



# Community forestry in Asia and the Pacific

Pathway to inclusive development



# **Community forestry in Asia and the Pacific Pathway to inclusive development**

RECOFTC – The Center for People and Forests  
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## **Community forestry in Asia and the Pacific: Pathway to inclusive development**

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# Table of Contents

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<b>Acknowledgements</b>	<b>i</b>
<b>Abbreviations and acronyms</b>	<b>ii</b>
<b>Executive summary</b>	<b>iii</b>
<b>Chapter 1:</b> The transformation of community forestry in the Asia–Pacific region	<b>1</b>
<b>Chapter 2:</b> Community forest tenure in the Asia–Pacific region	<b>7</b>
<b>Chapter 3:</b> Active control versus passive participation	<b>15</b>
<b>Chapter 4:</b> Community forestry outcomes	<b>27</b>
<b>Chapter 5:</b> National trajectories of community forestry	<b>37</b>
<b>Chapter 6:</b> Proponents and opponents of community forestry	<b>49</b>
<b>Chapter 7:</b> The difference civil society can make	<b>61</b>
<b>Chapter 8:</b> The fundamental roles of central government	<b>71</b>
<b>Chapter 9:</b> Community forestry as a vehicle for inclusive rural futures	<b>83</b>
<b>References</b>	<b>87</b>
<b>Annex 1:</b> Forest tenure data	<b>93</b>
<b>Annex 2:</b> Country reports commissioned for this study	<b>99</b>

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# Abbreviations and acronyms

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<b>AIPP</b>	Asia Indigenous Peoples Pact
<b>CIRUM</b>	Culture, Identity and Resource Use Management
<b>CSO</b>	civil society organization
<b>FCPF</b>	Forest Carbon Partnership Facility
<b>FECOFUN</b>	Federation of Community Forestry Users Nepal
<b>FIP</b>	Forest Investment Program
<b>FLEGT</b>	Forest Law Enforcement, Governance and Trade
<b>GIZ</b>	German Agency for International Cooperation
<b>JICA</b>	Japan International Cooperation Agency
<b>KhM</b>	Hutan Kemasyarakatan (Indonesia)
<b>Lao PDR</b>	Lao People's Democratic Republic
<b>NGO</b>	non-government organizations
<b>PAREDD</b>	Participatory Land and Forest Management Project for Reducing Deforestation
<b>PES</b>	payments for environmental services
<b>RECOFTC</b>	The Center for People and Forests (also known as the Regional Community Forestry Training Center for Asia and the Pacific)
<b>REDD+</b>	Reducing Emissions from Deforestation and Forest Degradation
<b>SFA</b>	State Forestry Administration (China)
<b>SUHAKAM</b>	Human Rights Commission (Malaysia)
<b>TNC</b>	The Nature Conservancy

# Executive summary

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As the demand for land intensifies, people and governments are facing increasing pressure on the access, management and governance of land and forests. Although there are policies, legislation and institutions to manage land resources nationally, these tools have yet to collectively address the fundamental causes of land conflict and resource mismanagement. A major reason for this failure is because the models do not adequately take account of the needs and knowledge of the people living in proximity to the forests that are being regulated. Yet, those forests are an integral part of the lives of more than 450 million people in the Asia–Pacific region.

This report reflects analysis of the current situation of community forestry in the Asia–Pacific region. The study indicates that people will conserve biodiversity, reduce deforestation and manage forests sustainably when they derive regular benefits from them and when they are empowered to participate in decision-making processes regarding those forests.

Thus, community forestry offers an opportunity to:

- **Improve local livelihoods.** For example, a study of 54 community forest user groups in Nepal that are part of the Livelihoods and Forestry Programme found that poverty reduced from 65 percent of households in 2003 to 28 percent in 2008. The share of very poor households shrunk from 42 to 10 percent of the total population. The investigation found that community forestry and the Livelihoods Forestry Programme were considered to be the second-most important factor enabling poverty reduction (after remittances from migrants), accounting for one quarter of the improvement in living standards. In contrast, a study of two pilot projects within the Hutan Kemasyarakatan scheme in Indonesia highlighted the impact on two communities not empowered to manage their forests. Within the scheme, the communities were designated only degraded forest to manage and allowed only a passive role in that forest management. As a result, the rehabilitation of forests came at the expense of community members' ability to pursue commercial agroforestry. Participation in the scheme allowed them to pursue subsistence activities only, which meant that they had to forego more lucrative agroforestry practices that would have helped to reduce their poverty.
- **Reduce deforestation and improve forest quality.** For example, a comparative study in Nepal of community forests and forests managed by the Government found that forest cover increased in forests under the control of forest user groups and decreased in forests under direct state management.
- **Strengthen good governance.** There are numerous examples of how community forestry, through increased participation, strengthens governance. However, community forestry is only able to do this when the communities are empowered to do so through effective institutions at both the local and national levels.



Where communities are not empowered to manage their forests and are unable to derive benefits, they are not encouraged to invest in the long-term management of the forests. To address this and for the potential benefits of community forestry to be significantly and cost-effectively scaled up the following are required:

1. More communities are given tenure to their forests. This is based on the understanding that tenure is vital as it provides security to the community, encouraging investment in the forests with many implications including for forest quality and the community's livelihoods.
2. Forest departments grant communities tenure rights to forests that can provide income. Currently communities are often granted tenure to highly degraded forests or barren forestland, severely limiting the potential of community forestry to contribute to poverty reduction.
3. Regulations that govern communities interaction with their forests are revised to ensure that the communities are able to make a living from their forests. These regulations often act as barriers resulting in the loss of potential revenues for the state, as well as encouraging illegal logging as they make the legal logging of timber uncompetitive.

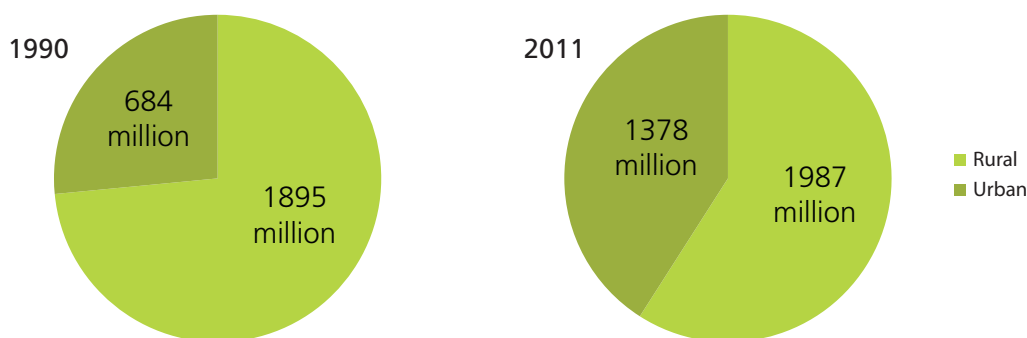


## The transformation of community forestry in the Asia-Pacific region

Community forestry in the Asia-Pacific region is no longer what it was 20 years or even a decade ago.<sup>1</sup> Community forestry started as local-level environmental initiatives of progressive forest officials and donors in reaction to community demands and environmental concerns. At the time it followed a long history of customary forest management by communities. Today, community forestry brings together a range of initiatives at the local, national and international levels to promote sustainable forest management as well as the economic, political, cultural and human rights of people living in rural areas.

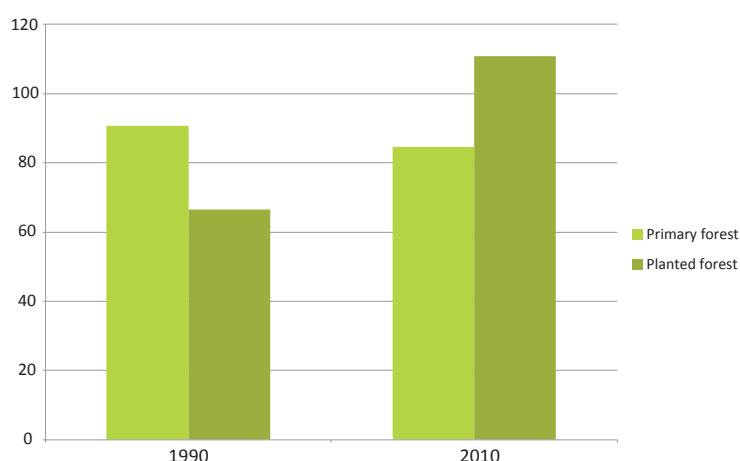
Larger economic, political and environmental changes have radically altered the nature of communities and the dynamics of rural life over the past two decades. Outmigration, particularly of young men but also increasingly of young women, has become a common feature of rural communities across the Asia-Pacific region (figure 1.1). Even where people have remained in their villages of origin, many have taken up off-farm employment or started up small businesses. Land-based production has lost some of its importance, and the economic status of forests has generally declined. Nonetheless, some people, particularly such marginalized social groups as women and ethnic minorities continue to rely on forests as a source of household subsistence and cash income.

**Figure 1.1: The urbanizing of Asia-Pacific populations in 14 countries, 1990 and 2011**



Source: World Bank, 2013a.

**Figure 1.2: The changing nature of the Asia-Pacific forests, 1990 and 2010 (million ha)**



Source: FAO, 2010. The data source excluded Australia, Indonesia and New Zealand due to lack of information.

Just as rural communities have changed, so have the region's forests: The primary forests have been logged, cleared for agro-industrial plantations, such as oil palm and rubber, or opened up for colonization by small-scale cultivators. According to the Food and Agriculture Organization of the United Nations (FAO, 2010), primary forests declined by at least 90 000 km<sup>2</sup> or 10 percent, from 1990 to 2010. At the same time, planted forests almost doubled in the region, expanding at a faster pace than anywhere else in the world. The area of planted forests today exceeds the area under primary forest in geographical extent (figure 1.2), although the regional picture is somewhat distorted by the fact that two-thirds of the planted forests are in China.

<sup>1</sup> This report uses the term "community forestry" in an encompassing way to capture the rich diversity of community forestry practices in the Asia-Pacific region. In accordance with the definition used by the Center for People and Forests (RECOFTC), community forestry refers to "all aspects, initiatives, sciences, policies, institutions and processes that are intended to increase the role of local people in governing and managing forest resources". The broad definition serves to include all kinds of organizational forms under which people participate in forest management, from village-based groups to individual management. It also covers all types of activities undertaken in connection with forest or forest land, from the management of natural forests to plantations.

The changes in communities and forests, however, have not withered the practice of community forestry or diminished its potential contribution to forest management in the future. Even where young people migrate to cities and rural people turn to activities that are no longer land-based, community forestry remains relevant to them for environmental, political and cultural reasons. What is different are the dimensions of community forestry – the changes in communities and forests have fundamentally transformed its scope. Thus, while communities remain well positioned to manage both natural and planted forests, community forestry now encompasses potential for much broader and fruitful impact on their people's lives.

### Three drivers of change

Rural communities and forests in the Asia–Pacific region have changed in response to three large-scale drivers. First, the region has experienced unprecedented economic growth, allowing many countries to move out of their low-income status. Growth has lifted more than 600 million people out of poverty since 1990, according to World Bank estimates (2013b) and based on a poverty line defined as a per capita income of less than \$1.25 per day. That growth, however, has largely concentrated in urban areas and in the services and industrial sectors. Poverty rates remain higher in rural areas and tend to be highest in regions with dense forests (Sunderlin et al., 2008). The urban-based growth has rippled urban lifestyles and consumption patterns into rural hinterlands. It also has made most countries ineligible for further international aid, reducing the role of donors in attempts to include rural livelihoods and lifestyles in national development.

Economic liberalization has had a critical influence on communities and forests because it has intensified the links between the urban and rural areas. Increasingly, liberalized markets and improved infrastructure transmit the continuously rising global demand for wood and wood products directly into rural areas. Global timber markets now reach far into previously remote regions, such as the mountains of Lao People's Democratic Republic and Myanmar. The region's vibrant pulp and paper industry is the source of a never-ending demand for raw materials, driving the rapid expansion of tree plantations on land previously barren, under agricultural crops or covered by natural forests. Urban labour markets now attract rural workers from remote regions, triggering an unprecedented move of people out of agriculture and rural areas, which has reduced the pressure on forests as a source of subsistence and the availability of labour for land management. The liberalization of financial markets has facilitated domestic and international investments in agro-industrial crops, minerals and rare earth elements, driving the expansion of plantations and mines into densely forested regions.

Third, a light breeze of democratization has swept through the region. Democratization has led to an increasingly vibrant civil society in some countries, such as Bangladesh, India, Indonesia, Nepal and Philippines. Yet, even where political changes are less discernible to external observers, such as in China and Viet Nam, citizens have demanded the broadening and strengthening of their civil and political rights in more assertive ways. These rights have come to include natural resources as economic assets and expressions of political sovereignty, as illustrated by India's Forest Rights Act. They also include environmental rights related to forests asserted by increasingly vocal middle-income classes, based on the perception that dense natural forests provide various ecosystem services (including water management) as well as the conservation of endangered species and ecosystems.

These drivers have raised the geopolitical status of the Asia–Pacific region in the world. China and India have stepped up as two of the fastest-growing economies in the world. Despite the region evolving as a major growth zone in the world, however, it now faces critical questions about suitable political and economic models for inclusive development. The region is in search of a distinctive development model that combines urban-centred growth with inclusive rural futures for the twinned sake of equity and environmental sustainability.

### New roles for community forestry

The broader political and economic changes have helped radically transform what community forestry stands for and the reasons for promoting it. Environmental sustainability and livelihood improvements remain important motivations. Forest departments continue to transfer forests to communities in the expectation that they will manage and protect them and rehabilitate those that are degraded as part of the sustainable stewardship of rural landscapes. Forests are also devolved to communities in a few countries with the goal of improving rural livelihoods by giving the communities access to an important livelihood resource. Nonetheless, these environmental and economic goals are no longer the sole motivations for promoting community forestry – nor are they the most important goals in many countries today.

Community forestry has an important role in satisfying the demands voiced by national societies and the beneficiaries of downstream environmental services. Non-government organizations now campaign for environmental demands arising

from increasingly assertive middle classes, such as the protection of natural landscapes or habitats for endangered species. The operators of hydropower dams want upstream communities to employ land management practices that prevent soil erosion and prolong the discharge of water in the dry season. Downstream water companies expect certain land management to improve water quality. Agricultural producers and urban consumers demand the retention of water in upper watersheds through appropriate management to prevent downstream floods and service agriculture in the interest of national food security. All these demands are increasingly transmitted via new-style policy initiatives transcending the traditional boundaries of forests and the forest sector, such as payments for environmental services, and through new channels, such as the media. They are very compatible with community forestry; but accepting this perspective requires moving beyond the faulty premises of the past, which often held local interests in forest management in opposition to environmental concerns (Gilmour, 2013).

