform around the globe. Development cooperation can strengthen forest governance at different levels not only through the provision of financial and technical assistance but also by facilitating the creation of spaces for mutual learning, dialogue and open exchanges among key state and non-state actors and stakeholders. In addition to supporting governments’ efforts to address systemic weaknesses and encouraging better ways of doing business, agencies for development cooperation can foster international processes that provide meaningful spaces for genuine debate on contentious issues. They are also well placed to facilitate processes and negotiations leading to more equitable actions and mutually beneficial outcomes.

Particularly in times of great uncertainty, such as the current time, it is not only prudent but necessary to foster approaches and modes of thinking that enhance resilience and adaptive capacity. Persistent patterns of inequity and marginalization suppress perspectives and voices that could otherwise enrich thinking and understanding or provide alternative approaches to issues of forest governance and management.

Development cooperation agencies can further governance reform and contribute to developing adaptive capacity by supporting initiatives that provide meaningful space for grassroots community and marginalized voices to be heard and for their issues, especially those related to the security of their rights and well-being, to be addressed. Development assistance can facilitate networking and partnerships and help unleash the potential benefits they offer. But it is important to recognize that partnerships are a form of political mobilization, and to be sensitive to their undercurrents and inevitable consequences.

External intervention can hurt or help, depending on how it is done. Agencies for development cooperation can promote long lasting improvements in the governance of forest and other sectors by building on lessons from decades of development intervention. The following lessons and rules of thumb are perhaps among the most basic:



- Avoid a “cookie cutter” approach to scaling up of interventions perceived to have been “successful”;
- Encourage capacity building, learning and sharing lessons among and between key actors and stakeholders; and
- Invest in innovators and agents of change, not in entrenched agents of the status quo.

References

Colchester, M. with M. Boscolo, A. Contreras-Hermosilla, F. Del Gato, J. Dempsey, G. Lescuyer, K. Obidzinski, D. Pommier, M. Richards, S.N. Sembiring, L. Tacconi, M.T. Vargas Rios and A. Wells. 2006. *Justice in the Forest: Rural Livelihoods and Forest Law Enforcement*. Bogor. CIFOR.

Colfer, C.J.P. and D. Capistrano (Eds). 2005. *The Politics of Decentralization: Forests, Power and People*. London. Earthscan.

International Tropical Timber Organization (ITTO), Rights and Resources Initiative (RRI) and Forest Trends (FT). 2007. *Community-Based Forest Enterprises: Their Status and Potential in Tropical Countries*. ITTO Technical Series No. 28. Yokohama. ITTO.

Khare, A. 2004. *Forestry Investment Pattern, Early 1990s and 2002/2003*. Powerpoint slide presented at the International Workshop on Decentralization, Federal Systems of Forestry and National Forest Programmes, April 27-30, 2004. Interlaken, Switzerland.

Mearns, R. and M. Leach. 1997. *The Institutional Dynamics of Community-based Resource Management: An Entitlement Approach*. Sussex. Institute of Development Studies.

Rights and Resources Initiative. 2008. *Seeing People Through the Trees: Scaling Up Efforts to Advance Rights and Address Poverty, Conflict and Climate Change*. Washington DC. RRI

Roberts, D.G. 2007. *Convergence of the Fuel, Food and Fiber Markets: A Forest Sector Perspective*. Paper for the MegaFlorestais Working Group Meeting in St. Petersburg, Russia. October 2007. CIBC and RRI.

Schlager, E.C. and E. Ostrom. 1992. *Common Property and Natural Resources: A Conceptual Analysis*. *Land Economics* 68(3):249-52.

Sunderlin, W., J. Hatcher and M. Liddle. 2008. *From Exclusion to Ownership? Challenges and Opportunities in Advancing Forest Tenure Reform*. Washington DC. Rights and Resources Initiative.

World Bank. 2008. *Forest Sourcebook: Practical Guidance for Sustaining Forests in Development Cooperation*. Washington DC. World Bank.



A local farmer standing near the entrance of the Pachachaca canyon where remnant patches of native forests can be seen – Pacobamba, Peru (Photo: Jan Baiker)

3.3 Challenges for and approaches to forest governance in the Andes: The ECOBONA experience (Bolivia, Ecuador and Peru)

Galo Medina, Juan Carlos Romero, María de los Angeles Barrionuevo

Background

It is widely recognised that forest degradation and deforestation have multiple origins and result in complex sets of problems that include bio-ecological, environmental, cultural, political, economic and social dimensions. This implies particular forms of approaching and confronting the problems of deforestation that have to be adapted to the local, national and regional conditions. This is particularly important when dealing with Andean mountainous ecosystems (i.e. ecosystems in which communities are common above 1,500 masl), as the way to address deforestation-related problems cannot be similar to those in the tropical high



Andes or in lowland rain forests. Therefore, the features that define the need for a specialised approach to forest governance in the Andes are as follows:

- Inequity in accessing natural production assets such as water and land.
- High concentration of poverty with regard to income and unsatisfied basic needs.
- Reluctance to conform to authority, to participate actively and to conduct long-term planning – features explained partially by certain inherent features in Andean societies, and also by inappropriate political, normative and institutional settings (such as weak central planning, insecure land tenure and corruption).
- Steep terrain that poses technical difficulties for sustainable forest management and adequate agro-productive systems.
- Lack of technical information related to the use of forest resources such as location of productive forests, demarcation of forests and protected areas, legality of actions, appropriate management practices, cost-efficient technologies, quality seeds of known origin and spatial physical planning.
- Lack of information and its dissemination concerning the environmental role of forest ecosystems.
- Limited development of or access to fair markets that would foster good practices in the productive landscape, induced by a high opportunity cost to change from practices that degrade resources towards more sustainable ones.
- Certain features of the credit system, such as high interest rates and inadequate grace periods, which do not promote management practices that are both socially and environmentally sustainable.

There is a need for judicial frameworks, social agreements, control systems and management strategies to bring about sustainable management of Andean landscapes which include the productive systems, the eco-zone, and the original vegetation areas. In other words, there is a need for governance that contributes to managing a series of manifest as well as underlying causes for the loss of forest cover, biodiversity and environmental services.

The ECOBONA regional programme approach

In the Andes, Swiss development cooperation (SDC/IC) has been modifying its approaches over the years in the forest sector. In the beginning of the 1980s, projects put emphasis on reforestation in degraded areas. In the early 1990s, this view turned towards the conservation of forest patches. From 2000 onwards, emphasis was put on the management of landscape, in which forests were viewed as one element of the local productive matrix. This development entails a progressive involvement of various actors. In the beginning, the central actor was the community; later, a number of public organisations in the sector such as national environmental authorities and sub-national governments became increasingly important. More recently, national state policies and development planning (at local and national levels) have progressively been at the focus of development activities.

The Regional Programme for the Social Management of Andean Forest Ecosystems (Programa Regional para la Gestión Social de Ecosistemas Forestales Andinos –ECOBONA) includes both the Andean forests themselves and the zone surrounding them (the ecotone) in its intervention, bearing in mind the productive activities that impinge on the natural resources (water, soil, agro-diversity). These pressures are grounded on practices and attitudes of the local population, on political decisions and on the local and national economy, as well as on global conditions.

Within this framework, ECOBONA is promoting an approach called Social Management of Andean Forest Ecosystems (GS-EFA in Spanish). This proposal comprises the active, permanent and deliberate involvement of all local, public

and private institutional actors in the establishment of good, sustainable management practices of the Andean forest ecosystem. One of the activities fostered by ECOBONA is good governance of the forest-environmental resources within its specific pilot areas of intervention. The “forest issue” is set within a wide framework, aiming not only for a legal/sustainable/adequate provision of forest products, but also making evident their contribution to conservation and local development. This approach favours interventions that support the sustainability of management actions and long-term positive impacts. It also acknowledges that economic, social, political and power-related structures can be vigorous generators of negative effects on forest ecosystems and the fight against poverty in the Andes.

Therefore, the “GS-EFA” approach facilitates the identification of strategies and actions aimed at reducing pressures on the ecosystem and at fostering Andean forest-environmental governance in the short, medium and long term. Its features include:

- The consideration of territory and landscape as an analytical and active framework with an ecosystem approach.
- The identification of priority intervention areas under pressure-related criteria but also considering the opportunities for political success, looking for replicable experiences from the start. This entails addressing local development processes and assisting production initiatives that are compatible with the local pattern of production.
- The promotion of local capacities at individual, institutional and politico-normative scales. This will foster local ownership and institutionalization processes as strategies of forest-environmental governance.
- The facilitation of negotiation processes that will allow a reduction of conflicts, foster citizens’ participation and generate confidence among all actors involved.
- The identification of knowledge gaps that hinder decision-making processes and systematise experiences, making them available for involved actors and the public.

To put these points into practice takes time, funding and favourable conditions, i.e. adequate governance environments that are not always present.

Lessons learned

ECOBONA’s main lessons learned over the years of involvement in forest-environmental governance the Andes of Bolivia, Ecuador and Peru are:

- Forest-environmental governance has to be elaborated within local and national development processes.
- Support should focus on locally identified and prioritised initiatives, and this support should be conditioned to local co-funding. This enhances participation and elevates the levels of response from sub-national governments, rendering the relationship fluid, and reducing conflicts.
- Working with sub-national governments involves a higher degree of political and prospective analysis than working with national governments and communities.
- Exchanging technical information among actors fosters trust and reduces levels of conflict, as it avoids polemic political discussions and negotiations.
- Supporting the development of forest-based products that are not traditionally exploited by local populations, can end up being counter-productive if insufficient attention is given to aspects such as market access, production traditions, and the availability of appropriate technologies and credit. Poorly conceived forest-based product development can be a major source of conflict and potential deforestation.
- The generation of power maps contributes to designing “route sheets” for the programme’s intervention and helps in the definition of possible alliances.



- Fostering the local application of national policies is not the first option if these policies are not grounded on reality, and have not included a bottom-up consultation process with actors using and living around forest resources. Many times national policies are contrary to local needs, and vice versa. Thus, enormous efforts are needed to reach a system of good local governance to reduce pressure on ecosystems, and from there foster the adaptation and the application of local policies.
- Processes that guide forest-environmental governance are always strongly influenced by temporary political factors (both local and national); this frequently reduces the cost-effectiveness of interventions and limits the development of an enabling framework.
- Knowledge management must not only focus on practical interventions, but also on experiences related to programme/project implementation, eg. reasons for difficulties, and the tactics adopted to overcome them; these lessons are as valuable as those gained through the establishment of tree nurseries or land-tenure designs.

Challenges ahead

The main challenges are related to politico-institutional, social, cultural and economic, technical and technological, and information and research issues. The most notable are as follows:

- Promote cooperation culture centred on the strengthening of capacities at individual, institutional and systemic levels.
- Establishing accountability systems in the sector that are enforceable, verifiable and observable, in order to increase participation and support the fight against corruption.
- Strengthening the institutionalisation of good forest-environmental governance – defining roles and competences, as well as power relationships with other sectors such as agriculture, mining, petroleum and energy.
- Applying mechanisms to align cooperation with national policies and to harmonise interventions by different donors that facilitate forest-environmental governance.
- Enhancing and institutionalising mechanisms and processes that foster participation and equity in the sector.
- Viewing forest-environmental governance as part of a larger exercise of territorial and landscape governance.
- Supporting the design, implementation, harmonisation and updating of political and normative frameworks to foster good natural resource management practices, which simultaneously control and sanction negative uses.
- Modifying credit schemes so that they do not contribute to forest and environmental degradation, and to avoid financial dependence.
- Facilitating the establishment of tax-related financial mechanisms for cooperation-supported initiatives, particularly in the formulation and implementation of laws and norms.
- Creating linkages between the public and private sectors for coherence in political decision-making, and the allocation of technical and economic resources.
- Avoiding a project approach in fostering good governance. The process is influenced by often rapidly changing political forces and development settings. Good forest-environmental governance is a dynamic process of negotiation and reaching consensus within clear juridical, social and economic frameworks.



Local assistant conducting a rapid biological assessment in a native humid montane forest – Pacobamba, Peru
(Photo: Jan Baiker)

3.4 Forest law enforcement and governance priorities – the World Bank experience

Tuukka Castrén

What do we know already?

Over the years we have been able to develop a good understanding on the role of forests in global development. We know that hundreds of millions of rural poor depend on forests, and we know that, if used in a sustainable manner, forests can yield notable contributions to national economies. We also recognize the environmental value and services that forests provide. Recently we have also gained an increased understanding into the potential role of forests in climate change mitigation and adaptation.

In the past years the international community has paid increasing attention to illegal logging and forest crime. The phenomenon has of course been known much longer but we have used various expressions to name forest crime. We have spoken about ‘undue rent-seeking’ or ‘irregularities’ just to give two examples. But now we have gained the courage to call forest illegality what it actually is, a crime.

Recognizing that forest illegality is a crime has allowed us to approach the issue from the perspective of law enforcement. We are able to use the terms and concepts of regular law enforcement to assess which circumstances create a conducive environment for crime. We can also unbundle our fight against illegality into prevention, detection and suppression.

Despite linking forest crime more closely to general criminal theory, we cannot forget the specificities of forestry. Nor can we say that forest governance is only about illegal logging and related trade. There is much more to it. Forest govern-



ance includes also the fiscal systems of forestry, the role of local and indigenous communities as well as equitable revenue allocation. Crime prevention and suppression is one essential part of governance, and it requires urgent attention. But it alone does not capture the whole diversity of the topic.

World Bank strategies and approach

The World Bank issued a new forest strategy in 2002 after a long and consultative preparatory process. The strategy replaced the previous strategy from year 1992. The new strategy recognized that forests play an essential role in global development and by active involvement the World Bank can have an influence and ensure that this role is a positive one.

The main thrust in the strategy is that forests have three clear roles in global development. They contribute to i) poverty reduction, ii) economic development and iii) environmental sustainability. It needs to be noticed that governance is not one of the pillars of the strategy. Our view is that we need to improve governance in forestry to achieve results in all three areas. Governance cannot be seen in isolation from the wider approach to forestry.

After the strategy some notable new elements have come to the international arena which have an impact on how the Bank implements the strategy and how we work. However, it needs to be said that the basic premises of the strategy are still valid and the new developments just allow us to work in a more targeted manner.

First, the Bank endorsed a new strategy on governance and anti-corruption (GAC) in 2007. Like in the case of forestry, the GAC strategy emphasises that governance need to be mainstreamed in all Bank activities, programs and country strategies. It is not an isolated field but a key ingredient to development.

Second, the role of forests has become a key element in the discussions on climate change mitigation. Reducing emissions from deforestation and forest degradation (REDD) is seen as a promising component in the fight against climate change. And governance plays a key role in REDD through two different ways. We need to build a solid governance structure for REDD to ensure that the system yields genuine, long-lasting and additional benefits. There is another linkage to governance as well: REDD is very much about sustainable forest management and how to address the key drivers of deforestation and degradation. As discussed above, good resource governance is an essential part of SFM.

Third, we have learnt about the importance of governance and how to promote it in the forest sector. This has made us more aware of the issue and our need to have a solid approach to tackle the governance challenge. But our experience has also made it clear that forest governance is not limited to illegal logging. It covers the whole landscape of forested land and its resources. At the same time as addressing illegal operations in commercially valuable forests, we also have to be able to address governance issues in non-tradable sectors like harvesting for domestic industrial and household use including fuelwood.

One of the experiences for the Bank has been the importance of regional processes. The ministerial declarations in East Asia (Bali, 2001), Africa (Yaoundé, 2003) and Europe and North Asia (St. Petersburg, 2005) have created political "space" and technical means for governments to address illegal logging. They have also involved both producer and consumer countries. It is made clear that there is a shared responsibility to address a common problem. This shared responsibility covers also a partnership with civil society and the private sector. One of the reasons why these regional processes have been successful is that we have been able to create a strong alignment with existing regional institutions.

Lessons learned

The key lesson learnt is that governance is a complex phenomenon. In order to be able to fully address it at landscape level, we need to identify the various entry points of governance.

Market transformation requires that we increase the demand for legal wood and decrease the competitiveness of illegal operations. The objective is to lower the rents from unsustainable logging. Green procurement and industry standards are examples of demand side measures. On the supply side we may increase the supply from sustainable plantations and from sustainably managed natural forests. This includes also supply from trees outside forests. Payments for environmental services like biodiversity and carbon sequestration also make sustainable forestry financially more attractive.

On the institutional front transparent and equitable forest fiscal systems as well as wider institutional reforms and institutional strengthening need to be on the agenda. This will include reform of the forest services, incentive payments, transparency and accountability (global monitoring of forest stock, global log-tracking). All this will basically lead to improved forest law enforcement and compliance systems.

As an analogy, the concepts from the wood market, where demand and supply determine the outcome, can be transferred to the market of governance as well. Societies need to have a genuine demand for good governance and their governments should be able to supply it. Independent forest monitors, participation by communities, indigenous groups and a serious private sector are some means to promote accountability and demand for good governance. At the same time, the government needs to have the will and tools to meet that demand and promote good governance.

Institutions and people respond to incentives. When promoting better governance, there is a need to strike a balance between incentives and enforcement. Individuals can be made to change their illegal behaviour by removing the means, opportunities or motivations for illegality. This is often done by law enforcement. At the level of a society, the sustainable way to improve governance is by changing the existing incentive framework. That framework needs to be made conducive to legality. Law enforcement is needed during transition and to curtail illegal activities. But only if the incentive framework favours legality will the results be long-lasting. Institutions will not impose reforms that undermine their self interest.

Role of the multilateral and bilateral development partners

Development cooperation can support countries in strengthening their forest governance. Our experience is that when this support is planned, donors and national governments need to engage themselves in a dialogue with all the key stakeholders. This multi-stakeholder dialogue enables us to better integrate the views from the whole society involved. This in turn promotes the right incentive framework that was recognized to be the key factor in sustainable governance development.