Community forestry also has become an element in the wider democratization of national societies in the Asia–Pacific region. Rural communities today assert their rights to land and forests as part of the civil and political rights they demand from their government – and not merely their superiority as forest stewards. Forests take on a political and symbolic significance to them that goes far beyond the material resources and economic value associated with forests. For example, political mobilization for tribal people’s rights has led to the most radical changes in forest ownership in India’s recent history through the Forest Rights Act. In China, citizens’ demands for civil and political rights have caused the central Government to devolve key decisions over the management of collective forests to local governments, as encapsulated in the 2004 tenure reforms. Indigenous peoples’ campaigns prompted Indonesia’s Constitutional Court to issue a landmark ruling in May 2013 in support of recognizing communities’ customary tenure rights to forests.

Finally, community forestry is increasingly becoming embroiled in negotiations between nation States and emerging global regimes on forests and human rights. Forests have become an issue in the relations between neighbouring states, whether it is about measures against cross-border haze, landslides, illegal logging, floods or biodiversity loss. Marginalized groups have started to invoke global human rights norms, such as the United Nations Declarations on the Rights of Indigenous Peoples, to assert demands for the restitution of forests and territorial sovereignty. Forest people’s associations demand the involvement of communities in global efforts to integrate forests into measures seeking to mitigate global climate change, as exemplified by the global initiative of Reducing Emissions from Deforestation and Forest Degradation (REDD+). These examples demonstrate how community forestry has become part of international negotiations between States and global agreements, North and South, industrialized and developing countries, and among the States of the Asia–Pacific region.

## Community forestry as a vehicle for inclusive rural futures

Thus, community forestry is no longer simply an environmental project; it is a vehicle for moving a wide set of initiatives undertaken for environmental, economic, cultural and political reasons. It is no longer confined to localized interventions implemented by government officials and donors but has attracted the interest of a variety of people and organizations at the local, national and global levels. Simultaneously, the large-scale changes transforming the Asia–Pacific region and its rising geopolitical status have ushered in a search for an inclusive development model that combines growth with equity and environmental sustainability. Such a model should provide for inclusive rural futures if rural people are enabled to enjoy appealing livelihoods, strengthen their capacity to respond to climate change and other external risks, participate in democratic governance, exercise their human rights, overcome gender inequalities, find recognition for their collective identities and preserve their rural environments.

This confluence of larger-scale changes and transformation of community forestry suggest it is time for a fresh look at community forestry – its status, potential and champions. The need for a critical examination applies to the “community of community forestry” as well as to other actors outside this community who are interested in the future of the region, in particular a suitable model of inclusive development. The interests and aspirations of these two groups overlap, this report argues, because community forestry offers a vehicle to contribute to inclusive rural futures in the Asia–Pacific region. This does not imply that community forestry is a silver bullet applicable throughout the region, across all kinds of local conditions or that its current forms are without fault. Yet, community forestry is an important option for managing the region’s forests in sustainable ways and simultaneously attaining much broader economic, political, social and cultural goals.

By demonstrating the significance of community forestry, this report aims to contribute to sustainable forest management as well as inclusive rural development in the Asia–Pacific region.

## Analysing the current situation of community forestry: Methodology of the study

This report presents a fresh perspective on community forestry as a regional practice, developed through a study of the status and dynamics of community forestry in its many forms in 14 countries: Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Papua New Guinea, Philippines, Thailand and Viet Nam.<sup>2</sup> For the analysis national reports by experts on community forestry in each of the 14 countries was developed (see annex 2 for a link to each report). The experts' reports as well as this report are based on a comprehensive review of literature, including academic papers, technical reports, and government documents.

The experts assessed the forest land in the legal possession of communities (and other entities) and the strength of their forest tenure rights in the country. They interviewed relevant informants, including government officials and representatives from civil society organisations.

The study included an assessment of ten "stakeholder types" (such as government, ministries, universities and research institutes, the media and communities) to determine the major proponents and opponents of community forestry in each country. The ten stakeholder types were "ranked" by how the experts and those interviewed perceived their ability to affect the development of community forestry.

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<sup>2</sup> The 14 countries harbour 71 percent of forest in the Asia-Pacific region (FAO, 2010). They include the large majority of forests located in low-income and middle-income countries; Australia and Japan (not included in the study) account for 24 percent of the region's forests.

## Preview of the chapters

The report presents a critical examination of community forestry in the Asia–Pacific region in three parts: Chapters 1–4 assesses the current status and outcomes of community forestry to show that it has become a pillar of forest policy in the region. Chapters 5–6 examine historical trends and current politics and show how central governments and civil society organizations are the primary champions of community forestry. Chapters 7–9 lay out a vision for community forestry for the region, pointing out how central governments and civil society organizations can benefit from and contribute to the further development of community forestry.

**Chapter 2** reviews changes in the distribution of statutory forest tenure over the past decade. The review demonstrates that, today, communities possess 34 percent of forests and that they hold strong tenure rights to 83 percent of their forest land.

**Chapter 3** examines local forest governance arrangements in the region to highlight that communities exercise active control over forest management only in some cases, such as Nepal’s forest user groups and China’s collective forestry. In others, they are confined to passive participation in state-dominated initiatives.

**Chapter 4** assesses the environmental, economic and social outcomes of community forestry. The assessment reveals that community forestry facilitates improvements in forest conditions. It can generate positive effects on local livelihoods and grassroots democracy, yet, does so only if communities possess active control over forest management. The inclusion of poor people, women and other marginalized groups remains an unresolved challenge to community forestry.

**Chapter 5** traces national trajectories of community forestry, using China, India, Indonesia and Nepal as examples. The analysis demonstrates the significance of the central government for the historical development of community forestry and highlights a recent trend of democratization that has transformed community forestry in all four countries in similar ways.

**Chapter 6** identifies current proponents and opponents of community forestry on the basis of stakeholder analyses conducted in the 14 countries. Central governments and CSOs emerge as the primary champions of community forestry.

**Chapter 7** highlights the roles for CSOs for developing and expanding community forestry. It points out how CSOs can support community forestry and how community forestry serves the interests of CSOs that are active in multiple fields.

**Chapter 8** outlines roles for central governments in the further development of community forestry by discussing how they can support community forestry and why they have good reasons to do so.

**Chapter 9** concludes with a synthesis of the findings, highlighting how community forestry provides a vehicle for bringing about inclusive rural futures in the Asia - Pacific region.





# Community forest tenure in the Asia-Pacific region

Community forestry today assumes an important role in the management of the Asia–Pacific region’s forests. Data compiled for this report indicate that communities hold 34 percent of the region’s forests in legal possession (annex 1). National laws and regulations recognize communities as legal owners or the holders of other tenure rights, granting them the right to exclude others on 1 of every 3 ha of forest land (box 2.1).

The data also reveal significant differences among countries. In three countries – China, Papua New Guinea and Philippines – the respective government has recognized community rights to 60 percent or more of the national forest land. In six other countries, communities do not hold tenure rights or possess rights to a minor share of the national forest land: Bhutan, Cambodia, Indonesia, Malaysia, Myanmar and Thailand.

### Box 2.1 Definition of terms

This report uses **legal possession** as the key indicator for communities’ rights to forest land. Communities are considered to be in legal possession of forest land if national law and regulations grant them the right to exclude others from using the land or forest.

Legal possession is a less stringent criterion than ownership. **Legal ownership** occurs where the law recognizes the right of communities to transfer forest land or the right to use forest land to others, such as through inheritance or sale. Thus, legal possession includes situations in which communities are considered owners according to the law as well as situations in which ownership is constitutionally reserved for “the people” or the public, the latter being a characteristic of socialist legal systems.

Legal possession includes a bundle of tenure rights, from the right to enter a forest to the rights of harvesting particular products or using forest land for agriculture. **Tenure** is the generic term, referring to any kind of right or obligation that someone has in relation to forest land.

The focus is on **statutory** tenure rights to forest land, such as the rights certified in state legislation and regulation. It excludes consideration of the customary rights possessed by communities on forest land because there is no reliable statistical information on customary tenure that would allow for comparative analysis across countries. However, customary tenure arrangements are widespread in the region and very important in some circumstances.

Tenure rights are **strong** where they receive special protection under the constitution, civil code or other laws made by national parliaments. The legal protection requires governments to follow standard legal procedures of due process, subjects them to juridical scrutiny when they seek to remove tenure rights to forest land and obliges them to pay compensation. They are **weak** where forest departments or other government units can revoke communities’ tenure rights easily through administrative acts. Strong and weak rights may co-exist in a country with multiple forest tenure arrangement.

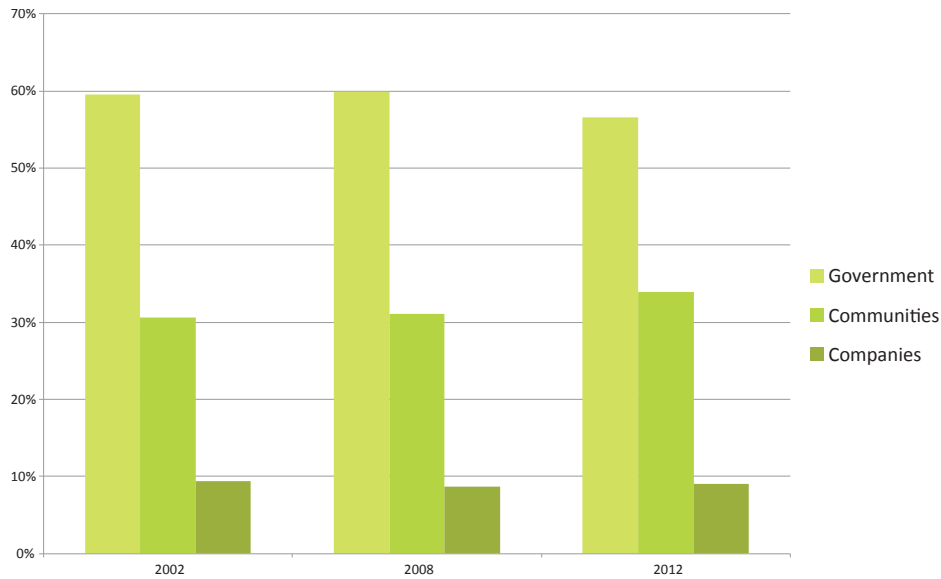
Source: Adapted from FAO, 2011.

The distribution of tenure rights to forest land in the region continues to change in favour of communities. The share of forest land in community possession increased by 3 percent (31 million hectares) between 2002 and 2012, in the same period government ownership has increased by 11 million hectares, while forest land in possession of large owners and companies has increased by over 2 million hectares.

### Communities possess one-third of the Asia–Pacific forest land

Communities held statutory tenure rights to 34 percent of the region’s forests in 2012 (figure 2.1). They possessed 182 million ha of forest land in the 14 countries analysed for this report. Community tenure occurred through collective and individual land titles, such as the Certificates of Ancestral Domain Titles granted to indigenous peoples in the Philippines and Land Use Right Certificates issued to households in Viet Nam. As well, the forest land in community possession increased from 31 percent in 2002 and 2008 to 34 percent in 2012. Communities received formal rights to forest land for 31 million ha between 2002 and 2012, which translates into an average annual rate of increase of slightly over 3 million ha.

**Figure 2.1: Distribution of forest land tenure in 14 Asia-Pacific countries, 2002–2012 (%)**

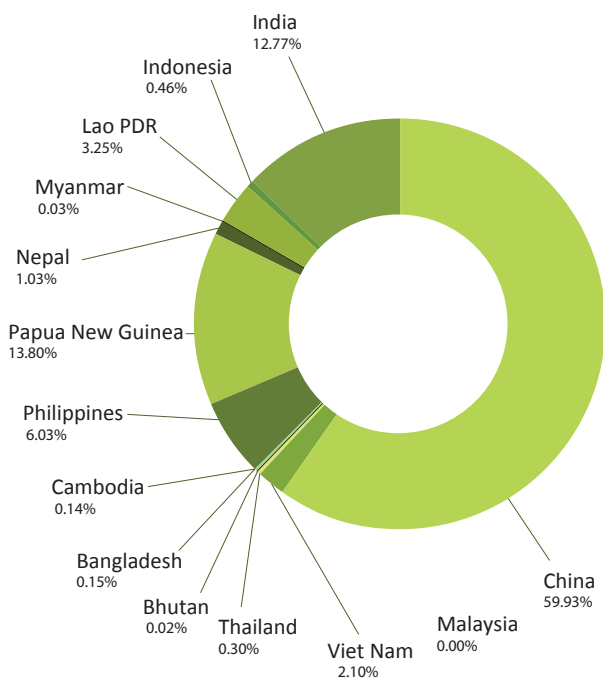


Source: Government data from the 14 countries; see annex 1.

### A look at individual countries

Most of the forest land in community possession was found in three countries (figure 2.2); China alone accounted for 109 million ha of the 182 million ha of forest land held by communities in 2012. Additionally, communities in Papua New Guinea and India each held forest tenure rights to about 25 million ha. The three countries together contained 87 percent of the forest land under community tenure in the region in 2012.

**Figure 2.2: Distribution of forest land under community tenure, 2012 (%)**



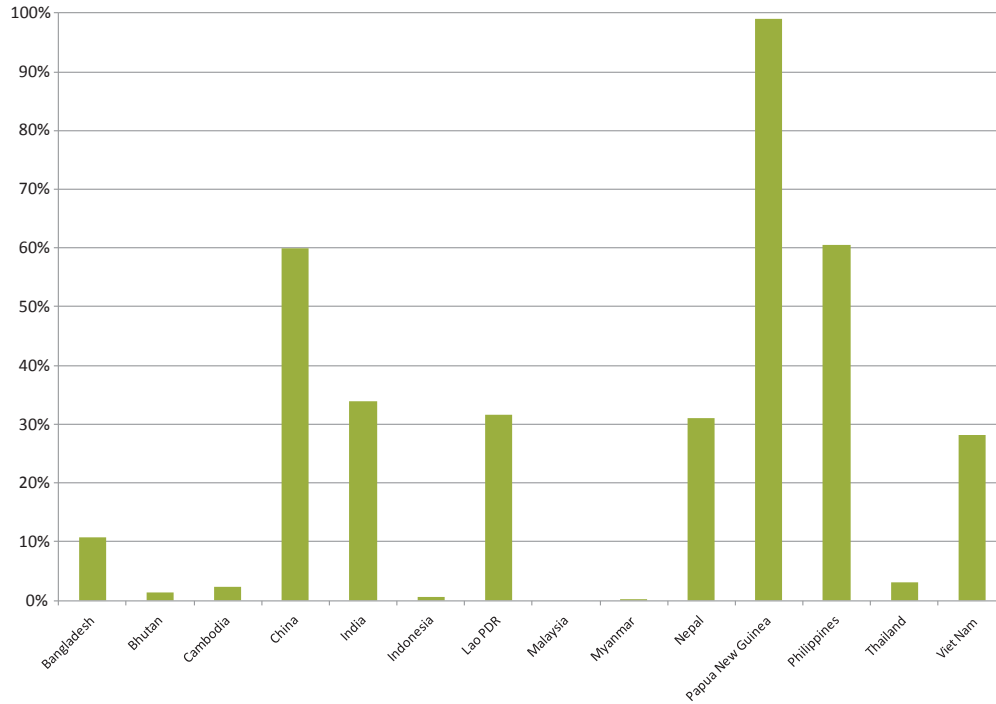
Source: Government data from the 14 countries; see annex 1.