The most obvious way to target governance in the client countries is by supporting FLEG specific activities. These would include building political will or institutional and legal capacity in a country. Secondly, in addition to direct FLEG interventions, donors need to see the role of governance in all other forestry, NRM and land policy work we have with our partners. It is essential that governance is not seen as an independent sub-sector but that it is mainstreamed in the forestry and natural resource sectors.



These two levels of engagement are rather obvious. But the global aid architecture is changing. As a result of the aid effectiveness agenda we have seen a move towards more programmatic aid and budget support. The experience here is mixed. Perhaps we have not always been successful in bringing forests and forest governance in to the wider macro policy debate with our partner countries. One reason is that most of the PRSPs (Poverty Reduction Strategy Papers) and other national development plans do not mention forests and even less have specific forest policy elements. Despite this omission, it would be crucial to strengthen the way development policy lending, budget support and other program aid support improving forest governance.

3.5 Promoting forest governance at the UN level: A promising strategy?

Walter Kälin

Forest governance: Why the UN?

The UN has been dealing with forest governance issues, i.e. norms, institutions and processes related to the sustainable management of forests since the 1992 Rio Conference on Environment and Development.

There are several reasons why the UN is and remains engaged in this area: First, forest management is of global interest because the way that forests are governed at the local level may have an impact on global development, bio-diversity and other environmental factors, as well as climate change. Second, there is a need to balance at the global level four key aspects of forest governance that may contradict each other:

- Sovereignty: Forests as part of the State's resources;
- Development: Forests as economic resource of States and a source of livelihood for forest-dependent people;
- Environment: Forests as common heritage of mankind (biodiversity etc.); and
- Climate: Forests as sinks and reservoirs for greenhouse gases.

Finally, the UN provides an excellent forum where experts (the so-called "technical UN") and governments (the so-called "political UN") can interact and reach consensus on these and other governance issues.

Forest governance: Where in the UN?

There are two main forums where forest governance is discussed in the UN:

Environment and development

Forest governance was one of the topics discussed at the 1992 Rio Conference on Environment and Development. Agenda 21, Chapter 11 deals with the goal of combating deforestation, and the so-called Forest Principles ("Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests") specifically address governance issues. A closer analysis of these texts suggests that on key issues only a weak consensus could be reached by States as many among them were defending their sovereignty.

At the institutional level, the creation of the UN Forum on Forests (UNFF) as a subsidiary organ of ECOSOC (UN Economic and Social Council) with a permanent secretariat in 2000 is of particular importance as it provides a stable framework for governments to discuss forest governance issues. The work of



*Timber harvesting in a rich mature forest – Congo Basin
(Photo: Jürgen Blaser)*

the UNFF is supported by the Collaborative Partnership on Forests (CPF) which is made up of 14 UN organizations and agencies (eg. FAO, UNEP, UNDP), and the secretariats of the relevant UN conventions (eg. the UNFCCC secretariat). One of the main achievements is the elaboration of the 2007 “Non-legally binding instrument on all types of forests” (General Assembly Resolution 62/98).

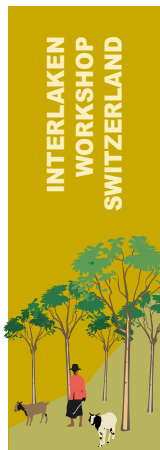
Climate change

The UN Framework Convention on Climate Change (UNFCCC) commits States to “promote and cooperate in the development, application and diffusion, including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including [...] forestry [...]” as well as to promote sustainable management of sinks and reservoirs of all greenhouse gases including forests (Article 4).

The 2007 Bali conference of parties (COP) to the UNFCCC adopted Res. 2/ CP.13 entitled “Reducing emissions from deforestation in developing countries” (REDD). REDD was further discussed at the Poznan conference (December 2008) and will be further discussed at the Copenhagen conferences (2009) which will negotiate the climate regime for the next decade. This is likely to lead to new binding international law.

The non-legally binding instrument on all types of forests (2007)

The purpose of the Non-legally Binding Instrument on all Types of Forests (NLBI) is (1) to “strengthen political commitment and action at all levels to implement effectively sustainable management of all types of forests and to achieve the shared global objectives on forests”; (2) to enhance the contribution of forests to



achieve development goals including the MDGs; and (3) to provide a framework for national action and international cooperation.

The NLBI embodies five basic principles: (1) The voluntary, non-binding nature of the instrument; (2) the responsibility of States for the sustainable management of their forests; (3) the participation of local communities and other stakeholders in sustainable forest management; (4) good governance at all levels; and (5) international cooperation, including financial support, technology transfer, capacity-building and education.

The goals to be achieved are: (1) reversing the loss of forest cover worldwide; (2) enhancing forest-based economic, social and environmental benefits, including by improving livelihoods of forest-dependent people; (3) increasing significantly the area of protected forests and other areas of sustainably managed forests; and (4) reversing the decline in official development assistance and mobilizing significant new funding for sustainable forest management.

The NLBI lists a series of tools that may be used to achieve these goals. They include national forest programs and strategies; the use of management tools to assess the environmental impact of projects that may significantly affect forests; the use of traditional knowledge; the development of new financing instruments; revisions of legislation; and international cooperation.

REDD (reducing emissions from deforestation and forest degradation)

Decision 2/CP.13 of the 2007 COP in Bali on REDD acknowledges the contribution of the emissions from deforestation and forest degradation to global anthropogenic greenhouse gas emissions, encourages specific actions by States to address the problem, and calls for the development of methodologies to better measure the impact of deforestation and the measures taken against it as well as for the identification of incentives.

Assessment: towards a comprehensive strategy

Forest governance has become firmly established as a UN topic, but consensus is still thin. In addition, it is questionable whether the UN discussions are linked to the local levels adequately enough to have a sufficient impact on sustainable forest management in practice.

In this situation a comprehensive strategy is needed. Such a strategy could be based on the idea that to achieve the goal of sustainably managed forests and stop further deforestation and degradation of forests, we need (1) a strong normative framework; (2) the political will to implement it; and (3) the capacity to do so.

Element 1: A strong normative framework

The NLBI insists on its non-binding character, and thus highlights State sovereignty. In this context, one should insist on an understanding of sovereignty as responsibility as, for instance, expressed in Principle 2 of the 1992 Rio Declaration on Environment and Development which insists that States have not only the “sovereign right to exploit their own resources pursuant to their own environmental policies” but also “the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.” Such an understanding of sovereignty could serve as a solid basis to promote

- strong national laws and policies in line with the NLBI; and
- strong recommendations by regional organizations.

Such a process of building a consensus bottom up could eventually lead to a situation where stronger norms might become acceptable at the universal level.

As regards REDD, it is possible that the Bali recommendation is the beginning of a process that will lead to binding obligations when the UNFCCC is revised (Copenhagen 2009).

Element 2: Strong political will

Resolutions/recommendations by UNFF, ECOSOC, General Assembly are important insofar as they allow a process of (re-)affirming commitment and consensus and thus help to build up the necessary political will among relevant actors to implement agreed principles of sustainable forest management. A similar role can be played by regional organizations.

Advocacy by civil society and local communities for sustainable forest management in line with the NLBI and other relevant instruments would be crucial to create the necessary political will at the local and national levels. For this purpose, wide dissemination of the results achieved at the UN level is important.

Element 3: Strengthening capacity

To have a strong normative framework and the political will to implement it is insufficient for achieving results if the capacity to do so does not exist. Therefore it is important:

- to develop practical tools adapted to the specific level and context that give concrete and specific content to general principles;
- to create and strengthen appropriate institutions for sustainable forest management at all levels;
- to build capacity at all levels; and
- to provide international support for all these activities.

Conclusions

Today, the UN is engaged in serious discussions on forest governance. At the same time, the key documents elaborated in this context indicate that many States not only are reluctant to accept any binding obligations but have also difficulties to agree on strong and detailed recommendations. The NLBI, for instance, certainly goes into the right direction but still is rather far away from an instrument that would provide the degree of guidance needed to achieve its goals in practice. Nevertheless, it can be concluded that promoting forest governance at the UN level is a promising strategy insofar as the United Nations:

- provides a unique forum for experts to promote their experiences with States and interact with them;
- is the place where States can find the much needed consensus on key issues;
- provides a unique framework for States to cooperate with each other on concrete issues;
- can develop concepts and initiate processes that are able to advance sustainable forest management at all levels, including the local ones; and
- has considerable technical capacities at the level of its organizations and secretariats that help to support States.



3.6 From government to governance – the Swiss experience with forest governance: Summary of the field excursion to Klein Rügen, Interlaken

Christian Küchli

The significant milestones in the development of forests and forestry, as well as in the processes of forest governance over the last 200 years can be explained in terms of a number of interlinked issues, the most important revolving around forest ownership, power and cost/benefit sharing between different stakeholders. The latter include mainly the three tiers of the federal structure of government and people's representation and the private sector.

The fundamental problem concerning forests in the early 19th century was one of conflicting demands at several different levels. Townspeople, and most foresters, originally saw the forest as a source of fuelwood and later on as a source of timber. Farmers wanted leaf fodder for their animals, leaf litter as fertiliser and access for grazing. Rural disputes were not infrequent since the landless depended on forest resources for their subsistence. Conflicts of interest prevented natural regeneration over extensive areas. The last decades until the enactment of the Federal Forest Law of 1876 were the most difficult in all the history of forestry in the Alpine Cantons characterised by: seizure of the forest resources by the rural elites, exclusion of the disadvantaged segments of the population, clear cutting of large tracts of forests, and poor revenues for forest owners. The decisive factors which lead to the recovery of the heavily degraded Swiss mountain forests were: the development of the railway networks in the second half of the 19th century enabling coal importation, and later the development of hydroelectricity; the clarification of forest tenure issues; and subsequent social and economic development.

The first foresters, appointed by the Cantons, represented urban interest. Karl Kasthofer, was appointed by Canton Bern in 1806 as the first district forest officer in the Interlaken region in the hope that he would succeed in enforcing the city of Bern's increasingly contested sovereignty in the mountain region and "alleviate the shortage of wood through effective police measures". A well trained forest and pasture professional, his initial attempts at forest improvement were based essentially on technical improvements; these failed. He learned that unless the projects he designed were perceived by the rural population to be to their benefit they would continue to fail. To gain rural people's trust, he concentrated his efforts on public forests which were relatively non-controversial and easy to control such as "der Kleine Rügen" where a number of timber species were planted to increase local revenue. Agricultural production intensified and its products were increasingly exported. Karl Kasthofer promoted the synergies between improved agricultural production and greater individual control over forest areas. However, privatised forestland was often clearcut, and did not serve the varied requirements of the rural community at large. His successors came to the conclusion that communal ownership was better for the forest and the people; because good forestry requires planning and management over generations, but also because a minimum input is required for forests to be managed rationally; local people could decide through their local democratic structures on the range of forest products and services they required.

The involvement of the Federal Government in the forestry sector was triggered by the increasing natural disasters (landslides, floods) due to deforestation. According to the Federal Forest Law, forests under all forms of ownership (public/communal or private) could no longer be reduced in area, cleared areas had to be replanted, management plans established and sales of forest products permitted only from trees marked by the forest service. The main aim of protecting



*Harvesting tree fodder in Lötschental, Central Alps, Switzerland and in Central Hills of Nepal
(Photos: Christian Küchli)*

lives and property evolved, through legislative changes at federal and cantonal levels, to include the pursuance of economic aims. This was the result of negotiation between the various tiers of stakeholders whereby costs and benefits (direct and indirect) should be equitably shared. Forest service staff in general evolved from being perceived for decades as policemen, to being perceived as advisers with sound professional advice: Their curriculum came to include indigenous forest management knowledge, respect for commune and private owner needs. Respect for local autonomy, within the overall framework of federal and cantonal forest legislation, reinforced local capacity and interest in sustainable forest management adapted to local conditions.

With the generalised use of petroleum fuel and electricity starting from the 1950s, combined with the increasing value of forested landscapes for recreation, the aims of forest management continued to evolve. The cost benefit ratio of forest products and services changed, with an increasing demand for federal and cantonal incentives to provide for qualitative conservation of the forest resources, which led to intensive cooperation between the Confederation, Cantons, Communes and private forest owners.

Hence, one may describe the process over the last 200 years in the Swiss forest sector as the successful development of cooperative federalism, with strong central government intervention having evolved to the successful multi level stakeholder governance in place today.



3.7 Project Probosques Guatemala: Capacity building of municipal staff and other stakeholders for sustainable natural resource management

Thomas Stadtmüller

The Probosques project has been working since 1997 in the western highlands of Guatemala where population density is the highest in Central America. The area is mainly inhabited by indigenous people who are heavily marginalized. Women are particularly disadvantaged. The pressure on natural resources is critical. However, the area forms part of the Mesoamerican Biological Corridor, an important international conservation initiative. The aftermath of 36 years of civil war is still very present, in spite of the peace accord established in 1996. Decentralization efforts, promoted strongly by donors, are gradually being implemented.

The project objectives are (1) to strengthen the capacity of municipalities and local population through committees in sustainable forest management, and in forest, biodiversity and watershed conservation; and (2) to consolidate the efforts of the National Council of Protected Areas to strengthen a regional network for forest management and conservation.

Helvetas – which has been working in Guatemala in different sectors since 1972 – is assuming the role of advisor and facilitator at technical and communal level (with the Communal Development Councils), at municipal level (with the Municipal Development Councils) and at national level (with the National Forest Institute and the National Council for Protected Areas). Further, it is playing a role in international conservation efforts within the framework of the Mesoamerican Biological Corridor (with its core areas, buffer zones and forest corridors between protected areas). Project activities include capacity and skill development on forest development, planning and management; preparation of economic incentives for reforestation; efficient fire prevention; conflict resolution and gender sensitisation.

The main achievements in improving governance related to natural resource management are:

- establishment of municipal protected areas;
- improvement of social, managerial and technical skills of municipal staff to manage natural resources;
- 15,000 ha of forests under sustainable management in the 13 municipalities supported by the project;
- improvement of relations between municipalities and communities;
- increased involvement of women in consultative and decision making processes;
- increased capacities to develop institutional arrangements for co-management.

Results show that it takes time to develop the trust and collaborative mechanisms between different levels of stakeholders. The Municipal Councils have shown commitment to the project's objectives as their financial contributions have been higher than expected in the project-municipality bilateral agreements. The involvement of local people in the consultation process leads to a more inclusive approach in terms of indigenous rights, gender equity and civil society in general. It is increasingly accepted at national level that forest management has to be regulated and control mechanisms established through negotiation between the different stakeholders concerned.



*Fuelwood for subsistence: a scene from the a comunity forest – Western Highlands, Guatemala
(Photo: Thomas Stadtmüller)*

The challenges which remain are:

- Reforestation still depends on incentives.
- Sustainable forest management is not yet financially sustainable.
- There is still a shortage of technical capacity and knowledge amongst municipal forestry staff.
- Although income opportunities have been created by reforestation and conservation incentives, the potential from market-oriented production has not yet been realised. The mid term perspective, however, is that sustainable harvesting will increasingly lead to higher local incomes.
- The political environment is still far from being conducive, and civil society is still weak and not very supportive.
- Internal power struggles, corruption, and nepotism are deeply rooted and cannot be erased in the short term.
- The success of the project strongly depends on a favourable and stable political climate, which under the current conditions is still not guaranteed. One of the major risks is changes in the political structure of Municipal Councils with new elections. This risk is, however, slowly being reduced with their increasing accountability to civil society.



3.8 Improving forest resource governance in post-Soviet Kyrgyzstan: Involving municipalities in a system of shared management responsibilities

Patrick Sieber

The transition process, which started with the disintegration of the Soviet Union, remains determinative in present-day post-Soviet Kyrgyzstan. For the forestry sector, the reform implied moving away from a centrally planned and highly directive to a more participatory and pluralistic system of resource management. Through the bilateral SDC-funded Kyrgyz-Swiss Forestry Support Program – KIRFOR (www.intercooperation.kg), for many years the Kyrgyz partners in the forestry field have been assisted in reforming their institutions and adapting them to the new and still changing environment. To mitigate the actual risk that the limited state-owned forest resources dwindle as consequence of the high pressure they are exposed to, there is pressing need for an improved management system that reconciles the claims of the different actors that have a stake in forest resources and their use.

In the frame of decentralization in the Kyrgyz Republic, municipalities have become key stakeholders that play a leading role in local development. Financial decentralization will ensure them own budgets in the future, which will further strengthen their role at the local level. Until now, there has been little exchange and collaboration between the forest authorities and local governments. In the current situation in which the forest authorities are no longer in the position to handle independently the high pressure on the forests, the most promising strategy to improve forest resource governance in the Kyrgyz setting is seen in strengthening the collaboration between the three relevant local stakeholders: the local population, the responsible forest authorities and the local governments that will further gain in importance. Municipalities will have to be involved as equal partners in a system of shared management responsibilities in the future. The well-established collaborative forest management (CFM) leasehold system represents a promising starting point to this end. The two-partite CFM leasehold system provides the frame for interaction between the local population and the forest authorities. It is currently being enhanced to include the municipalities in a tri-partite resource governance system. KIRFOR assists the partners in elaborating and testing locally adapted ways of sharing rights, responsibilities and benefits from forest resource management. In a number of pilot collaboration areas, the practical realization of how the shared management system could eventually function is currently being tested with the support of the programme.

The result of the work to this day is encouraging: Capacity building has contributed to raise awareness about the urgency of tackling the shortcomings of the current system. With the shared understanding that forest authorities alone are not in the position to handle the high pressure on the forest resources, the way was cleared for reconsideration and discussion of a more suitable way of sharing roles and responsibilities amongst the stakeholders. The initiated change process further promises to pave the way for considering forest resources in Kyrgyzstan in a more holistic manner in the future, taking into account the various links that exist with other natural resources (pasture land, water, etc.). Concrete collaboration between the partners in the pilot areas is gaining momentum with successful implementation of first joint activities of the three stakeholders. The endeavours reveal the potential of jointly tackling pressing issues – and motivate the partners to continue with the process.