Three countries stand out through their granting communities tenure rights to 60 percent or more of their national forest land (figure 2.3). In Papua New Guinea, communities held statutory tenure rights to 99 percent of the country's forests in 2012. In China and the Philippines, communities possessed 3 of every 5 ha of forest land.

In six countries as of 2012, the government had granted communities formal right to a mere 3 percent or less: Bhutan, Cambodia, Indonesia, Malaysia, Myanmar and Thailand. The laws and regulations in those countries do not reflect the communities' customary practices in the management of forests.

Community tenure has established a solid foothold in four other countries, in which communities possessed around one-third of the national forest land (as of 2012): India, Lao PDR, Nepal and Viet Nam.

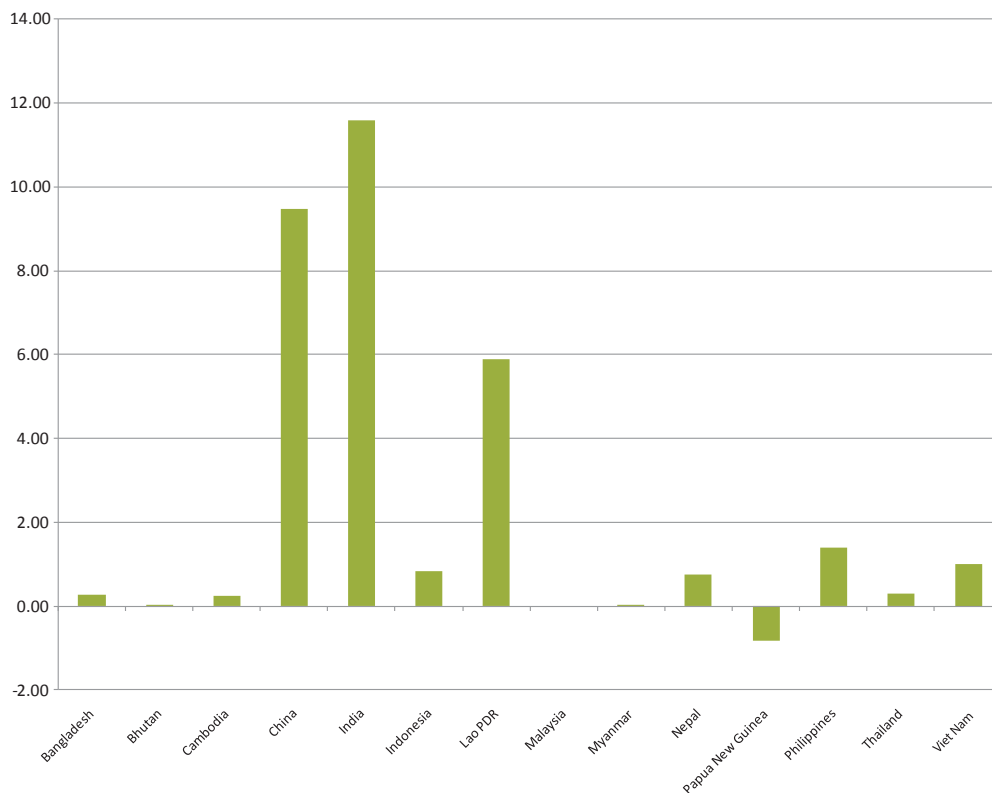
**Figure 2.3: Share of national forest land in community possession, 2012 (%)**



Source: Government data from the 14 countries; see annex 1.

Three countries demonstrated strong progress in the transfer of statutory forest land rights to communities between 2002 and 2012 (figure 2.4). Forest land in community possession expanded strongly in China, India and Lao PDR, between 6 and 12 million ha in each country. Community forests also showed significant increase in Viet Nam, and minor increases in Bangladesh, Cambodia, Indonesia, Nepal, Philippines and Thailand. The decrease found for Papua New Guinea were due to adjustments in the countries' total forest land – some forest land was reclassified as other types of land – and not because of an actual decline in the forest land held by communities.”

**Figure 2.4: Changes in forest land held by communities 2002–2012 (million ha)**



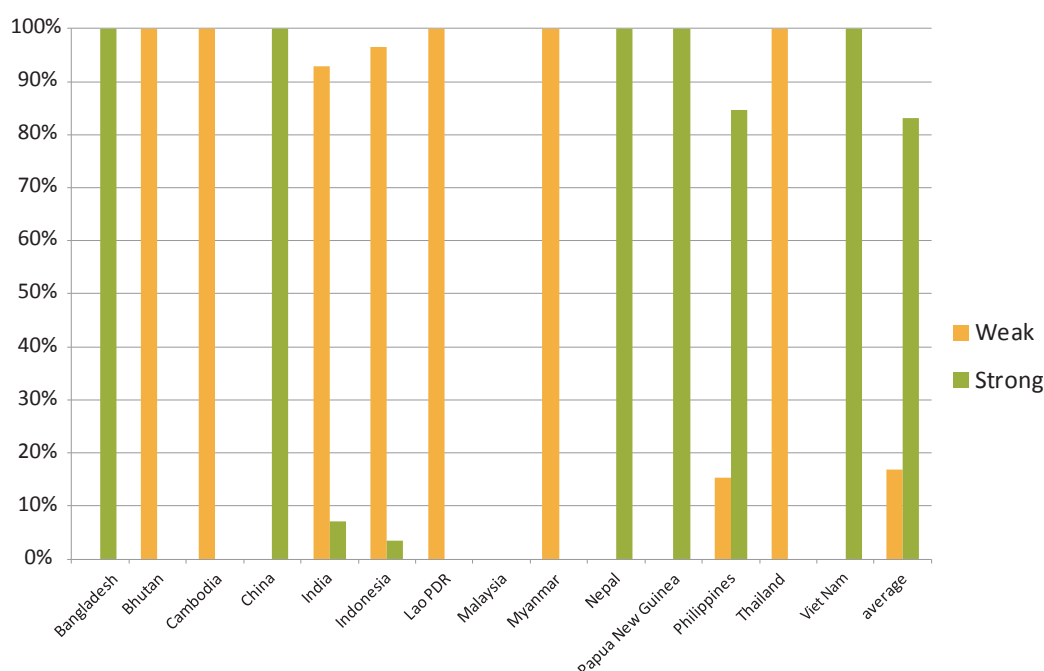
Source: Government data from the 14 countries; see annex 1.

## Community rights to forest land: Strong and weak

The region's communities enjoy strong rights to 83 percent of their forest land. However, it is mostly concentrated in three countries: China, Papua New Guinea and Philippines (figure 2.5). In these countries, together with Bangladesh, Nepal and Viet Nam, communities' tenure rights to forest land receive special protection under the constitution, the civil code or other laws made by the national parliament. Forest departments or other government units cannot revoke the tenure rights easily but have to follow standard legal procedures when they want to reclaim forest land granted to communities.

In all the other countries, communities enjoy only weak tenure rights to their forest land. Government agencies can unilaterally take the tenure rights away from communities by an administrative act or limit the tenure rights given to communities to short time periods.

**Figure 2.5: Strength of tenure rights held by communities, 2012 (% area)**



Source: Government data from the 14 countries; see annex 1. Note that four countries reflect the presence of weak and strong tenure rights due to the co-existence of multiple tenure arrangements regarding forest land

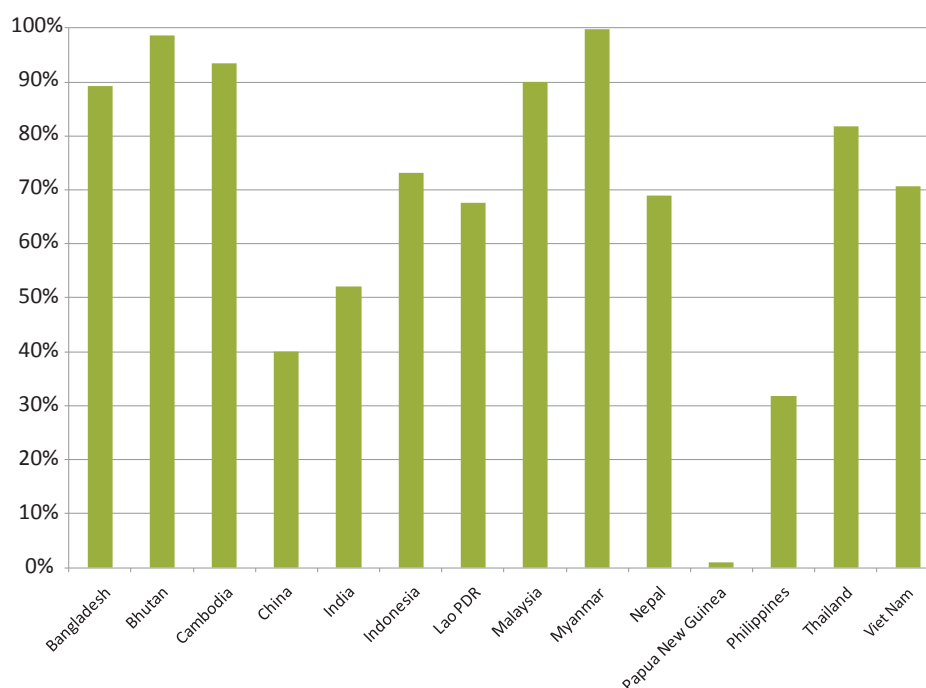
## Considerable potential for further tenure transfers to communities

Figure 2.1 illustrates not only that communities already possess 34 percent of the region's forest land but that there is great potential for further transfer of forest tenure in the coming years. More than half of the region's forests, at 57 percent, remain under government tenure, making them potentially available for allocation to communities, given suitable changes in law and policy support. Nine percent of the region's forests are in the legal possession of large owners or companies.<sup>3</sup> Indonesia (26 percent), Thailand (15 percent), India (14 percent) and Philippines (8 percent) have the most forest area that falls in this category.

There is equally considerable potential for further tenure transfer in many countries (figure 2.6). Governments continue to possess half or more of the national forest land in 11 of the 14 countries included in this study. Papua New Guinea is the only country in which further transfer of forest land to communities is no longer an issue. Even in China and Philippines, where communities possess a significant share of the national forest land already, huge potential remains for further transfer. This includes a staggering 72 million ha remaining in government possession in China.

<sup>3</sup>No data is available for Lao PDR and Malaysia on possession of forest land by large owners or companies.

**Figure 2.6: Forest land under government tenure in 2012 (% of total forest land)**



Source: Government data from the 14 countries; see annex 1.

## **Conclusion: The vibrancy of community forestry in the Asia-Pacific region**

Community forestry is vibrant in the region: One-third of the forest land is in community possession, with an increasing trend. Communities hold strong tenure rights to 4 of 5 ha of the forest land in their possession. With governments possessing 57 percent of national forest lands, there is great potential for further transfer of tenure rights to communities.

The data analysed for this study also reveal important differences between countries regarding the distribution of statutory tenure rights to forest land:

- China, Papua New Guinea and Philippines are noteworthy because communities possess strong tenure rights to large shares of the national forest land. Forest tenure transfers continue in Nepal and Viet Nam, where communities also hold strong tenure rights to most of the forest land in their possession.
- India shows encouraging signs despite the fact that communities possess only weak rights to most of their forest land: Recent tenure transfers not only increased the share of national forest land in community possession but were strong tenure rights.
- In Bangladesh and Lao PDR, the national governments kick-started community forest tenure in 2002, although the Lao Government grants communities weak rights only.
- As of 2012, there was no significant share of forest land in community possession in Bhutan, Cambodia, Indonesia, Malaysia, Myanmar and Thailand.

The recognition of communities' tenure rights to forest land allows community forestry to take on old and new roles. Tenure rights grant communities access to an asset that holds the potential to facilitate improvements in their livelihoods. Tenure rights are also an important part of the civil rights demanded by the region's increasingly assertive populations. They grant rural people rights to assets of material and symbolic importance, contribute to their inclusion in national societies and attest to their citizenship rights in the region's growing democracies. Tenure rights are also important in global conventions because land is typically at the core of individual and collective claims for human and indigenous rights. Their legal recognition enables governments to comply with global conventions and agreements as long as communities receive strong tenure rights.



This was the situation of statutory forest tenure in 2012. Two qualifications are necessary, however: First, the situation is changing rapidly, with some countries having issued credible statements of intent and concrete plans to expand the share of forest land in community possession in the coming years, such as Bhutan, Cambodia, Indonesia and Myanmar. Second, statutory forest tenure is not the same as community forestry. It may be an important factor enabling community management, but it is neither a necessary nor a sufficient precondition for community forestry. Communities may hold strong tenure rights to forest land on a customary basis even where such rights are not recognized in national legislation. Similarly, communities may not have much influence on forest management even where they possess strong statutory tenure rights. How much influence communities have depends on the specific governance arrangements in place, which is the topic of the next chapter.





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## Active control versus passive participation

Community forestry interacts with broader processes of rural development, democratization and the implementation of global norms not only by granting forest tenure rights to communities. Community forestry also affords rural people new opportunities to improve their livelihoods and exercise their citizenship rights by gaining a voice in public decision-making and influencing decisions over their own collective affairs. Community forestry often enables communities to assume active control over forests, including people from marginalized economic, political and cultural backgrounds. Community forestry may also involve people in forest management merely as passive participants. In this case, community forestry serves the interests of governments to strengthen their hold over remote rural areas more than communities' demands for civil and political rights. The distinction between active control and passive participation is critical (box 3.1).

### Box 3.1 Active control versus passive participation

Active control and passive participation refer to a distinct combination of four governance factors:

- What is the nature of the main organization representing communities?
- What rights do communities possess regarding domestic and commercial uses of forest?
- What responsibilities do communities have in forest protection and management?
- What decision-making powers do communities hold over forest management, and what rules and procedures do they use for their internal governance?

Communities are considered as exercising **active control** when their organizations are legally independent, possess the rights to both the domestic and commercial uses of the forest, are subject to limited and clearly defined responsibilities and make decisions over forest management.

Communities' role amounts to **passive participation** when their organizations depend on the administrative decisions of government departments, possess restricted use rights, are liable to imposing or ill-defined responsibilities and exert minor leverage on decision-making.

Source: Adapted from Schlager and Ostrom, 1992; Tran and Sikor, 2006.

There is a range of local governance arrangements for community forestry in the Asia–Pacific region, a range too wide to be featured here in its entirety. However, five governance arrangements highlighted in this chapter illustrate different forms of community forestry. They encompass collective forestry in the Chinese village of Xinqi and forest management agreements in Papua New Guinea, reflecting two governments that have taken a leading role in the recognition of communities' possession of forest land. The other three community forestry initiatives have become classics in the field: forest user groups in the middle hills of Nepal, joint forest management in the Indian state of Andhra Pradesh and the forest councils of the Kumaon region in India.<sup>4</sup>

### Forest user groups in the middle hills of Nepal: Use rights with decision-making powers

Villagers have managed forest land in the middle hills of Nepal through forest user groups for the past two decades.<sup>5</sup> Much of the land was barren or highly degraded when the Government transferred it to them, a transfer that leaves ownership in the hands of the State but grants communities strong tenure rights to the forest. Forests have been a significant source

<sup>4</sup> The scale of the five initiatives covered in this chapter varies due to regional differences in the forms of community forestry and the availability of evidence. In India and Nepal, the discussion focuses on insights from particular regions due to reported differences in community forestry initiatives and dynamics between regions.