Bilateral projects can really make a difference to improve resource governance; in particular, they provide the valuable opportunity to test new setups and proce-



*Local forest users discussing the management of the walnut-fruit forest – Arslanbob, Kyrgyzstan
(Photo: Patrick Sieber)*

dures at the local level. Concrete examples from pilot areas are telling arguments in the policy dialogue at the higher level. Success of far-reaching change processes normally depends on two interlinked elements: innovation and subsequent refining according to field-based evidence gained from trial implementation. The case of the transition of the Kyrgyz forestry sector exemplarily illustrates that change processes take time. Unless this is being reflected in a long-term commitment by the donor, the leverage of a bilateral project in such circumstances can be limited. It should further be kept in mind that the reform of the forestry sector normally has to be considered as closely linked and being part of an overall societal change process – and does therefore much depend on its overall pace of change.

3.9 Decision-making mechanisms in pilot community forestry activities in Vietnam

Patrick Rossier

Over the last 20 years, the political system of Vietnam was progressively decentralized. This has contributed to setting the stage for community forestry. However, the concept of community forestry has only very recently been officially approved, in the new Land Law of 2003 and the new Forest Law of 2004.

Started in 2003, the ETSP-Extension and Training Support Project (funded by SDC and implemented by Helvetas in collaboration with the Vietnamese government) was developed at the right time to support the introduction of community forestry in Vietnam. ETSP had a multi-level approach: At national level it supported policy issues and the elaboration of administrative / technical guidelines, at provincial/district/commune levels, capacity building activities and, at village level, the implementation of pilot activities in the field. The project had a strong institutional anchorage which is crucial for process-oriented activities like community forestry.





*A community meeting to discuss the distribution of benefits from a community forest – Dak Nong Province, Vietnam
(Photo: Phem Phu Ngoc)*

ETSP supported community forestry pilot activities in Bu Nor Village (Dak Nong Province), a Mngong community of 98 households to which a natural forest of 1,016 hectares had been allocated. During a long process of 3 years (from 2005 to 2007), the community of Bu Nor succeeded in conducting the full cycle of community forestry introduction, from forest land allocation, to forest management planning, timber harvesting and benefit sharing. Bu Nor Village is a concrete example showing that community forestry can generate income and contribute to poverty reduction in the uplands of Vietnam.

Who decides what? Community forestry has brought many changes in the decision-making mechanisms of forest management. Firstly there is a new stakeholder – the village community – which was not (or was far less) involved previously. Secondly there is a change of roles for the State forest agencies. The State foresters are no longer managing the forest directly – taking all decisions; instead they have a function of facilitation, advice and supervision. This change is not obvious. It must be done progressively and be accompanied by capacity building activities. The inevitable question is how far the power of decision should be transferred to a community. In our experience, there should be a subtle decision-making balance between the community and the State. On the one hand, enough responsibilities and power to decide should be given to the community, while on the other hand it is also necessary to have strong State institutions capable to answer with advice, control and monitoring. Easy and transparent procedures should be set up in order to clarify the responsibilities of the different stakeholders involved.

Benefits to the community from community forestry should come first! The introduction of community forestry is an expensive process, at least in terms of time. This investment should be compensated by higher returns in order to motivate the community.

Good governance is a key factor for sustainability in community forestry. Thanks to its long community forestry experience, this is a topic to which Switzerland can contribute a lot in international cooperation.

3.10 “Donor-driven” forest governance in northwest Pakistan – challenges and future outlook

Babar Shahbaz and Urs Geiser

In recent years, the Forest Department of the North-West Frontier Province (NWFP) of Pakistan – with the technical and financial support from various bilateral and multilateral donor agencies – has been active in reforming its structures and procedures towards inclusive forest governance. This move is reflected, amongst others, in sustainability and participation-oriented legislature (forest policy, forest law), in the re-organisation of the department, and in the introduction of Joint Forest Management (JFM) procedures. This shift towards inclusive forest governance is an important and timely development, as the country’s forest cover is shrinking at a high rate, a trend that cannot be stopped following the traditional top-down approach to forestry.



*Drying of wild pomegranate seeds collected from nearby forest areas – Haripur District, Pakistan
(Photo: Jane Carter)*



However, research on the actual degree of implementation of the reforms at policy as well as grassroots level indicates a considerable gap between discourse and practice. Some of the lacunas identified include, for example:

- Though envisaged as a joint effort by all concerned stakeholders, the development of the new legislature has been done almost exclusively by state representatives and donor experts (partly caused by donor conditionalities, i.e. to achieve targets in time).
- “Ownership” of the reform process among the staff of the Forest Department is low, and especially so at the field level. Here, the re-orientation of field staff towards “participatory procedures” has not taken place (except in a few “model” localities). This is caused partly by the fact that the Rules do not reflect the ideas of inclusive governance as indicated in the policy, and partly the law.
- At field level, Joint Forest Management Committees (JFMC), though claiming to be representative of the local “community”, mostly include local elites, and JFM-related women’s organisations were found to exist, in most cases, on paper only.
- JFM has been introduced to local people as a means for local development, using, amongst others, the tool of village land use planning (VLUP). Thus, not only forestry, but more direct local livelihood needs were also to be addressed. However, in actual practice (and in most cases), forest protection only is on the agenda of the forestry staff, and the local people see no immediate incentives for “participation”.

The most serious problem of this donor and state-led initiative towards inclusive forest governance is the underlying mistrust between the local population and the state. This needs to be understood in the light of postcolonial history. Following independence, the colonial forest legislature – ignoring customary forest regulations – had not been changed. And even the very recent legislation does not consider at all the still very important local rules and norms of access to forests. Thus, many local people do not consider the new “inclusive” forestry approach by the state as legitimate to control “their” forest resources.

In sum, the present situation of forestry in NWFP is one of tension, mistrust, and the existence of unrelated forest governance regimes (customary procedures; state/donors approach). As our research results indicate that the official forest administration does not show any inclination to also practice the inclusive forest governance discourse, we need to propose the hypothesis that this situation cannot be solved through state-led initiatives – as the Forest Department is not perceived by the local people as a neutral agent of development. Therefore, we argue (1) that more independent agents are required to mediate between state and local forest users, and (2) that local people need to be provided with the information that they are entitled to demand proper and inclusive JFMCs (as a matter of fact, we still need to see relevant documents translated from English into local languages). For donors, this represents a delicate situation of choice and “positioning”, i.e. defining with whom to cooperate and who to support.

3.11 Challenges for forest governance in the Congo Basin

Asti G. Roesle

Talking about challenges of Forest Governance in the Congo Basin, we have to be aware of the differences between Congo Basin Countries (Cameroon, Gabon, Democratic Republic of Congo, Republic of Congo, Central African Republic, and Equatorial Guinea). Here I focus on the example of the Democratic Republic of Congo (DRC) as 60% of the Congo Basin forest, the world's second largest rainforest area, is situated in this country the size of Western Europe. Declared as a post-conflict country although conflicts are currently rising again in the Eastern part, the DRC is facing special challenges regarding governance issues. The DRC's wealth of natural resources was and still is the driving factor behind many years of armed conflicts. The country's forests and its inhabitants have suffered from several decades of mismanagement of natural resources as well as a decade of war.

Absence of control and institutional capacity in the forestry sector: The Ministry of Environment does not have a specific budget for control operations or for providing its officials with appropriate technical equipment, logistics and control mechanisms along the chain of custody of timber production. This has not only led to the absence of standardised practices, but has opened the door to abuse and fraud. In addition, low salaries expose these officials to the risk of corruption.

Legal confusion: Inconsistencies and contradictions between different laws and regulations as well as ignorance of the forest law and regulations – both by loggers and by the forest administration and confusion regarding their applicability are leading to legal confusion. The national forest code of 2002 has not been sufficiently implemented up to now by decrees and remains unknown in rural areas.

Absence of transparency and accountability in the logging sector is characterised by a lack of databases (forest inventories, timber export, etc.), official statistics which are not available at provincial and local level, as well as mismanagement of existing funds. The general decentralisation problem of the country results amongst others in the fact that local forest authorities remain without information and means.

The existing forestry concession system combined with the absence of land tenure rights of forest communities results in injustice, human rights violations and social conflicts in concession areas. Concession contracts are signed between companies and the central government. Although the forest code obliges logging companies to sign a sub-contract with local communities – so called “cahiers de charge” – most companies fail to implement their social responsibility commitment. Additionally, local community structures are heterogeneous.

Due to weak civil society structures, measures to strengthen community rights and participation are more or less absent.

Above the heads of local people, one can observe collusion of interests of many stakeholders including private sector interests, governmental officials, and international donors including NGOs.

Last but not least, there is no national forest land use plan in place which would divide forestry operation areas from protection zones like intact forest landscape areas.



What we can observe is that industrial logging as a development model has failed so far to mitigate poverty and safeguard forests in the Congo Basin region. Logging companies are not able to replace the government and operate sustainably in the given circumstances. Rather than continue and expand the existing concession model, an alternative land-use planning process needs to be put in place, empowering communities to regain control over their traditional resources and reap the benefits from them. “A full moratorium on all industrial-scale logging is necessary as an interim measure whilst forest land use zoning, a comprehensive legal framework, development of meaningful regulatory capacity, and measures to strengthen community rights and participation are completed” (Global Witness: Mission findings and policy recommendations from a feasibility study for Independent Forest Monitoring in the DRC, Dec. 2007).