In China, the focus is on a single village because there is insufficient evidence on collective forestry nationwide or even in a single province. The intended comparison is between different forms of community forestry and not between countries.

<sup>5</sup> This section is based on Dev and Adhikari, 2007.

of livelihood for them – for both wealthy villagers as well as poor ones. The forest has supplied them with dry season fodder and bedding material for their livestock, fuelwood for domestic use, leaf litter for agricultural fertilizer, timber for construction and medicinal and edible plants and fruits.

Forest user groups are legally independent organizations established around the use of a particular forest. They come into being by registering with the District Forest Office and giving themselves a constitution within the limits defined by the Forest Act (1993), Forest Regulation (1995) and the Community Forestry Guidelines (2009). Even though district officers try to include all previous users of the forest, it often happens that some of them are left out from the groups. Male and female household members now can participate in meetings; the previous rule that households could nominate only a single member to participate in meetings (typically a male adult) has been dropped. At the same time, households are sometimes members in more than one forest user group because they have a stake in each of them. Forest user groups manage anything from just over 1 ha to nearly 1 000 ha of forest land, resulting in about 0.1–4 ha per household member.

Forest user groups generally enjoy significant use and management rights to forest resources. Villagers are allowed to collect leaf litter and tree fodder for their livestock, just as they can extract fuelwood, timber, edible tubers, fruit, medicinal plants and other non-timber forest products for use at home or sale. They are generally exempted from government taxes on forest products applicable to commercial uses. These uses are limited by the obligation imposed on the groups by the 1993 Forest Act that no use should endanger the environmental sustainability of forest management. The extensive use rights, however, do not necessarily imply that every group's members benefit in an equal manner (see chapter 4).

Forest user groups typically engage not only in forest protection but also in silvicultural operations, such as weeding, pruning, planting, thinning, coppicing, pollarding and tree felling. The legal requirement of sustainable management takes on additional force by the mandate of oversight over forest user groups given to District Forest Offices. The Offices approve each group's initial registration and operational plan, delineate the forest transferred to them and retain the authority to withdraw forest from a group temporarily if a group fails to fulfil their obligations. Such a withdrawal is hypothetically possible because groups do not hold ownership rights to their forest, yet it rarely occurs in practice. Forest officials wield power over the groups in many other ways, such as through the technical expertise required for the preparation of forest inventories and management plans.

The groups make decisions about forest use and management in a collective manner. In accordance with legal requirements, they are governed by a general assembly of all members and an executive committee; the president is elected by members (box 3.2). They conduct regular assemblies and executive committee meetings and record discussions and decisions in writing. The assemblies and meetings deal with issues encountered by the groups in forest management, including the use and distribution of forest products, use of revenues derived from forest management and the resolution of disputes. Nonetheless, even though their leadership is elected by all members and every member has equal vote in decision-making, the decision-making tends to be dominated by elites due to existing power asymmetries created by such factors as caste, ethnicity, economic status, education and patronage relations in villages (see also chapter 4).

Community forestry thus takes the form of group-based forest management by villagers in the middle hills of Nepal as well as to a more limited extent in the Terai region. Groups are formed around the recognized users of a particular forest and collectively enjoy significant use rights and decision-making powers. However, the use rights and powers are limited by the legal requirement on groups to manage forests in environmentally sustainable ways as well as the oversight given to the District Forest Office.

### **Box 3.2 Learning forest governance in Chhange Khola, Nepal**

According to Hasta Bahadur Thapa, a former president of the Chhange Khola Forest User Group Executive Committee, a forest ranger encouraged his community to set up a forest user group. Thapa was elected as the first president of the executive committee. "When I was chosen as the president," he recalled, "I had no idea about what my duties, roles and responsibilities were. I did not even know the level of the position I was entitled to. Later on I realized that I had the most powerful role, and then I put all my efforts required to make the [group] effective." Eventually, Thapa went on a nine-day tour of Gorkha District to increase, as he put it, his "social exposure". Thapa instigated a 50 rupee-levy on each member to establish a community forest fund. He remained president for nine years. "I still hold a deep love for the forest and would love to be engaged in the committee again."

Source: Jha and Hobley, 2012, p. 193.

## Joint forest management in Andhra Pradesh, India: Limited use rights, high management responsibilities

The forest protection committees set up under the joint forest management programme in India's Andhra Pradesh State look similar to Nepal's forest user groups at first sight; but there are a few crucial differences.<sup>6</sup> The differences first find reflection in their names: the Nepalese groups focus on use, whereas protection is the primary objective of the committees in Andhra Pradesh. Similarly, the Nepalese groups are legally independent organizations in contrast to India's forest protection committees, which are set up by the state Forest Department.

The forest protection committees were established in the early 1990s, after the Government allowed states to co-manage the forests with communities through a 1990 circular. The state government of Andhra Pradesh followed suit in 1992 by beginning to issue a series of Government Orders for the roll out of forest protection committees and acquiring World Bank funding to support implementation. Since then, villagers have been involved in the management of small forest patches, including degraded forest land, new tree plantations and forest containing valuable timber through the scheme. The typical size of forest protected by a village is between 200 and 600 ha, which can translate into anything between 1 and 20 ha per household. Forests continue to contribute significantly to villagers' livelihoods, particularly for tribal peoples and others who are poor, in terms of fuelwood, cultivable land, grazing areas and, in some cases, valuable timber for possible sale or use at home.

In most cases, the District Forest Office receives funding from donor projects or the state budget to set up a committee. They have no legal protection and can be dissolved by the state Forest Department at any point without prior information. In fact, many of the committees existing on paper may no longer function in practice, if they ever did. In addition to the local forest official, the committees typically include all households in a village, each one of them nominally represented by a male and female member. In practice, it is mostly men who attend the meetings, participate in activities or assume management positions. The focus on single villages implies that previous users of the allocated forest from other villages cannot become members of a forest protection committee and thus find it difficult to maintain their access to a forest. In contrast to Nepal, forests are not assigned on the basis of prior use but identified on a land use map and then given to a nearby village for protection.

Experience demonstrates that the committees may not grant villagers any significant use rights to forest products, in effect diminishing their use rights in comparison with prior customary uses, such as the customary right to work agricultural fields on the forest land. The committees enjoy very limited use rights to forests because they are subject to restrictive regulations by the state Forest Department and because the local forest official tends to dominant whatever decisions are left to them. Villagers may be allowed to collect dry branches for fuelwood and non-timber forest products. Yet, timber and other valuable forest products are outside the scope of what they are allowed to harvest on their own account, as is the cultivation of forest land with agricultural crops. Livestock grazing is strictly controlled or even forbidden in many cases. If the Forest Department commissions companies to harvest timber or bamboo, villagers are entitled to the revenues attributable to the net incremental value only, which is the increase in volume since the committee was established.

For many villagers, their forest protection committee has largely turned into an employment programme because it provides labour opportunities in the agricultural off-season: The funds provided by the state Forest Department allow the committees to pay members for silvicultural activities. In addition, the committees are legally entitled to retain half of the fines levied on illegal uses, but they may or may not be able to collect or retain such levies in practice due to endemic corruption.

As indicated by their name, the primary task of the committees is forest protection. They are required to protect the forest allocated to them against unlicensed logging, cultivation, grazing, fires and unlicensed harvests of other forest products. This works reasonably well with regards to people, particularly poor people, from surrounding villages but finds its limitations when villagers encounter powerful loggers protected by forest officials or when villagers exclude other members of their own village (box 3.3). The tasks for each committee are specified in "microplans", which the Forest Department – often with the help of an NGO acting as a service provider – draws up every five to ten years. Even though forest officials are required to consult villagers in the development of the microplan, they are usually handed down to villagers without much consultation. The microplan specifies the silvicultural activities to be undertaken by the committee, such as planting, thinning and coppicing, in addition to protection activities, such as patrolling. It includes village rules on the amount of

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<sup>6</sup> This section is based on Reddy et al., 2007; Saito-Jensen and Jensen, 2010; Saito-Jensen and Nathan, 2011; and Saito-Jensen et al., 2010.

fuelwood and the number of poles each household can collect as well as rules on livestock husbandry. As long as they are paid, committees generally implement the required silvicultural activities.

The Andhra Pradesh guidelines on joint forest management contain clear provisions on governance structure and procedures. All committee members have the right to elect the members of the management committee and its chairperson. Meetings have to be public and documented. Nevertheless, decision-making is often dominated by the responsible forest official or local elites, the latter typically comprising the management committees and providing the chairperson. Few women participate in the meetings or dare to speak up at meetings, and their representation in the management committee typically remains below the specification in the government guidelines that more than half of the general body and management committee be constituted by women. The actual operations of the forest protection committees often depart from the formal regulations in significant ways, as the next chapter explains.

Thus, the forest protection committees of Andhra Pradesh turn out to be quite different from the forest user groups in Nepal. The committees have more limited use rights to forest resources than the groups in Nepal and virtually no influence over decision-making regarding forest management. They end up in a subordinate position to the state Forest Department, which also sets them apart from the forest user groups in Nepal. At the same time, they remain attractive to villagers because the Forest Department often channels paid employment opportunities through them, funded from the state budget as well as donor funds.

### Box 3.3 Whose forest?

The elderly woman featured at the end of the documentary *Whose Forest? Participatory Forest Management in Andhra Pradesh* is very assertive of her community's customary rights to the forests around their village. Asked about her views of outsiders exploiting the forests and land, she says that she would tell them straight out: "I'll not allow you, outsider [to enter my village]". The woman has a long experience of attempts by outsiders to take the forest away from her community, beginning with the formal nationalization of the land under the colonial regime. She is also aware of the limited statutory rights and decision-making powers her community possesses under joint forest management. Their forest protection committee may enable them to keep out the odd collector of fuelwood from neighbouring villages, but it will do little to prevent the Government to grant a license for mineral extraction to a company. "Mining people are coming to grab our land and destroy us," she says. She is also determined to put up a fight if necessary. "You can't evict me. If you try, I'll cut my throat and place it here."

Source: *Whose Forest? Participatory Forest Management in Andhra Pradesh* documentary film, directed by Shri Prakash and produced by Oliver Springate-Baginski, 2006.

## The forest councils of India's Kumaon region: Communities and government as partners

Another model of community forestry comes from a different region on the Indian subcontinent: Kumaon in the Indian Himalayas (in northern Uttarakhand State).<sup>7</sup> There, villagers have managed forests in nearly 3 000 forest councils (van panchayats) since the 1930s. The councils emerged when the colonial government responded to villagers' demands and handed about half of all forests to them to manage. The colonial government did not grant villagers ownership of the forests but instead sought to involve them in co-management with the state Forest Department and Revenue Department. Since then, forest councils have managed some 50 ha of forest on average, which translates into an average of 0.6 ha per household. Today, a large majority of the forests contain mature timber due to the effective protection and management by those councils over the past decades. Timber is thus an important resource to villagers now, together with the fodder and fuelwood available in the forests.

The forest councils are constituted at the village level. All villagers are members by virtue of their residence. Just like the forest protection committees, they were originally set up by administrative fiat. The Revenue Department parcelled out the forest to be allocated to rural people and then assigned specific parcels to adjacent villages. The procedure, however, failed to recognize the cultivation, livestock grazing and collection of non-timber forest products undertaken by people from neighbouring villages on a customary basis. Encroachment by outsiders, now primarily for logging, continues to pose a serious problem.

<sup>7</sup> This section is based on Agrawal, 2001; Agrawal, 2005a and 2005b; Agrawal and Yadama, 1997; Baland et al., 2010.

Forest councils enjoy significant use rights to the forest allocated to them decades ago. Above all, they are entitled to harvest and sell timber. Unlike the forest protection committees in Andhra Pradesh they do not have to rely on the state Forest Department for cutting timber, selling it and then transferring the legally required share to the village. As with the forest user groups in Nepal, they instead can undertake the harvesting and sale themselves. They are only required to seek approval from the state Forest Department and pay the required tax to the state budget. They can collect fodder and fuelwood and even sell both without prior permission from the state Forest Department.

The councils over time have taken sturdier charge of forest management (box 3.4). They now specify the uses allowed in particular forests, impose restrictions on use and invoke the rules users must follow. They make sure that actual forest use is tightly monitored to prevent any activity not authorized by them. The monitoring may take the form of council members going on regular patrol or villagers observing forests as part of their regular daily activities. Alternatively, councils may hire paid guards for forest protection, drawing on council revenue as well as villagers' contributions. If they detect unauthorized uses by their own members or outsiders, the councils issue fines to the perpetrators and call upon the state Forest Department to support their enforcement activities, if required.

Villagers vote to elect between five and nine council members and a leader. The council members and leader represent the village in their dealings with the Revenue and state Forest Departments and are responsible for the day-to-day activities, such as forest patrols, the collection of fees and fines, and financial management. As in Nepal, the councils meet frequently to discuss the rules governing their operation as well as their application to particular cases in villages. They document their meetings and accounts in writing, making the records available to all villagers. The councils' powers are restricted by the Forest Council Rules of 1931 and the amended version of 1976. Villagers cannot clear-cut forest, levy fines beyond a certain limit or raise revenue in ways other than those allowed by the Rules. They cannot resolve conflicts over the application of the Rules but must refer them to the Revenue Department or courts. If they want to harvest timber or sell resin from pine trees, they must first acquire approval from the state Forest Department. The Revenue Department has the power to check a council's operations regarding its compliance with the Rules.

The village-based forest councils have become a permanent feature of forest management in Kumaon. They have over time acquired significantly more use rights and decision-making powers than the forest protection committees under the joint forest management programme of Andhra Pradesh. The most visible expression of the difference is the common use of the microplans by forest officers in Andhra Pradesh to dictate management to villagers, whereas such micromanagement is absent in Kumaon. Nevertheless, the forest councils remain subject to the oversight of the state Forest Department and Revenue Department in a form of co-management between relatively equal partners. They have become such an integral part of forest governance in Kumaon that it is difficult to separate community from state in forest management.

#### **Box 3.4 A villager's determination to take control of forests in India**

When researcher Arun Agrawal visited the small village of Kotuli in Kumaon in 1989, he met Hukam Singh, a young villager who cultivated plots of irrigated land, raised cattle and had become a member of the village's forest council. To Agrawal's surprise, Hukam Singh professed strong commitment to the work of the forest council: "We protect our forests better than government can. We have to. Government employees don't really have any interest in forests. It is a job for them. For us, it is life." To reinforce this point, Hukam Singh explained: "Just think of all the things we get from forests – fodder, wood, furniture, food, manure, soil, water, clean air. If we don't safeguard the forest, who else will? Some of the people in the village are ignorant, and so they don't look after the forest. But sooner or later, they will all realize that this is very important work. It is important even for the country, not just for our village."

Source: Agrawal, 2005b, pp. 161–162.

## Collective forestry in Xinqi, China: Strong use rights and decision-making powers

China has practised collective forestry for decades, dating to the establishment of the People's Republic of China in 1949.<sup>8</sup> Another similarity between the forest councils and China's collective forests is that their management blends elements of state and community management. A key difference is the ownership rights that China's administrative villages have long enjoyed to forests that the Indian villagers in the Kumaon region have never achieved. The similarities and differences become apparent in a closer look at collective forestry in Xinqi village in the southwestern province of Yunnan.

The people of Xinqi have managed the forest surrounding their village since 1962, when they established their first "collective forest farm". The forest today contains around 1 700 ha of fir and other tree species, at approximately 20 ha per household, and most of them planted by the villagers over the past decades. Most of the forest is under collective management, even though many villagers also work on small individual forest parcels. The rich timber stocks in the forest are an important source of income to Xinqi's residents. They also use barren forest land and previous agricultural land to plant trees under contract with the Forest Department, with funding from various government programmes. The contractual payments are a welcome addition to their livelihoods, which have increasingly moved away from agriculture to local off-farm activities and distant opportunities through migration. Almost every household in Xinqi now includes at least one member earning a living outside the village.

The organization in charge of governing Xinqi's forests is the administrative village in the form of the Village Committee, which is the officially recognized form of local governance in China. It differs fundamentally from the forest councils of Kumaon, which were set up with the specific mandate to manage forests together with the relevant government departments. In Xinqi, the administrative village oversees forest management under its general mandate over economic development affairs and is accountable to the local population. For example, villagers decided on their own initiative in the 1980s that they wanted to elect a head of collective forest management even though they had not received a corresponding mandate from the higher level of governance. The administrative village governs through the village committee, which is the officially recognized form of local governance in China. Not until 2000 did the local population elect the committee members and chairperson, which has strengthened their accountability to residents.

The villagers of Xinqi enjoy substantial use rights to their forest because China's forest regulations recognize them as collective owners. Ownership allows them to harvest timber on their own after an initial inspection by a forest official. They sell timber on a regular basis because they are able to gain the required logging quota from the local Forest Department. In addition, villagers collect fuelwood and non-timber forest products freely. They are also entitled to retain the entire payments provided for tree plantations funded under government programmes. They can decide whether or not to plant trees in their agricultural fields.

Xinqi's village committee and the staff in charge of forest management embrace forest management. They decide the amount of timber to be harvested from the collective forest each year as well as other silvicultural operations, such as pruning. They can decide to sell timber as long as they secure the required quota from the Forest Department. For example, they opted in 2004 to 2007 to increase logging volumes in order to raise funds for building a school, upgrading a road and financing other infrastructure projects. In addition, the village committee successfully convinced the local Forest Department to award reforestation contracts to the village because it is known for its effective forest management. Over the past decade, Xinqi's villagers planted trees on about 900 ha, including timber species and fruit trees. Xinqi's villagers are also required to monitor forest use and prevent any unlicensed uses, but encroachment is not a problem.

Xinqi's villagers enjoy tremendous autonomy over their forest, given their successful resistance to top-down reforms. In the 1980s, villagers first divided up the collective forest to individual households in line with central government policy but then collectively revoked that decision three years later. In 1997, Xinqi's people decided to apportion the forest among households by giving out shares but retained the forest under collective management. The provincial government selected Xinqi as a pilot for the national tenure reforms of 2004. These included two critical elements: first, the reforms allowed the owners of China's collective forests to determine changes in forest governance; and second, they expressed a preference for the division of collective forests and a transfer to individual household ownership. Xinqi responded by taking advantage of the first element to reject the second: The village committee decided to retain all forest within collective ownership (box 3.5).

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<sup>8</sup>This section is based on He, 2013.

The experience from Xinqi is not representative of all villages with collective forests in China. In the absence of local research, it is impossible to know what goes on in the hundreds of thousands of villages managing more than half of China's forests. The experience from Xinqi indicates how the transfer of ownership rights to villagers and devolution of decision-making powers can enable communities to take charge of forest management. Tenure transfer and devolution allowed the Xinqi Village Committee to exert the collective will of the community against contradictory preferences by higher-level government officials (as described in box 3.5). Forest management in Xinqi remains subject to the forest regulations and logging quotas set by the Forest Department, but ownership rights and the devolution put villagers in a strong position to become equal partners with the Forest Department.

### **Box 3.5 Self-governance in Xinqi, China**

The Forest Department of Tengchong County approached the village committee of Xinqi in 2007 to allocate the village's collective forest to individual households. Villagers, however, did not want to break up their collective forest. The village head, Yan Shengqiong, remembers how he acquired exception from the Forest Department's deputy director for Xinqi villagers to retain their forest in collective ownership and management: "I used three arguments to persuade the director to approve our case. 'First', I said, 'according to the policy, once two-thirds of the villagers approve the plan we have to follow this collective decision, based on the Village Autonomy Law. Second, collective management of the forest has greatly benefited the local economy and the village so that we do not require external money for road construction, school building and so forth. We should keep this forest collective. Third, we have had bad experiences in the past when forest allocated to households was cleared rapidly. For ecological and economic reasons, we need to keep the forest in collective ownership.'"

Source: He, 2013, p. 159.

## **Forest management agreements in Papua New Guinea: Royalties but no influence**

Similar to China, communities in Papua New Guinea gained ownership rights to forests long ago as part of larger political events.<sup>9</sup> The Constitution of Papua New Guinea recognized customary ownership rights to 99 percent of the country's forests upon independence from Australia in 1975. In stark contrast to the experience from China previously described, however, the communities in Papua New Guinea have not been involved in commercial forestry in any meaningful manner despite their customary ownership. The comparison reveals that ownership rights are not a sufficient condition for community involvement in forest management.

Papua New Guinea's Forestry Act of 1991 requires the use of forest management agreements for industrial logging. Industrial logging of timber for export from the rich natural forests remains a critical source of foreign exchange for the Government and income for customary land owners. Forest management agreements today cover almost 18 percent of the total forest area in Papua New Guinea. The forest management agreements do not involve individual owners but incorporated land groups, which represent all people holding customary rights to the forest gazetted for logging in a seemingly straightforward legal arrangement. The formation of such groups, however, has been hampered with problems. It is often not clear which people hold customary rights to forests because ownership has been clan-based, and individual parcels have never been delineated. Owners may have moved away but still claim customary rights to forest around their home village. Or some groups may claim customary rights to the same forest area. Another problem is that group leaders are often not accountable to the customary owners whose interests they are legally obliged to represent. Logging operators and other powerful people have sometimes bribed them to consent to deals not supported by the majority of customary owners. Or, the leaders have failed to distribute logging royalties to all entitled owners fairly, particularly the poorest among them.

Customary owners have very limited use rights to their forest for commercial purposes. They have the legal right to cultivate gardens in the forest and apply for permission from the Forest Authority to engage in small-scale logging. Yet, virtually no customary owners have been able to take advantage of this legal option due to the absence of a supportive environment. There are no technical extension services to assist them, banks to provide loans, suitable machinery and small-scale milling capacity to offer their services, nor are the lucrative overseas markets accessible to small operators. Most owners rely on the

<sup>9</sup>This section is based on Filer, 2012; Filer and Wood, 2012; Forest Trends, 2006; and ODI, 2007.

share of timber royalties guaranteed in the forest management agreements. The logging companies pay timber royalties to the Forest Authority, which then transfers a share to the involved incorporated land groups.<sup>10</sup> The payments made to customary land owners have declined over the recent decade, however. The Government, in turn, has not used the royalties to invest in local infrastructure or other projects benefiting socio-economic development.

Forest management agreements reserve all decision-making powers to the Forest Authority during their duration of normally 50 years. The Forest Authority selects the company to be contracted for logging, typically choosing a foreign operator. It also negotiates timber permits extending over 10–20 years with the companies, specifying the regulations to be followed in logging and required silvicultural activities after the logging. Customary forest owners have no influence over the contents of the forest management agreements. Nor do they have leverage on the practices employed by logging companies, of which very few comply with the applicable rules on harvest and post-harvest operations.

In sum, customary forest ownership in Papua New Guinea effectively secures local people a share in the royalties derived from the exploitation of the country's rich forests. Yet, community forestry is largely nominal because local people are made passive recipients of payments funded from the royalties paid by (usually foreign) logging companies to the Forest Authority. Customary owners rarely exercise their direct rights to commercial uses of the forest and do not possess any decision-making powers over the commercial forest operations.

### Active control versus passive participation among the five examples

A comparison of the five experiences with community forestry just highlighted reveals significant differences in their governance arrangements. Governance varies along all four of the dimensions described in box 3.1, as summarized in table 3.1.

**Table 3.1: Overview of five community forestry arrangements**

	Forest user groups in Nepal	Joint forest management in Andhra Pradesh, India	Forest councils in Kumaon region (Uttarakhand), India	Collective forestry in Xinqi, China	Forest management agreements, Papua New Guinea
Main organization	Legally independent user group	Village committee established by the state Forest Department	Village-based forest council	Administrative village	Incorporated group of forest owners
Use rights	Full rights for domestic and commercial uses	Limited use rights and labour opportunities	Full use rights	Full use rights and contractual payments for reforestation	Rights for domestic use and a share of timber royalties
Management responsibilities	Protection and silvicultural practices	Protection and silvicultural practices	Protection and silvicultural practices	Protection and silvicultural practices	None
Decision-making powers	Self-governance under oversight of District Forest Office (operational plan)	Decisions dominated by forest officials (management plan)	Self-governance under oversight of local government (logging permits)	Self-governance in equal partnership with the Forest Department (logging quota)	None
Community forestry type	Active control	Passive participation	Active control	Active control	Passive participation

<sup>10</sup> Incorporated land group is the legal status given to a customary group that enables it to do business and to own, dispose or manage its land.



Different types of organizations represent villagers in the five instances of community forestry. First, the organizations differ in their legal status. The forest protection committees set up under joint forest management in Andhra Pradesh, India and the forest councils of Kumaon region in India are village-based committees registered with their respective state Forest Department. The forest user groups in Nepal and the incorporated land groups in Papua New Guinea are legally independent groups. Collective forestry in China is the task of elected local governments, which may assign forest management to individual households or retain a managerial role in the management of collectively held forest.

Second, the organizations differ in their membership base. The forest user groups of Nepal bring together all recognized users of a particular forest, irrespective of their village residence. The incorporated land groups in Papua New Guinea include all households with customary ownership rights to a particular forest regardless of their present residence. In contrast, membership in the forest protection committees of Andhra Pradesh, the forest councils of Kumaon and the collective forestry in China are defined on the basis of village boundaries.

Third, the organizations differ along gender lines. Forest user groups, joint forest management and collective forestry explicitly grant male and female household members equal membership rights. In the other two cases, membership accrues to households but gives the right of participation to a single representative, which is more often than not the male household head.

In each of the five cases, there is significant variation in the rights to domestic and commercial uses held by communities, particularly the right to sell timber and non-timber forest products. The latter is often restricted by formal and informal regulatory barriers erected by certain stakeholders, including forest departments, if it has not been withheld from communities from the outset. Local residents have very limited use rights under joint forest management, which often implies a loss of rights in comparison with the customary use rights villagers enjoyed in the past. Their rights do not extend to timber, setting joint forest management apart from the forest user groups, collective forestry and the forest councils, with villagers possessing use rights to all forest resources, including timber. In Papua New Guinea, communities retain their use rights to timber under the forest management agreements only in the sense that they are entitled to a share of the timber royalties paid by logging companies to the Government.

The management responsibilities assigned to communities reflect relatively little variation, especially in comparison with the variation in use rights. In all cases but the forest management agreements in Papua New Guinea, communities are required to protect the forest from unauthorized uses and perform silvicultural operations. Under the forest management agreements, villagers are not obliged to do so because the agreements transfer complete management to the State and the logging companies.

Just as communities' use rights vary, so do the decision-making powers they have against outsiders. The forest user groups, the forest councils and the Xinqi administrative village basically govern the forest themselves. The forest councils and the Xinqi village committee are not required to prepare forest management plans for approval by the respective forest department and only have to obtain logging permits or quotas for commercial timber harvests. The forest user groups of Nepal and the forest councils of Kumaon, India function under the oversight of government departments, whereas the administrative village governs the forest as an equal partner with the Forest Department in Xinqi, China. In stark contrast, the forest protection committees of Andhra Pradesh and the incorporated land groups of Papua New Guinea exercise very little influence on forest governance. Local forest officers dominate the forest protection committees under joint forest management. The Forest Authority and powerful patrons make the key decisions on the management and use of Papua New Guinea's forest, with little regard to their customary owners' participation.

The organizations' internal operations are governed by a relatively similar set of rules and procedures, yet they tend to affect actual decision-making in different ways due to the influence of local power relations. Members directly elect the chairperson and the executive committee members in all cases, at least on paper. However, direct election does not necessarily translate into equal accountability. The laws applicable to forest user groups in Nepal and local governments in China provide powerful tools to their constituencies for making office holders accountable. Forest councils have also become accountable to their members, despite their initial establishment and continuing oversight by the Government. In contrast, the rules applicable to the forest protection committees in Andhra Pradesh and the incorporated land groups in Papua New Guinea have not prevented frequent instances of elite capture and the abuse of power by forest officials, local office holders and other powerful people for their personal gain.

These differences in governance arrangements can be reduced to two general types of community forestry that reflect a community's relationship to forest management: either "active control" or "passive participation" (table 3.1). On one end of the spectrum of arrangements is joint forest management, which leads to a form of community forestry that can be described as passive participation. On the other end are the forest user groups in the middle hills of Nepal, the forest councils in Kumaon, India and collective forestry in the Chinese village of Xinqi, all of which allow communities to assume active control over forests. The forest management agreements of Papua New Guinea present a special case because of the statutory ownership rights granted to communities, which reduce their status to passive recipients of a share in timber royalties.

### **Conclusion: Two types of community forestry**

Community forestry does not follow a uniform model but covers a range of local governance arrangements. The arrangements can be classified into two distinct types of community forestry, which differ in the nature of communities' influence over forest management by either active control or passive participation. Active control affords communities the opportunity to manage forests according to their own resources, interests and priorities. Passive participation subordinates them to the control of forest departments and other powerful actors. There is considerable variation in the governance of community forestry in the Asia-Pacific region.

The differences in governance overlap to some degree with the distinction between strong and weak tenure rights pointed out in chapter 2. For example, Chinese villagers involved in collective forestry tend to own their forests and exert active control over forest management. Nepal's forest user groups possess strong tenure rights to their forests and manage them actively. Indian villagers hold only weak tenure rights to forests and enjoy only weak influence over forest management under the country's joint forest management system. Nonetheless, Papua New Guinea demonstrates that strong tenure rights, even ownership, may not translate into active control over forest management. Communities can only realize strong tenure rights and translate them into effective management when regulatory restrictions and power asymmetries do not prevent them from doing so.