*A local villager participating in a forest inventory – Congo Basin
(Photo: Jürgen Blaser)*

3.12 Free, prior and informed consent: experiences gained in the field of governance in the Congo Basin

Christoph Wiedmer

The concept of Free, Prior and Informed Consent (FPIC) has become an important tool to solve conflicts between local, often indigenous people, and industrial or other interests. The Commission on Human Rights has defined it as follows: “Free, prior and informed consent recognises indigenous peoples’ inherent and prior rights to their lands and resources and respects their legitimate authority to require that third parties enter into an equal and respectful relationship with them, based on the principle of informed consent.” A pilot study was conducted in the Congo Basin (Lewis et al 2008) in which we analysed the conflicts between local people and the forestry companies, working in collaboration with both these stakeholders. We identified the following issues that are linked to governance, and which should be improved from the implementation of FPIC:

1. Respect of the rights of the local people, including indigenous peoples rights.
2. Reduction of the conflicts between industrial operations and the local population.
3. Reduction of the negative impacts on the forests.
4. Increase of the capacities of local populations to negotiate with other stakeholders.
5. Industrial activities contributing to local sustainable development
6. Contribution towards better governance.

We found the following fields of conflict:

1. Conflicts between international, national and customary laws.
2. Non-acceptance of States of the right to say “no”.
3. Mistrust between companies, authorities and the local population.
4. Conflicts between sedentary and nomadic peoples.
5. Lack of law enforcement and widespread corruption.

We identified the following problems:

1. When local people negotiate compensation, there can be abusive demands and also inappropriate pressure from some companies.
2. Forestry companies cannot resolve all problems. Compensation provided by companies sometimes serves to substitute government obligations (construction of schools, dispensaries etc.) – but should not replace them.
3. There is a risk of increased absence of the State, with too much power in the hands of the companies.
4. The local people have no true choice but to accept forestry operations.

We recommended the following approaches:

1. Empowerment of government bodies.
2. Capacity building of companies to implement FPIC.
3. Empowerment and capacity building of the local populations.
4. In the long-term, implementation of international law, and elimination of the contradictions between legislation levels.
5. Transparency of the activities of the government, companies and civil society.

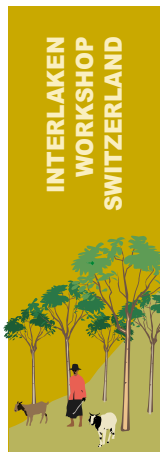
Reference

Lewis, J., L. Freeman and S. Borreill. 2008. Free, Prior and Informed Consent and Sustainable Forest Management in the Congo Basin. Intercooperation, Bern and Society for Threatened Peoples, Switzerland. 64 p.

3.13 Forest governance in the Congo Basin: the case of Precious Woods

Felix Howald

Precious Woods (www.preciouswoods.com) is a world leader in sustainable management and use of tropical forests. Based in Switzerland, the company has subsidiaries in Brazil, Costa Rica, Gabon, Nicaragua and Holland and employs over 2,300 people. The company focuses on four areas of business: reforestation of degraded pastureland in Central America, sustainable management of existing forests in Brazil and Gabon, timber transformation and trading, and generation of carbon emission rights and electricity. The vision of Precious Woods is that the best way to conserve tropical forests is to make sustainable use of them – in other words, “Use it or lose it!” The entire forest area managed by Precious Woods, more than 1.1 million hectares, is FSC-certified.



The company's activities in the Congo Basin are today concentrated in a 600,000 ha concession in Gabon. When talking about Precious Woods' impact and relationship to governance in this area, there are two facets which have to be taken into consideration:

Relation to the employees and their families

As the company is active in areas where the State is only marginally present, many public services are missing. Even though these services are not the core business of Precious Woods, the company provides them, in order to enable forest activities in those areas and to guarantee a decent life to its employees and their families. Such services include infrastructure (housing, electricity, drinking water, roads, etc.), nutrition (shops with subsidised food, fish ponds, etc.), health services (walk-in health posts, medicines, vaccinations, nurses, ambulances, etc.) and education (first grade schooling, adult training, on and off the job skills training, awareness-raising programmes in different topics such as HIV/AIDS, hunting, biodiversity, etc.).

Relation to local villages in the forest concession

There is a total of 40 small villages with over 14,000 inhabitants in the Congo Basin concession in which Precious Woods is active. In order to establish a good system of governance between the main parties, Precious Woods has developed a "Tripartite Convention", which defines the modus operandi between the communities, the Forestry Ministry and Precious Woods. This agreement was developed by an African sociologist, based on thorough understanding of the culture, background and history of the village population and village dynamics. It was first implemented in 2000 and is in a process of continued adaptation.

The key features of this agreement are the following:

- Ca. €1,50) is paid by Precious Woods per m³ of harvested timber for export.
- Villages have to form representative committees to propose development projects.
- Projects are administered independently by communities, financed by Precious Woods.
- Money usually goes into the construction of buildings: houses, schools, walk-in health posts, etc.
- The system "Zone Mille" is used to balance inequalities, the sum of money depending on the size of forest of the village.
- The procedure of reaching community agreement involves a number of rituals (signing an agreement, free consent of the village, forest festival, etc.).
- From 2001 until today, more than CHF 3 million have been donated for community projects; current expenditure is CHF 40,000/month.
- Precious Woods has a specific team which is fully dedicated to the relationship with the local communities.

The "Tripartite Convention" is a good system, which defines the relationship with Precious Woods in a transparent and clear way. The system has been described by several neutral institutions as a bench mark for the industry. Despite this, Precious Woods is aware of the fact that the system is not perfect, and is in the process of continuously improving it. Some of the topics which are on the list to be improved are the following:

- Income of villages depends of the size of the forest in their area; this results in unequal cash flow.
- Income of villages is limited to the time when Precious Woods is active in the area; this means there is no steady cash flow.
- Investment is mostly in housing, meaning no real sustainable and productive projects.
- "Free income" results in remuneration without corresponding performance.

4. Conclusions

Reflections on experiences in supporting good forest and landscape governance

Jane Carter and Patrick Robinson

The overwhelming conclusion of the two workshops documented in this publication is that the future of the world's forest depends not so much on technical knowledge or financial investment (although both are important), but on their good governance – based on mutual respect and agreement between different stakeholders on the way forward. Simply said (but far more difficult to implement), political, social and economic decisions over resource management, use and benefit sharing should be based on legal frameworks and procedures that are equitable, transparent, and broadly accepted by members of society. Society here encompasses different levels – from the very local level (that of individual village or forest), to the landscape level, to the national, regional and also the international level.

In seeking to shed greater light on how the good governance of forests can be supported, the workshops focused particularly (but not exclusively) at the level of forests within a given landscape. The workshops not only re-affirmed the urgency of this topic, but demonstrated wide interest in it amongst persons of very different backgrounds. Together, the participants included representatives of communities directly involved in forest management, of local, national and international NGOs (some staff specialised in community facilitation and governance issues; others in forestry), of government forest departments and national policy makers, of donors, of researchers, of advocacy organisations, and of forest companies. Although not equally represented in numbers, the participants combined perspectives from each of the three sectors implicated in good governance - civil society, the government sector and the private sector. The conclusion presented here draws upon both material presented in the workshops, and on observations made by participants during discussions.

“Accountability is a key challenge at all levels, from the local to international: how to address inequitable power relations? how to improve democratic rules and procedures?”

Lucy Koehlin

The issue of rights was a key theme running through both workshops – rights of different stakeholders in planning, decision-making and implementation, but above all, rights to benefits (a point particularly highlighted by Rossier, this publication). With these rights go responsibilities, both for rights holders and duty bearers (those charged with overseeing that rights are upheld). In any situation, of course, a given stakeholder group may have both roles – of demanding their own rights, and of ensuring that the rights of others are respected.

Civil society

Local people taking an active role

Both workshops highlighted the way in which the outside perception of local forest users – in developing countries, in particular – has changed significantly over the past 30-40 years. A field excursion near Interlaken provided a reminder that similar changes in the way rural people were perceived by town-dwelling forest



officials took place in Switzerland, although within an earlier historical timeframe (Küchli, this publication). In developing countries, local people were still perceived by most in authority in the 1970s in a negative and predominately passive role as “hapless” (sometimes even supposedly ignorant) destroyers of the forest. Several decades on, they are now increasingly projected positively as having a key, active role in forest management and reform. This is of course a broad simplification of the reality – and certainly the earlier negative perceptions were based on inadequate or deliberately misconstrued outside understanding. Yet it is also true that representatives of local people are now able to voice their rights and opinions at the national and international level in a way that did not happen even 20 years ago. Furthermore, far more of the world’s forests are legally managed by local people than ever before; Capistrano (this publication, quoting Sunderlin et al 2008) notes that indigenous and local communities now own or administer 22% of forests in developing countries and 19% of forests in tropical countries. At least some local forest users are becoming empowered. This is an important and significant step in the development of good governance of forests, although it is not enough on its own.