The governance of Cambodia's community forests comes close to the active control granted to communities under forest user groups in the middle hills of Nepal. Thailand's community land use permits and Viet Nam's community involvement in the management of natural forests resemble joint forest management because they do not grant communities influence over forest management and do not involve them actively in management (even though communities and officials agree on more active community control in some instances). The forest land transferred to local people under India's Forest Rights Act resembles the type of active control exemplified by collective forestry in Xinqi, China even though local leaders and



governments do not assume such an active role in forest governance. Indonesia's community forests (under the Hutan Kemasyarakatan scheme) may be mixed, affording communities long-term and secure use rights but limiting their influence on forest management; while the village forests (under the Hutan Desu scheme) promise to grant communities greater active control over forest management, the reality is that their access to the benefits from the timber is somewhat limited.

Legal possession and active control are crucial preconditions for communities to manage forests in a sustainable manner, thereby meeting the increasingly vocal environmental concerns in the Asia-Pacific region highlighted in chapter 1. Legal possession grants them the rights to use forests and exclude outsiders. But rights can be realized only if communities hold active control over forest management. Only where communities possess forests and exercise active control over forest management, including commercial uses, are they able to derive benefits from forest management and to have suitable incentives and means to engage in sustainable management. Where communities enjoy legal possession but are relegated to passive participation, such as in Papua New Guinea, they are unlikely to contribute to sustainable forest management.

Communities that exercise active control over forest management can also take on the other new roles of community forestry pointed out in chapter 1. Community forestry can make important contributions to democratization beyond the recognition of forest tenure rights. Active control over forests serves to strengthen rural people's political rights by affording new opportunities for participation in public decision-making. Communities can gain active control over forests in various ways meaningful to them, as illustrated by experience from the middle hills of Nepal, the Kumaon region in India and Xinqi, China. In addition, giving communities active control over forests helps governments in the region meet their global commitments regarding sustainable forest management and indigenous peoples' rights.

However, community forestry can turn into a vehicle of external control if communities are relegated to a role as passive participants. Governments and other powerful agents have employed community forestry to extend and strengthen their control over rural areas and populations over and over again, as indicated in Papua New Guinea and India. In Andhra Pradesh, joint forest management served the state Forest Department's desire to consolidate communities' exclusion from land classified as forest land and withhold the right of commercial use from them. Forest management agreements allow powerful patrons in Papua New Guinea to continue their exploitation of forests for their personal gains. Thus, community forestry may turn into a threat to environmental concerns, democratization, and implementation of global norms when it prevents communities' active control over forests.

This distinction between active control and passive participation is a critical one, as the following chapter further explains. It is not only decisive for the contributions of community forestry to democratization but also shapes its effects on forests and livelihoods.





## Community forestry outcomes

Community forestry has generated environmental, economic and political benefits where communities have forest tenure rights and exercise active control over forest management. Community management has helped to improve forest conditions, producing positive effects on indicators of forest quality, such as wood volume, tree density, vegetation cover and species diversity. Community forestry thereby contributes to the seventh Millennium Development Goal of ensuring environmental sustainability.

Where communities have active control over forest management, improved livelihood outcomes and grassroots democracy have followed. Community forestry thus contributes to the first Millennium Development Goal of eradicating extreme poverty and hunger, as evidenced by improvements in villagers' ability to cover subsistence needs and generate cash income. Additionally, active control over forest management has given communities a voice in public decision-making. In contrast, if relegated to passive participation, local people have generally experienced negative livelihood impacts or lost possibilities for democratic involvement.

This chapter focuses on the outcomes of community forestry regarding forest conditions, local livelihoods, grassroots democracy and the social inclusion of the poor, women and other marginalized groups.<sup>11</sup> The latter, however, remains a challenge for community forestry. Community forestry may not serve the poor, women or other marginalized groups if other, more powerful agents are able to capture its benefits.

### Community forestry improves forests

Statistical analyses conducted in India and Nepal unequivocally found that forests managed by communities were in an equal or better shape than comparable forests under state or no management (table 4.1).<sup>12</sup> This finding holds for all the indicators commonly used to assess forest conditions, such as forest cover as an indicator of vegetation density and basal area as an indicator of tree size. It also applies to all forms of community forestry, from the passive participation characterizing joint forest management in India to the active control India's forest councils and Nepal's forest user groups possess over forests.

Six assessments of India's joint forest management summarized in Ravindranath et al. (2006) demonstrate that forests included in the programme tended to be in better condition than others. The analyses covered 174 villages in six Indian states (Andhra Pradesh, Gujarat, Karnataka, Rajasthan, Tripura and West Bengal), using traditional forest inventories and including comparisons between co-managed and other forests. The assessments found that co-managed forests in Gujarat had a greater number of tree species than other forests and that species counts were relatively similar in Rajasthan and Tripura. Similarly, co-managed forests in Gujarat included a higher diversity of tree species than other forests, whereas diversity indices were similar in the two other states. Co-managed forests fared better than other forests also in wood volume. Basal areas were consistently larger in the co-managed forests. And stem densities were at least as high as other forests or even higher. These statistics suggest that co-managed forests tend to possess at least as many species and larger wood volumes than other forests.

Two studies of forest councils in the Indian Himalayas reveal a similar pattern: Forest conditions were better in forests managed by councils than those under state or no management. Somanathan et al. (2009) analysed forest cover in 271 villages in the state of Uttarakhand by way of remote sensing. They found forest cover to be considerably higher in council forests than other forests in relatively similar conditions. They estimated that two relatively similar forests, one under forest council management and the other under state management, would differ in forest cover by between 70 and 80 percent. Baland et al. (2010) analysed data collected from 83 villages in the state of Uttaranchal on various indicators of

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<sup>11</sup> There are numerous studies on the local outcomes of community forestry. This chapter summarizes the rigorous academic research and builds in comparisons between community forest management and other forms of forest management (before and after the introduction of community forestry or between sites with different management regimes). The discussion of environmental outcomes reviews existing statistical analyses, which provide powerful evidence on the effects of community management but largely concentrate on degraded forests in South Asia. The discussion of economic outcomes combines statistical analyses from South Asia with global analysis in the absence of comparable studies from other parts of the Asia-Pacific region. The discussion of political and social outcomes synthesizes insights from qualitative case studies in the absence of quantitative evidence.

<sup>12</sup> The studies typically compare particular sites with different management regimes and may miss the "displacement" of use to other sites when selected forests are transferred to community management but others are not.

**Table 4.1: The effects of community management on forest conditions in South Asia, according to previous research**

Source	Place and form	Scale	Finding
Ravindranath et al., 2006	India, joint forest management	6 states, 174 villages	Jointly managed forests tend to have more species and more species diversity, larger basal areas and higher stem densities than non-jointly managed forests
Somanathan et al., 2009	India, forest councils	271 villages	Forest cover tends to be much greater in council forests than state forests
Baland et al., 2010	India, forest councils	83 villages	Council forests show fewer signs of firewood collection than state and open-access forests
Nagendra, 2007	Nepal, forest user groups	25 forest user groups	Forest cover increases in forest managed by groups and decreases in national forest
Nagendra et al., 2008	Nepal, forest user groups	9 forest user groups	Forest land management by forest user groups shows greater forest cover and less degraded area than other forest land
Gautam and Shikavoti, 2005	Nepal, forest user groups	1 forest user groups	Group-managed forest contains trees with larger basal areas and higher stem densities
Edmonds, 2002	Nepal, forest user groups	1,200 households in 100 villages	Households in forest user groups collect less firewood from forest than those not involved in groups

forest quality. They concluded that forests under the control of forest councils showed fewer signs of firewood collection than state-managed or open-access forests and were similar regarding canopy cover, biomass and regeneration. They also showed that the longer forests had been under the control of a forest council, the smaller the amounts of firewood collected seemed to be, thereby reducing the pressure on the forests.

Forest conditions also improved in Nepal when forests were transferred to forest user groups for management. Nagendra (2007) analysed changes in forest cover in 55 forests of the middle hills and the Terai region and compared the effects of 25 forest user groups to those observed under other forms of management. He found that forest cover increased in the forests under the control of forest user groups and decreased in the forests under direct state management. Similarly, Nagendra et al. (2008) compared changes in land cover and land use under three forms of management, one of them being forest user groups and the other two giving the State a larger role. They found the forest cover to be greater and the degradation less extensive in the forests managed by the nine forest user groups included in the study than elsewhere. Comparable results were reported by Gautam and Shivakoti (2005) and Edmonds (2002).

#### **Box 4.1 Why communities protect forest in India's Kumaon region**

The village headman Puran Ram had a simple explanation why communities protect forests. Referring to his own village, he said: "We suffered a lot from not having too many trees in our forest. Our women didn't have even enough wood to cook. But after we banned cattle and goats from the forest, it has come back. Now we don't even have to keep a full-time guard. Villagers are becoming more aware."

Source: Agrawal, 2005b, p. 169.

## Active control allows communities to derive livelihood benefits

Community forestry can make important contributions to local livelihoods—but under three conditions. First, communities possess forests that contain material and immaterial resources of significant value to them. This is often not the case because forest departments tend to grant communities tenure rights to highly degraded forests or barren forest land, severely limiting the potential of community forestry to contribute to poverty reduction (Sunderlin, 2006; Warner, 2007). Due to forest departments' reluctance to transfer rich forests to communities, community forestry in the Asia–Pacific region has not generated dramatic impact on local incomes as observed in other parts of the world (box 4.2), with the exception of Papua New Guinea (Larson et al., 2010, p. 196).

### Box 4.2 Impacts of community forestry in Mexico

Community forestry in Mexico is characterized by a level of policy support that has facilitated the emergence of a strong community forest sector in which communities have strong property rights to an estimated 60 percent of the country's forests. The level of support is reflected in the positive impacts that community forestry in Mexico has had in the area of forest protection, livelihoods and local governance. Recent studies found that community forests are as effective or even more so than protected areas as a means to protecting forests and their associated services.

Community forest enterprise development in Mexico has substantially contributed to local development through employment generation and the building of community infrastructure and social services. A result is that successful enterprises have strengthened community cohesion (both within and between communities), built up social capital and created greater social harmony in conflict-prone areas, all of which has helped to stem the tide of rural outmigration affecting so much of the Mexican countryside. Access to valuable forest resources has encouraged broad community participation, which has provided further impetus to the establishment of rules through democratically established community statutes, vigorous monitoring and clear sanctions for rule breakers, thereby strengthening governance at the local level.

Source: Bray et al., 2007; Madrid et al., 2010; Porter-Bolland et al., 2012; Hodgdon et al., 2013.

Second, communities enjoy active control over forests, allowing them to balance forest conservation with socio-economic development. Only where communities have a say over management, the available evidence shows, will local people derive livelihood benefits from them. Where they are involved as passive participants, the protection of degraded forests typically generates negative impacts on their subsistence and/or cash income. This is particularly true where community forestry invokes strict limitations on prior forest uses, reducing local people's customary uses without corresponding compensation in terms of benefits from enriched forest resources or financial compensation.

Third, the legal and regulatory framework reinforces community forestry generally and communities' active control specifically. Even communities that exercise active control over their forest often find that there is little regulatory support for them to make a living from the forests (Larson and Ribot, 2007). Complex and rigid regulations abound around timber harvesting, possessing or operating forestry equipment and machinery, transporting of logs and processed timber, forest management planning and technical and financial aspects (Larson and Ribot, 2007). In Viet Nam, for example, the national quota for timber harvesting is set by the Prime Minister's Office. The Ministry of Agricultural and Rural Development informs provinces of their respective quotas. Subsequently, the Provincial People's Committees decide the quotas for individual districts, communities and the private sector. The whole process results in communities receiving the quota relatively late, which delays their harvesting activities or causes them to miss the most favourable months (in terms of weather) for harvesting. This is a challenge throughout the region, regardless of a community's control over forest management.

Experiences in India's joint forest management programme illustrate the detrimental effects of passive participation in forest management (Springate-Baginski and Blaikie, 2007). For example, research in 18 villages of Andhra Pradesh found a decline in the availability of key forest resources after the establishment of the forest protection committees (Reddy et al., 2007). Villagers collected less firewood and fodder, extracted less timber and had reduced access to grazing land after the state Forest Department set up such committees in their villages. Livestock herds subsequently declined because access to grazing land was the critical factor determining herd size. The employment opportunities available through the forest protection committees offset the negative effects on livelihoods only partially. Additionally, research in 11 villages of West Bengal State revealed a similar decline in livestock herds as a consequence of joint forest management (Banerjee, 2007). In Odisha (formerly Orissa) State, some villagers had to give up shifting cultivation on forest land, which they had practised for generations (Sarap, 2007).

Nepal's forest user groups demonstrate the positive effects on local livelihoods that community forestry tends to generate if communities have active control over forests (Dev and Adhikari, 2007). Household surveys conducted in 54 forest user groups in the middle hills found a mix of outcomes when the use of forest resources was compared before and after the transfer of the forest (box 4.3). The quantities of fuelwood, timber, green grass and dry grass collected by villagers increased when all households were analysed together. In contrast, grazing opportunities and fodder collection declined because of the restrictions imposed by the forest user groups. At the same time, though, fees collected by the groups allowed them to fund local infrastructure improvements, such as upgrading village trails, support to village schools, investments in water supply and the construction of irrigation channels.

#### **Box 4.3 Community forestry and poverty reduction in Nepal and Indonesia**

Insights from Nepal and Indonesia show how community forestry can contribute to poverty reduction if it grants active control over forests to communities and how it may lock communities in poverty in the case of passive participation. In 2001 in Nepal, the UK Government began supporting the expansion of forest user groups under the Livelihoods and Forestry Programme. A baseline study in 2003 and follow-up study with 1 350 households involved in 54 forest user groups conducted in 2008 revealed the following:

- Poverty reduced from 65 percent of households in 2003 to only 28 percent in 2008. The share of very poor households shrunk, from 42 percent to 10 percent of the total population.
- Community forestry and the Livelihoods Forestry Programme were considered to be the second-most important factors enabling poverty reduction (after remittances from migrants), accounting for one quarter of the improvement in living standards.
- Community forestry increased people's access to forest resources because the proportion of timber, poles and grass supplied by community forests doubled from 2003 to 2008.
- Community forestry allowed local people to save time in collecting fuelwood, fodder and grass, giving them more time to work on their farms and on income-earning activities.

The insights from two pilots under the Hutan Kemasyarakatan scheme (explained further in chapter 5) in Indonesia are strikingly different. In this scheme, communities participate in forest management in a passive role only. Both communities received only degraded forest from the Ministry of Forestry. As a result, the rehabilitation of forests came at the expense of local people's ability to pursue commercial agroforestry. Participation in the scheme allowed them to pursue subsistence activities only, which meant that they had to forego more lucrative agroforestry practices that would have helped to reduce poverty.

Source: Livelihoods and Forestry Programme, 2009; Maryudi et al., 2012.

The insights from India and Nepal echo the findings of an influential global study: Communities achieve more favourable livelihood outcomes and generate more beneficial environmental outcomes if they enjoy active control over forest management than if they are passive participants (Chhatre and Agrawal, 2009). The study considered 80 forests in ten countries of Africa, Asia and Latin America, including 45 from South Asia. It detected a trade-off between livelihood benefits and forest conditions, using basal areas as the indicator for the volume of wood contained in forests. Where forest conditions were better, livelihood benefits were lower for communities because they sourced a smaller proportion of firewood, fodder, green fertilizer and timber from the forest. Yet, the study also found greater rule-making autonomy associated with both better forest conditions and livelihood benefits. "Greater rule-making autonomy" refers to communities' involvement in management decisions over forests, such as their ability to control forest use and management. The study concluded that the livelihood impacts of community forestry are more positive for forests under active community control, such as in the case of Nepal's forest user groups, than when communities are merely passive participants, as in India's forest protection committees.

Another large study on the effects of forest ownership on biodiversity and livelihood outcomes conducted in Africa and South Asia (Persha et al., 2011) reinforces these findings: Even though there may be a trade-off between biodiversity and livelihood outcomes in community forestry, enhanced autonomy facilitates improvements in both biodiversity and livelihoods for forests managed by communities. Persha et al. looked at tree species diversity and the proportion of households that depend substantially on the forest for subsistence in 84 sites in six countries of East Africa and South Asia, the latter including Bhutan, India and Nepal. They found that communities' role in forest governance is strongly associated with positive outcomes on local livelihoods. Where communities possess active control over forests, a larger percentage of households can cover a substantial share of their subsistence requirements from forests.



These various studies demonstrate that communities possessing active control over forests tend to derive greater livelihood benefits from forests than communities that participate in forest management in a passive manner.<sup>13</sup> However, those studies employed a rather narrow definition of livelihoods, exclusively focusing on their material aspects, such as the contributions forests make to meeting local subsistence needs and raising cash incomes. They do not attend to the political and social aspects of livelihoods, which are the subject of the following two sections.

### Active control generates positive effects on grassroots democracy

Forests can contribute to local livelihoods not only through the material resources they provide but also by offering an arena in which communities can participate in public decision-making. Grassroots democracy is strengthened where forest communities enjoy active influence over forest management, often with direct spillover effects on other public affairs. However, if communities are excluded from decision-making related to the forests or assume a minor role in the process, then community forestry tends to perpetuate or aggravate top-down or undemocratic decision-making. The different effects on grassroots democracy become apparent in a comparison between joint forest management on one hand and forest councils and collective forestry on the other.

Experience from India's joint forest management programme demonstrates how community forestry can reduce the political space for local democracy if communities are involved as passive participants only (Edmunds and Wollenberg, 2003; Springate-Baginski and Blaikie, 2007). The programme's implementation not only diminished local people's forest uses and benefits, as highlighted in the previous section, but it imposed additional responsibilities of protection and management on communities in many places. In addition, joint forest management had not devolved any meaningful decision-making power to the forest protection committees. Each state Forest Department makes all major decisions about forest use and management, handing them down to the committees in the form of microplans. Such micromanagement does not enable communities to participate in forest management actively. As well, forest protection committees often undermine the authority held by customary institutions where there are pre-existing rules on forest use and management. Joint forest management thus serves to reduce the political space for public decision-making available to communities, undermining the development of grassroots democracy. In Andhra Pradesh, it has strengthened state control over forests, which it was intended to do in reaction to the loss of the state Forest Department's control over forests in the wake of resistance from communities and protracted conflict.

The potentially disempowering effects of community forestry in its passive participation form are evident in other places as well (box 4.4). The transfer of forest tenure to communities has sometimes shrunk local influence over forests despite government intentions to the contrary (Sikor and Tran, 2007). Even though the transfers strengthen communities' statutory rights to forests, they weaken their de facto rights by undermining previously held customary rights. For example, where local people could clear patches of forest for shifting cultivation fields or extract timber on a customary basis in the past,

#### Box 4.4 Gaining tenure rights but losing authority in India

India's central Government made a radical move in 2006 by recognizing indigenous peoples' and other forest dwellers' customary tenure rights to forest land with passage of the Forest Rights Act. The Act acknowledges that many forest people have legitimate rights to land demarcated as forest land, even if they do not have any formal land titles or other forms of recognition. It enables them to demand formal recognition of their customary tenure rights from state governments in the form of individual and collective titles.

Yet, the recognition of tenure rights has caused unexpected effects on the authority of forest people's customary institutions in some places. Even though the Act acknowledges village assemblies' authority over the process of determining the nature and extent of individual forest rights, it simultaneously undermines their customary control over land by allowing individuals to lodge complaints over village-level decisions with higher-level committees. Higher-level committees also can override the decisions made by village assemblies. Most importantly, the Act grants households the opportunity to apply for individual land titles even where customary forest tenure has traditionally rested with village assemblies. Thus, the Forest Rights Act can undermine the customary authority of village assemblies in the process of recognizing forest people's customary tenure rights to forest.

Source: Bose et al., 2012.

<sup>13</sup> Please note that this section did not consider community involvement in tree plantations. Insights presented by Sikor and Baggio (forthcoming) suggest that small-holder tree plantations may make significant contributions to local incomes.

the transfer of statutory tenure and associated protection responsibilities is perceived by local people as reducing the opportunities for such uses. A similar situation was observed in Viet Nam, where villagers received statutory land titles to forest but were subsequently told to strictly protect them, resulting in a de facto reduction in their influence over forest management because the tenure transfers were tied to serious restrictions on their actual influence (Sikor and To, 2011).

In contrast, Nepal's forest user groups demonstrate how community forestry can contribute to the development of grassroots democracy if communities possess active control over forests (Pokharel and Suvedi, 2007; Barnhart, 2011; Jha and Hobley, 2012). The forest user groups have proven capable of self-governance on matters related to forest use, forest management and the use of public revenue derived from forests (box 4.5). Many groups developed links with other groups in nearby areas and developed relations of mutual respect with district forest officers. In addition, a nationwide association of groups has emerged in the form of the Federation of Community Forestry Users Nepal (FECOFUN) (see chapter 6). FECOFUN represents forest user groups' interests at the national and district levels and offers technical and organizational support. Today, the role of FECOFUN and the forest user groups goes much beyond forestry. In some experts' views, they have become a primary advocate for villagers' political and human rights at the local and national levels. In fact, forest user groups were often the only functioning governance body at the local level during the Maoist uprising, when government officials could not reach many rural areas. Others have been more critical of FECOFUN's internal governance and political manoeuvres, questioning the extent to which it represents its constituency's interests.

Insights from the forest councils in Kumaon, India and collective forestry experiences in Xinqi, China demonstrate that local governance and sustainable forest management can support each other, even if they appear in contradiction initially (Agrawal, 2005a and 200b; He, 2013). The origins of Kumaon's forest councils were not too different from the forest protection committees set up under the joint forest management programme, with both largely reactions to rural unrest and intended to placate communities. Over time, the communities in Kumaon took on the objective of sustainable forest management after they became more involved in decision-making over forests and assumed active control. They developed their environmental consciousness through the active role in forest governance over several decades – something that did not happen when the state Forest Department tried to exclude them from the forests. A similar trend can be observed in Xinqi, where people destroyed their forest under government orders during the 1960s but have come to embrace sustainable forest management after assuming active control over the local forest in the 1970s.

#### **Box 4.5 Personal empowerment through community forestry in Nepal**

Bir Bahadur Tamang has served as the General Secretary of the Chhange Khola Forest User Group since 2005. Reflecting on his work, he noted: "I became confident to speak in front of people because I was at first forced to speak in front of everybody in the community forest meeting. This led to building linkages inside and outside the community. I also learned to write minutes and gradually developed leadership skills. In addition, I also earned the respect and trust of the villagers and I want to build a wide circle of friends even outside the community." Building on the skills and networks developed as General Secretary, Bir now works with the village development committee, has joined a disabled people's organization and was nominated as the general secretary of local savings and credit cooperative. Looking back, he emphasized how much he learned from being the general secretary of the forest user group and how his role has raised his social status and influence in the village.

Source: Jha and Hobley, 2012, p. 187.

### **The remaining challenge: Inclusion of people who are poor, women and other marginalized groups**

Social inclusion of the poor and other marginalized people has been a challenge for community forestry in the Asia-Pacific region, as it has been throughout the world. Even where community forestry generates desirable environmental, livelihood and political outcomes, not all community members benefit in an equitable manner. Better-off and more powerful agents – local elites – often derive larger advantages from community forestry than poor and marginalized people (McDermott and Schreckenber, 2009).

Hellebrandt et al. (2013) reviewed 21 studies from around the world and found that the transfer of forest tenure to local people tended to generate ambiguous impact on poverty alleviation. Each of the 21 studies centred on situations that were directly comparable: one in which local people held tenure rights to their forest and another in which they did not. The review shows that local people's forest tenure contributes to poverty alleviation in some instances but not in others. The

ambiguity vanishes when looking at the local distribution of forest tenure: Poverty alleviation occurs where forest tenure is distributed in a relatively equitable manner; it does not occur where local elites capture the tenure transfer process and secure disproportionately large advantages for themselves.

The findings of the Hellebrandt et al. review match the Enters et al. (2009) insights on community forestry in many parts of the Asia-Pacific region. Elite capture is a widespread phenomenon across all forms of community forestry and in cases of active control as well as passive participation. For example, better-off and more powerful villagers have derived disproportionately large benefits from community forestry in the Philippines (Espiritu et al., 2010) and Viet Nam (Sikor and Nguyen, 2007; Sikor and To, 2011). They benefit more from access to forests because they have the equipment required for logging, such as chainsaws and tractors, and contacts to market logs. They also derive larger gains because they are in a stronger position to make use of agricultural implements sourced from the forest and because they have larger agricultural fields and more capital to invest.

Experience from Nepal's forest user groups illustrate how village elites may derive larger benefits from community forestry even where communities actively control forest management (Dev and Adhikari, 2007; Thoms, 2008; Jha and Hobley, 2012). Even though all members of the forest user groups have equal access to forest resources, better-off villagers have derived greater benefits (box 4.6). They extract larger amounts of fodder to feed their larger livestock herds and collect more green manure to apply in their larger fields. In contrast, poor villagers have been unable to increase their collection of fuelwood and harvest of timber – the two forest resources of primary concern to them.

#### **Box 4.6 Negative impacts of community forestry on the poor in Nepal's Terai region**

The establishment of a forest user group did not increase poor people's access to fuelwood in Haraiya village in the Terai region of Nepal. Although fuelwood is not the only forest product that villagers use, it is a very important resource. Until about 30 years ago, few people bought fuelwood. Most of it was collected in government forests. This has changed dramatically. Today two-thirds of the fuelwood comes from government forest, 22 percent from purchases and 12 percent from private forest. Poor people have suffered under this development because most neither own private forests nor do they have the money to buy fuelwood. They would have benefited from the fuelwood contained in the communal tree plantations and community forests, but they are off-limits to local users.

Source: Bhatta et al., 2007.

Insights from Nepal also show how the unequal distribution of benefits derived from community forests is tied to village elite's dominant influence on local decision-making (Dev and Adhikari, 2007; Jha and Hobley, 2012). Even though the statutes of forest user groups grant all members an equal vote in decision-making, village elites tend to exert influence over decisions due to pre-existing power asymmetries and social differences. Their influence explains why many forest user groups decide to reduce the extraction of timber and fuelwood from forests, even those where it is of vital importance to the poor residents. The groups instead emphasize the collection of fodder and green manure, which favour the better-off households.

Women are often marginalized in local decision-making or even excluded from it (box 4.7). Women are generally underrepresented in membership and leadership positions in both the forest user groups in Nepal and the forest protection committees in India (Agarwal, 2001; Singh, 2011). And even where they are formal members, they rarely derive equitable benefits from community forests or participate in management or protection activities equally. Even where they assume leadership positions, such as required by India's guidelines on the forest protection committees, they do not exert equal influence on decision-making.

The same finding applies to members of other marginalized groups, such as tribal peoples and Scheduled Castes in India (Springate-Baginski and Blaikie, 2007). For example, the decision of a forest protection committee to use revenue from licenses for the construction of a Hindu temple benefited neither the local tribal peoples nor members of the Scheduled Castes because the former are not Hindu and the latter are not allowed to enter the temple.

The critical question to ask is whether community forestry merely reinforces pre-existing power asymmetries or ameliorates them over time. It may be helpful to distinguish between short-term and long-term effects to answer that question. In the short term, community forestry may simply reflect and replicate pre-existing social differences between the poor, women and other marginalized groups, on one hand, and the better-off and powerful on the other. In the long term, however, it

may create new opportunities for reducing and eventually overcoming pre-existing social differences (Saito-Jensen et al., 2010; Lund and Saito-Jensen, 2013). Community forestry thus may provide an enabling platform for social inclusion in a broader sense, yet it would be premature to draw such a conclusion at this point.

#### **Box 4.7 A woman's experience in Indonesia**

Ibu Tuti is a middle-aged woman in Java who never finished primary school. She and her husband participate in the Hutan Kemasyarakatan scheme, a state-sponsored community forestry initiative, through membership in their village forest farmers group. As membership accrues to households, only her husband is registered in the list of the participating farmers. The list of group members in their village includes only two female names, both relating to female-headed households.

Ibu Tuti never attends group meetings even though she assumes a significant role in managing the forest plot assigned to her household under the scheme. She does not hear about what is discussed at meetings because her husband does not share the information. She did not even participate in the group meeting one day that took place in their own house. Ibu Tuti was busy preparing food and drinks for their guests and did not consider it appropriate for her to join the meeting,

The exclusion from the group meetings puts Ibu Tuti at a disadvantage, as it does for other poor women in the village. For example, many of them do not even know that their husbands have joined the forest farmers group as representative of their household and that their new forest plots are subject to a collective management plan. In case of hardship, they sometimes harvest young trees to raise urgently needed income. This practice violates the rules specified in the management plan. By cutting young trees, Ibu Tuti risks being fined by the village group or, in the worst scenario, losing the land allocated under the scheme.

Source: Siscawati and Mahaningtyas, 2012, pp. 6-8.

### **Conclusion: The benefits of giving communities active control over forests**

The various findings from the reviewed literature demonstrate that community forestry has generated positive environmental, economic and political outcomes. But it is not a panacea. Community forestry creates noteworthy positive effects on livelihoods and grassroots democracy only if communities possess active control over forests – and even then, only where the wider economic and political setting is supportive.

The clearest and most unanimous finding found among the reviewed literature is that community forestry can facilitate improvements in forest conditions. Whatever the type, community forestry has been found to be superior to other forms of forest management in terms of environmental outcomes. Forests managed by communities tend to include more tree species, larger trees and larger wood volumes than those under state management.

Community forestry also generates larger contributions to local livelihoods, again, if communities actively control the forest. Similarly, community forestry contributes to the strengthening of grassroots democracy if villagers exert active influence in public decision-making over forests, as illustrated by the experience from Nepal's forest user groups, the forest councils in India's Himalayan region and the collective forestry in China.

Where communities possess tenure rights and active control, there is special opportunity to initiate a virtuous cycle of sustainable forest management: Tenure rights enable communities to use forests and exclude outsiders; active control allows them to exercise the tenure rights, manage the forest according to their own resources, interests and priorities and engage in domestic and commercial uses. Tenure rights and active control, therefore, may enable communities to derive material and immaterial benefits from forests, which in turn provide strong incentives for them to manage forests actively and in a sustainable manner.