Examples were discussed of local forest users forming community based organisations (CBOs), and of these networking or federating to become lobbying bodies. The Federation of Community Forest Users of Nepal (FECOFUN) was often mentioned as an example in this regard. A crucial issue is the representativeness of such organisations. Where established without facilitation or due rigour in the monitoring of their composition – but simply as a way to institutionalise local forest management – they can become a means for local elites to reinforce their power. This is reportedly common, for example, in joint forest management initiatives in Pakistan (Shahbaz and Geiser, this publication).

Time and time again, it was pointed out that “local forest users” or (more often used) “the local community” is a very broad and rarely homogenous category, which must be teased out into its constituent members to be understood. It is only then that mechanisms can be developed and put into place to ensure that decision-making really is equitable and transparent, and includes those who are otherwise marginalised – such as women and disadvantaged groups. In some cases – examples were provided from the Congo Basin, and the Andean highlands (Wiedmer; Roesle; Medina respectively, this publication) – the disadvantaged and marginalised are indigenous peoples, whose rights are now at least recognised under international conventions. In others, they may be immigrants who have nowhere else to go, and depend on forests for their survival. Their rights must also be respected. An important overall objective of the good governance of forests is to reduce poverty, through giving the poor greater access to and rights over forests as well as greater skills in demanding these rights, to assume their responsibilities and play their own role in promoting transparency and accountability. Above all, intervening in a manner that increases conflicts between different groups of poor people should be avoided.

The diversity of non-government organisations

The term “civil society” is most commonly associated with non-government organisations (NGOs), a label that covers a vast range of types of organisations. Local NGOs, having a strong grassroots base and understanding of the local context, are often particularly well placed to provide capacity building and awareness-raising to local people. Rather than speaking on behalf of local people, their role should be to empower them to speak for themselves. They can also serve a “watch dog” role over local government and private sector activities, supporting transparent processes. National and international NGOs can have a particularly valuable role in national level facilitation. Where they are accepted as neutral players, they may be the best body to facilitate multi-stakeholder platforms – bringing representatives of all groups to a common table and building mutual

collaboration (see the Guatemalan examples – Radachowsky, Box 4 Punakha workshop, and Stadtmüller, this publication). As was remarked many times over, multi-stakeholder platforms generally form an essential part of promoting good governance. In addition, national and international NGOs should be able to contribute significantly to the development of the increasingly complex capacities required by local NGOs, linking in-country situations to expertise and experience in other countries, and providing information on issues of international importance. Examples include sharing information about mechanisms for payment for environmental services, and carbon trading.

Government

It was recognised during the workshops that local, regional or state/provincial governments and national governments have very distinct roles in promoting good governance (the middle level being especially important in large or federated countries). Whilst the nature of these different roles is obviously linked to the extent to which a country is decentralised, decentralisation is a huge topic in itself, and one that could not be discussed in any detail. It may be noted simply that there are different types of decentralisation (administrative, political and fiscal), as well as different forms (notably devolution, delegation, deconcentration and divestment). The extent to which local governments have real political and budgetary decision-making power depends on the type and form of decentralisation implemented. Furthermore, whilst effective decentralisation militates towards good forest governance, it is not a prerequisite for it. Thus in a country such as Switzerland which has a highly decentralised system of government (in administrative, political and fiscal terms), there is strong local involvement in decision-making over forests, as well as strong acceptance of broad control frameworks established at a higher level. Here the decentralised (or rather, never centralised) system supports good forest governance. By comparison, Nepal provides an example of a country without an effective decentralised system of governance, which nevertheless has strong local involvement in decision-making over forests.

Local government

Broadly speaking, it is desirable for local governments to have the power to take decisions over forest resource planning and management, including budgetary issues, for forests and landscapes within their jurisdiction. However, this is only true if such governments function in a transparent, accountable and democratic manner. In this respect, elected representatives may require capacity building and attitudinal change in order to fulfil their role as duty bearers. The case study from Kyrgyzstan (Sieber, this publication) provided an example of this, where local municipalities are being supported to participate in a form of tripartite local forest management decision-making with local people (individual households) and the forest authorities.

Regional (sub-national) governments

Regional governments may have an especially important function in supporting good forest governance where a wide variety of different stakeholders from different sectors are involved. This was illustrated by the example from the Andes (Medina, this publication), where it was also noted that coordination at such a level requires a particularly strong understanding of the political dynamics involved.

National governments

Good governance of forest resources is highly dependent on national governments providing an enabling environment – one for which they are democratically accountable. Clearly part of this entails the promulgation and enforcement of appropriate policy, legislation, and rules and regulations. Ideally these should be updated on a regular basis in response to field experiences – Nepal provides



a good example in this regard (Punakha workshop), having regularly updated its community forestry legislation over the past 30 years in the light of practical experience. Forest law enforcement is a topic receiving growing international attention; as was noted by Castrén (this publication), corruption in the forest sector is increasingly described plainly as forest crime – rather than being referred to in soft terms such as “rent seeking behaviour” and “irregularities”. National governments have a clear duty to fight such crime. They also have an important general role in coordinating different actors and in monitoring and evaluating development activities – ensuring that activities occur as planned (or if not, investigating the reasons for this), and that lessons learned are used in the planning and implementation of subsequent activities. This is made easier by transparency and accountability between key actors at different levels.

“Changing and updating legislation does not help alone – a thorough investment is required to change mindsets, which certainly takes longer.”

Arjumand Nizami

Another role of national governments that was discussed is that of negotiating amongst each other on international forest governance issues. Here Kälén (this publication) highlighted the potential contradiction between national sovereignty and development objectives, and wider international/global objectives regarding environmental conservation (biodiversity, etc.) and climate change. International fora and organisations are therefore necessary to facilitate discussions between nations, and to promote attempts to reach international agreements – even if these are often (in the case of forestry) non-binding ones. However, the long-term impact of such “soft-laws” and their moral imperatives on non-compliant nations should not be underestimated.

Donor agencies

Donor agencies are placed here in the government category as it was the agencies of single governments that were the subject of particular discussion in the workshops; the comments made are also valid for private or multi-lateral donors. Considerable criticism was raised over the role of donor agencies, with examples being quoted of poor coordination amongst donors, or of insufficient time being allowed for development efforts to take hold, with a range of associated risks particularly for local stakeholders. The case of donor support to the forest sector in Pakistan (Shahbaz and Geiser, this publication) was a particularly notable one in this regard. Yet it was also recognised that donors can have a crucial role to play in supporting good forest governance, especially in testing new and innovative initiatives, providing capacity building, promoting law enforcement, and contributing such experiences to policy discussions.

“Re-organising forest management into an “inclusive” one is a political process, as rights, benefits and powers are re-defined and re-distributed. Thus, arenas of contestation emerge, and donors need to be conscious of the fact that they are indeed involved not in technical, but in political processes.”

Urs Geiser

Research organisations

Research organisations cannot be readily categorised as government or private or civil society organisations – they can be any of the three, although in aspects related to forest management they are often government-run. A tendency was

recognised for research organisations to focus too narrowly, and be insufficiently aware of practical field realities. Research related to forest governance needs to be responsive to local people's needs, and based on participatory action learning and similar approaches. Research results also need to be communicated clearly and in an appropriate form to stakeholders – especially local people.

Private sector

Forest companies

Forest companies are often branded as the “villains” in forest governance initiatives, focusing efforts purely on commercial goals. Yet the case study provided by Howald (this publication) and the publication launched at the workshop on a pilot initiative on Free and Prior Informed Consent (Lewis et al 2008) demonstrated ways in which the private sector can and has played an active role in supporting the better governance of forest resources – in these particular cases, in the Congo Basin. There are stakeholders within the private sector that have an interest – indeed sometimes an overt aim – to work in a sustainable, equitable and transparent manner. They have the potential to become champions in the sector. One recommendation of the workshops in this regard is that companies seek to collaborate with government bodies (at different levels – not only national, but also regional and local) and with civil society, but try not to replace them. In concession areas that are extremely poorly provided with government services, this may be a difficult recommendation to fulfil; here forest companies temporarily take over the provision of facilities such as schools and health posts as well as roads, since these would otherwise be unavailable. Unfortunately, this promotes a system of patronage and is difficult to sustain on a long term basis. Ideally, government policy and legal and regulatory frameworks should be such that private/government sector collaboration, rather than substitution, is encouraged.

A continuous process

Finally, one issue that was also highlighted is that good governance of forest resources – indeed, good governance in general – is dynamic, not static. In any given situation, it can never be said to have been “completed”, although the establishment of permanent structures and mechanisms for bringing different stakeholders together, of laws, written rules or legally binding agreements, and of clear procedures in cases of conflict are certainly all steps towards sustainability. Good governance nevertheless remains a continuous process of negotiation, of seeking common ground, and of building mutual understanding from it.

“The workshops captured cutting edge governance problems, particularly those related to participation and decentralisation.”

Lucy Koechlin

Reference

Lewis, J., L. Freeman and S. Borreill. 2008. Free, Prior and Informed Consent and Sustainable Forest Management in the Congo Basin. Intercooperation, Bern and Society for Threatened Peoples, Switzerland. 64 p.





*Husband and wife returning to their village from a day's work in the forest – Manompana, Madagascar
(Photo: Jane Carter)*

Annex 1 List of participants Punakha Workshop, Bhutan

Country	Name of participant	Institution	e-mail
Bangladesh	Ahmad Farid Uddin Quddus Mohammad A.	Arannayk Foundation Arannayk Foundation	farid@arannayk.org quddus2007@gmail.com
Bhutan	Beukeboom Hans Gurung D.B. Lungten Norbu Meijboom Marianne Peljor Nidup Tempel, Karma Jigme Tshering Chado Wangchuk Tashi	Helvetas College of Natural Resources Ren. Nat. Res. Centre, Yusipang SNV Policy and Planning Division Social Forestry Division Social Forestry Division District Forest Office, Punakha	hansbeuk@druknet.bt gurungdb@hotmail.com lnorbu@druknet.bt mmeijboom@snvworld.org n_peljor@moa.gov.bt kj_tempfel@yahoo.co.uk chadotshering@yahoo.com chentop@druknet.bt
Bolivia	Aramayo Ximena	Intercooperation	xaramayo@intercooperation.org.bo
Cambodia	Khun Bunnath	Oxfam	kbunnath@gmail.com
Cameroon	Nkene Christine	Panafrican Forest Certification	kenskiki2002@yahoo.fr
Guatemala	Radachowsky Jeremy	University of Florida & WCS	radachowsky@hotmail.com
India	Bara Anju Helen	Indian Inst. of Technology, Mumbai	anju_helen@iitb.ac.in
Indonesia	Komarudin Heru Pfund Jean-Laurent	CIFOR CIFOR	h.komarudin@cgiar.org j.pfund@cgiar.org
Kyrgyzstan	Temirbekov Alexander	Intercooperation	alexander@lesic.elcat.kg
Liberia	Gotomo Adala	Forest Development Authority	adalamgotomo@yahoo.com
Nepal	Kanel Keshav Raj Pandey Ghan Shyam Pokharel Bharat	Department of Forests Federation of CFUGs (FECOFUN) Intercooperation Nepal	keshavkanel@yahoo.com pandeygs2002@yahoo.com bk_pokharel@nscfp.org.np
Nigeria	Oyerinde O. Victoria	University of Technology	voyerinde@yahoo.com
Pakistan	Shabir Hussein Nizami Arjumand	Intercooperation Intercooperation	shabir.hussain@intercooperation.org.pk arjumand.nizami@intercooperation.org.pk
Philippines	Bugayong Leonida	Univ. of the Philippines, Los Baños	lenlab82@gmail.com
Switzerland	Beck Marina Carter Jane Fullan Riff Mauderli Ueli Neuweiler Chantal Robinson Patrick Schmidt Kaspar Stadtmüller Thomas	ETH-Zürich/Helvetas Intercooperation Helvetas SDC SDC Helvetas Intercooperation Helvetas	beckma@student.ethz.ch jane.carter@intercooperation.ch riff.fullan@helvetas.org ueli.mauderli@deza.admin.ch chantal.neuweiler@deza.admin.ch pat.robinson@bluewin.ch kaspar.schmidt@intercooperation.ch thomas.stadtmueller@helvetas.org
Thailand	Yurdi Yasmi	RECOFTC	yurdi@recoftc.org
USA	Bushley Bryan	East-West-Centre Hawaii	bushley@hawaii.edu
Vietnam/UK	Tran Binh	University of London	b.t.tran@qmul.ac.uk

Annex 2 List of participants Interlaken Workshop, Switzerland

Country	Name of participant	Institution	e-mail
Belgium	Broekhoven Guido	IUCN Belgium	guido.broekhoven@iucn.org
Bhutan	Wangchuk Tashi	District Forest Officer Punakha	chentop@druknet.bt
Ecuador	Medina Galo	ECOBONA, Intercooperation	g.medina@intercooperation.org.ec
Netherlands	Van Rompaey Renaat	Wageningen International Experts	renaat@wix.nl
Madagascar	Andriamabelo Lanto	ESSA Forêts	lanto_herilala@yahoo.fr
Pakistan	Nizami Arjumand Shahbaz Babar	Intercooperation Sustainable Development Policy Institute (SDPI)	arjumand.nizami@intercooperation.org.pk babar@sdpi.org, bsuaf@yahoo.com
Philippines	Capistrano Doris	Consultant	doriscapistrano@yahoo.com
Switzerland	Byrne Sarah Carter Jane Clot Nicole Dirac Ramohavelo C. Dürr Christoph Felber Ruedi Geiser Urs Greco Claudia Häberli Harker K. Hafner Othmar Hilfiker Karin Howald Felix Ivkovic Ivana Kälin Walter Kläy Andreas Köchlin Lucy Küchli Christian Lindenmann Katharina Mauderli Ueli Oberholzer Erich Ott Cordula Oltromare Chantal Palmer Charles Robinson Patrick Roesle Asti G. Rosset Aline Rossier Patrick	Intercooperation Intercooperation Intercooperation GFD, ETH Zurich Federal Office for the Environment FOEN ETH Zurich Dept. of Geography, University of Zurich Intercooperation Swiss Agency for Development and Cooperation SDC Transparency International German Development Service DED Precious Woods Intercooperation Institute for Public Law, University of Bern CDE, University of Bern Basel Institute of Governance Federal Office for the Environ- ment FOEN University of Neuchâtel Swiss Agency for Development and Cooperation SDC Intercooperation CDE, University of Bern State Secretariat for Economic Affairs SECO Institute for Environmental Decisions, ETH Zurich Consultant Greenpeace Switzerland Dept. of Geography, University of Zurich Nouvelle Forêt	sarah.byrne@intercooperation.ch jane.carter@intercooperation.ch nicole.clot@intercooperation.ch clemence.dirac@env.ethz.ch christoph.duerr@bafu.admin.ch ruedi.felber@nadel.ethz.ch urs.geiser@geo.uzh.ch claudia.greco@intercooperation.ch katekarakorum@hotmail.com ot.hafner@bluewin.ch k.hilfiker@gmx.ch felix.howald@preciouswoods.com ivana.ivkovic@intercooperation.ch walter.kaelin@oefre.unibe.ch andreas.klaey@cde.unibe.ch lucy.koechlin@baselgovernance.org christian.kuechli@bafu.admin.ch katharina.lindenmann@unine.ch ueli.mauderli@deza.admin.ch erich.oberholzer@intercooperation.ch cordula.ott@cde.unibe.ch chantal.oltromare@seco.admin.ch charles.palmer@env.ethz.ch pat.robinson@bluewin.ch asti.roesle@ch.greenpeace.org aline.rosset@geo.uzh.ch rossier@nouvelforet.ch

	Samyn Jean-Marie Schaffner Ruth Schaltenbrand Hans Schlaepfer Rodolphe	Intercooperation CDE, University of Bern Swiss College of Agriculture SHL Ecole Polytechnique Fédéral de Lausanne EPFL	jean-marie.samyn@intercooperation.ch ruth.schaffner@cde.unibe.ch hans.schaltenbrand@shl.bfh.ch rodolphe.schlaepfer@epfl.ch
	Schmidt Kaspar Schmidt Peter Schwitter David Semadeni Andrea Sieber Patrick Sommer Martin	Intercooperation Helvetas World Vision Consultant Intercooperation Swiss Agency for Development and Cooperation SDC	kaspar.schmidt@intercooperation.ch peter.schmidt@helvetas.org d.schwitter@worldvision.ch semadeniandrea@hotmail.com patrick.sieber@intercooperation.ch martin.sommer@sdc.net
	Sorg Jean-Pierre Stadtmüller Thomas Straumann Lukas Wiedmer Christoph Wilker Jerylee	GFD, ETH Zurich Helvetas Bruno Manser Fonds Society for Threatened Peoples Student	jean-pierre.sorg@env.ethz.ch thomas.stadtmueller@helvetas.org lukas.straumann@bmf.ch christoph.wiedmer@gfbv.ch jeryleew@yahoo.com
Thailand	Yurdi Yasmi	RECOFTC Bangkok	yurdi@recoftc.org
USA	Castrén Tuukka	World Bank	tcastren@worldbank.org

Publication available from:

SDC, Swiss Agency for Development and Cooperation
Freiburgstrasse 130
3003 Bern, Switzerland
Phone: +41 31 322 34 75
Fax: +41 31 324 16 94
E-mail: info@deza.admin.ch
Website: <http://www.deza.admin.ch>

Helvetas, Swiss Association for
International Cooperation
P.O. Box
Weinbergstrasse 22a
CH-8021 Zurich, Switzerland
Phone: +41 (0)44 368 65 00
Fax: +41 (0)44 368 65 80
E-mail: info@helvetas.org
Website: <http://www.helvetas.ch>

Intercooperation, Swiss Foundation for Development
and International Cooperation
Maulbeerstrasse 10
CH-3011 Bern, Switzerland
Phone: +41 31 385 10 10
Fax: +41 31 385 10 09
E-mail: info@intercooperation.net
Website: <http://www.intercooperation.ch>