There is danger of community forestry involving communities as passive participants, especially where the focus is on the protection and regeneration of degraded forests or where regulatory barriers restrict communities' exercise of the legal rights granted to them. Such initiatives tend to generate detrimental effects on local livelihoods and weaken grassroots democracy. The positive environmental effects that may accrue come at local people's expense.

Despite the improvements community forestry generates, social inclusion of the poor, women and other marginalized groups remains a challenge because of entrenched political and economic inequalities (Hobley, 2008). Community forestry has often worked to the advantage of the better-off and more powerful, in terms of benefits derived from forests and influence over local decision-making. Elite capture and inequitable benefit-sharing remain a significant issue in many communities managing forests.

Community forestry in the Asia–Pacific region has the potential to take on the old and new roles highlighted in chapter 1. It can contribute to improvements in rural livelihoods and sustainable forest management as well as help to respond to environmental concerns, support democratization and meet global norms. Yet, community forestry has not widely achieved this potential. Why this is the case is the subject of the next two chapters, which examine national trajectories of community forestry in the Asia–Pacific region and analyse current proponents and opponents.



# National trajectories of community forestry

The differences in the extent and forms of community forestry in the countries singled out in chapters 2 and 3 are not incidental. They reflect different modern histories of community forestry in each country, in particular the influence of larger political trends. Modern-day community forestry has developed in each country from distinct historical origins, ranging from the roots of China's collective forests in the Maoist revolution around 1950 to the cooperation between donors and forest officials in Nepal in the mid-1970s. The differences continue to influence the development of community forestry in each country today. For example, villagers' rights to forest land continue to have profound political significance in China as part of the wider demand for civil rights asserted by increasingly confident citizens. In contrast, Nepal has witnessed the ascendance of the Federation of Community Forestry Users Nepal, which is not only the largest civil society organization in the country but also the largest association of forest users in the Asia–Pacific region.

The comparative analysis presented in this chapter highlights two critical insights on the development of community forestry in the region over the past half century. First, community forestry emerged as an environmental project in some countries, accommodating villagers' interests in forests in such countries as Nepal and seeking to placate villagers' resistance in such others as India. Community forestry was an element in larger political projects in other countries, either resulting in the large-scale devolution of forest tenure rights, as in China, or never coming out of infancy, as in Indonesia. Second, recent democratization processes sweeping across the region increasingly de-emphasize the environmental concerns that drove community forestry in some countries earlier on. Today, many people understand community forestry as a broader political project that serves to overcome the economic, political and cultural marginalization of forest communities. This uptake of community forestry into broader social mobilization and larger democratic politics underlies the recent progress made on community forestry in the region and provides hope for further progress in the future.

The chapter takes a close look at the development of community forestry in four countries, illustrating the distinctive trajectories in the region. The focus is on forest policy over the past 50 years, neglecting customary traditions, which were the dominant form of forest management before governments became interested in forests. The selected countries include:

- Nepal, where community forestry emerged in the 1970s as an intervention explored by donors and forest officials similar to what has transpired in the Philippines;
- India, where community forestry has achieved significant scale due to support from the state Forest Departments and international donors but also has confined communities to passive participation;
- China, where the development of community forestry is closely connected to larger political trends similar to the experience in Viet Nam;
- Indonesia, exemplifying countries in which powerful political and economic interests have prevented the widespread emergence of formally recognized community forestry, such as Bangladesh, Cambodia, Lao PDR, Malaysia, Myanmar, Papua New Guinea and Thailand.

### Nepal: Moving from technocratic devolution towards democratic governance?

Nepal is widely considered one of the most progressive countries in the world in terms of community forestry.<sup>14</sup> Experiences from Nepal have influenced community forestry policy and practice in many other countries, and there is no other country in the region that has attracted more research on participatory forest management. It has been of global interest because of its policy on community forestry, which instigated in 1988 more than 18 000 forest user groups under which rural people manage forests and which have made considerable contribution to the improvement of livelihoods.<sup>15</sup> Nepal is also of interest because of the intense debate regarding the goals of community forestry. On one side of the debate, civil society promotes community forestry as a vehicle to achieve a broader set of human and political rights. On the other, the Government remains committed to community forestry as an environmental project. Donors have emerged as important

<sup>14</sup> This section is based on Dahal and Adhikari, 2012; Nepal Swiss Community Forestry Project, 2011; Ojha et al., 2009; Ministry of Forestry and Soil Conservation, 2009; and Springate-Baginski and Blaikie, 2007.

<sup>15</sup> This overview focuses on the forest user groups and neglects other forms of community forestry – leasehold forestry, collaborative forest management and buffer zone community forests – for reasons of clarity and space.

players, with their ability to influence both civil society and Government by encouraging the inclusion of rights in their investments in the country.

The country first experimented with community forestry in the 1970s. Nepal had experienced a dramatic loss of forest cover in the hills during the previous century, which led some environmental scientists to voice concerns about its presumable contribution to recurrent floods downstream. Simultaneously, development practitioners increasingly turned towards participatory approaches to natural resource management. In this context, donor projects began to work with local forest officials in selected sites, seeking new ways to involve villagers in forest management. Even though the Government had nationalized all forests just 20 years earlier, donors and officials started to challenge the premise that forest management was the prerogative of government only, particularly a central government and the forest ministry. The idea was then born that communities could assume an active role in forest conservation.

The Nepalese Government made community forestry a major strand of its forest policy from 1989 onwards. Local villagers moved to the centre of the forest policy after attempts to decentralize state management to local political bodies (the panchayats) did not achieve the expected result. In 1989, the donor-supported Master Plan for the Forestry Sector recognized "community forest management" as one of six forms of local governance and legalized the transfer of particular forests to forest user groups. The 1991 Community Forest Policy reinforced the commitment to community forestry and granted forest user groups the right to protect, use and manage forests. Community forestry made rapid progress in those years due to support from the Ministry of Forest and Soil Conservation and various bilateral and multilateral donors, as indicated by the fact that 1 200 forest users groups were in operation by 1993.

Forest user groups enjoy strong tenure rights and active control over forests, as pointed out in chapters 2 and 3. In comparison with other forms of community forestry, they possess strong tenure rights, even though the Government retains ownership of the land. The groups operate as autonomous bodies registered with the District Forest Office. A constitution defines their rights and responsibilities, combining use rights with the obligation to conserve the forest. Forest user groups also possess the power to make internal rules about the use of forests by their members and the distribution of revenues gained from the sale of forest resources. However, they are required to prepare operational plans every five or ten years and submit them to the District Forest Office for approval. The groups' decision-making powers are limited by the legal requirement to manage forests in environmentally sustainable ways.

Community forestry flourished with the democratization of Nepal started in 1990, with a rapidly growing network of civil society organizations joining donors and the Department of Forests in its promotion. CSOs, donors and Government collaborated on the basis of a general consensus that community forestry helps to simultaneously meet the goals of sustainable forest management and livelihood development. The new democratic regime provided full-fledged support to community forestry, as reflected in the Forest Act passed by the first multiparty parliament in 1993. The Department of Forests followed with the 1995 Forest Regulations, which provided further impetus for the transfer of forests to communities, something supported by a variety of donors at a large scale. Democratization facilitated the development of civil society in the form of grassroots mobilization and the growth of non-government organizations. NGOs spread at the local and national levels, promoting participatory approaches to all aspects of rural development. They not only helped to promote the rapid expansion of community forestry but also drew on experiences from community forestry interventions in other fields. Democratization also provided the grounds for the founding of FECOFUN in 1995, a national association that has gained international recognition for its advocacy on behalf of community forest users.

The number of forest handovers accelerated throughout the 1990s, leading to the establishment of more than 14 000 forest user groups by 2004. The new groups received support not only from the Department of Forests but also the growing number of NGOs active in community forestry as well as FECOFUN. In addition, political mobilization allowed communities to fend off or at least dilute subsequent attempts by the Department of Forests to strengthen its control over forest management or raise its share in the commercial benefits derived from forests. For example, in 2000 the Government imposed a 40 percent tax on surplus income from forest products in certain areas of the country. The policy met widespread opposition by community forest users and was eventually challenged by FECOFUN and NGOs in court. The Government lost the court case and had to revoke the tax, with the exception of two high-value tree species. Over time, such events like this caused the Department of Forests to move towards a more facilitating than directive role.

Today, more than 18 000 forest user groups cover more than 2 million rural households and manage 1.7 million ha of forest, which is almost one-third of the total forest area in Nepal. Four of five groups now operating were established before 2004. The slowdown in transfers over the past decade was in part due to the heightened Maoist conflict, which made it unsafe



for government officials to travel to most of the middle hills for several years. Yet, even during the height of the Maoist insurgency, the forest user groups continued to operate and even took over new tasks in local development planning and infrastructure provision as the only functioning body of local governance in many areas. Another reason why tenure transfers have slowed is due to problems encountered in the Terai region, where the pressure on forest resources is higher and identification of users is more difficult than in the middle hills. Community forestry is restricted to the middle hills with a few exceptions; in the Terai region, the Government promotes a form of forest management that provides for a greater involvement of local forest officials and gives communities fewer rights than in the forest user groups.

Nepal's community forestry now finds itself in a period of intense debate regarding its goals and implementation on the ground. Even though the Government and civil society continue to share concern for improving local livelihoods, they have come to disagree on other aspects of community forestry. On one side, there is the civil society vision of a socially transformative movement. Activists suggest that community forestry has to be seen as part of a broader movement towards the extension of tenure rights, decision-making powers and human rights to the rural population (decentralization) as well as recognition of indigenous peoples' claims. They challenge the often technocratic nature of community forestry interventions, critique continuing state control over forest user groups and point out that community forestry may not have served inclusion of the poorest segments of rural society (box 5.1). On the other side, the Government remains firmly wedded to the goals of forest conservation and sustainable forest management and what it sees as its responsibility to maintain regulatory control over forests. It does not support the civil society notion that self-governance and empowerment are the primary goals rather than instruments for achieving other goals.

#### **Box 5.1 A critical view on the role of international donors in Nepal**

Hemant Ojha has long advised Nepalese and international agencies supporting community forestry and was a founding member of ForestAction Nepal, a leading NGO combining practical advocacy with critical analysis of forestry issues. Over time, he has become increasingly critical of policy and practice on community forestry in his country, in particular what he calls "techno-bureaucratic hegemony". Ojha uses the term to refer to a convergence of government and donor interests in promoting community forestry as a technical intervention for environmental conservation in a top-down manner. He acknowledges the important contributions made by international donors to community forestry, yet also critiques donor assistance as "one of the key factors to sustain inequality [...] and distort locally grounded visions of change". Ojha's point is that community forestry "is probably the largest domain of participatory governance in terms of the number of citizens directly engaged" in Nepal. Nonetheless, potential space for grassroots democracy is lost in part because of international aid that "is not simply a bundle of money but also a compulsory package of discourse, visions and strategies about change". Aid thus has the effect of "suppressing transformative knowledge" in Nepal today, even among civil society organizations, because "the power of activism and intellectual practice has been undermined through the common practice of using aid money".

Source: Ojha, 2011.

## **India: From passive participation to social mobilization for forest rights**

India is another country that has received much attention by community forestry practitioners and researchers worldwide.<sup>16</sup> It elicited global interest with its experiments in social forestry in the 1970s and the nationwide promotion of joint forest management from the 1990s onwards; but then it subsequently caused significant frustration over the passive roles assigned to communities.<sup>17</sup> More recently, India has captured the world's attention again when civil society mobilization led to the Government enacting the groundbreaking Forest Rights Act in 2006, which recognizes customary tenure rights to forest land.

Joint forest management originated from local pilots initiated by progressive forest officials with support from international NGOs, such as the Ford Foundation, in the 1970s. They sought to respond to widespread and protracted conflicts between the state Forest Department and villagers who did not want to accept their exclusion from forests that dated back to colonial times. As a result of the local resistance and conflicts, only a minor share of the land under each state Forest Department's control was actually covered by forest. A few progressive forest officials started to experiment with innovative ways of involving local people in the management of degraded forest land for the improvement of forest conditions as well

<sup>16</sup> This section is based on Dahal and Adhikari, 2011; Dahal et al., 2011; Larson et al., 2010; Hobley, 1996; and Springate-Baginski and Blaikie, 2007.

<sup>17</sup> This review focuses on joint forest management, neglecting other forms of community forestry practised in India, such as customary forest management by communities, forest councils, the recently initiated community forest management and tree grower cooperative societies.

as local livelihoods. The pilots eventually informed national policy after long debates between the state Forest Department, intellectuals and civil society activists. In 1988, the National Forest Policy endorsed the participatory management of forests by rural people.

The National Forest Policy and a subsequent circular issued by the Secretary of Environment and Forests in 1990 endorsed the establishment of forest protection committees in villages nationwide. As reflected in their name, the goal of the committees, and joint forest management more generally, was forest protection for the regeneration of degraded forest lands. The committees required external funding for their operations, funding that has since come from the central budget, state governments and various donors, including large loans by the World Bank and more recently the Japan Bank for International Cooperation. The donor funding provided strong incentives for state governments to adopt and implement joint forest management. It was only a decade later that a revision of the 1990 circular allowed for the extension of joint forest management to forests containing valuable timber.

The forest protection committees, however, generally exercise only weak tenure rights and are passive participants in forest management, even though there is significant variation among states (as discussed in chapters 2 and 3). Their members are granted limited rights of use, such as to some non-timber forest products, yet these rights are subject to approval by the state Forest Department. The committees do not have any ownership rights to forests, which remain in state ownership, nor are they legally independent organizations, like Nepal's forest user groups. Instead, the state Forest Department retains significant control over forests and designating the objectives of forest management, delineating villagers' use rights, assigning management duties to the committees and defining the compensation that committee members receive for their efforts. Even where NGOs are involved as service providers, they are subject to considerable leverage by the forest officials. In practice, joint forest management has often restricted communities' forest use and reduced their influence over management in comparison with the customary forest management in the past. In many places it has enhanced state control over forests instead of strengthening communities' tenure rights and decision-making powers.

Joint forest management projects have covered almost a 30 percent share of India's recorded forest area over the past two decades. Joint forest management was adopted by 26 of India's current 28 states. The state Forest Department reports that forest officials had set up slightly more than 100 000 forest protection committees across India by 2010 that were participating in the management of 22 million ha of mostly degraded forest. The Department further claims that around 23 million people are involved in the committees, one-third of them belonging to tribal groups. However, it is not known how many of those committees operate still, even though government statistics (such as the ones used in chapter 2) assume that they continue to function.

Joint forest management more recently was overtaken by the increasing recognition of rural people's customary tenure rights to forests. The foundation for such recognition was laid in the Panchayats (Extension to the Scheduled Areas) Act of 1996, which acknowledged tribal people's customary bodies of authority and laws and granted them the right of self-governance. The Act declares that tribal people's customary bodies and laws apply to the management of natural resources, including land, water and forest, which had previously been under direct state control. The recognition of customary rights to forests culminated in the 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, which has become known as the Forest Rights Act. The Act legalized tribal people's customary rights to land and forest as well as their role in forest management for the first time in India's history. Under the Act, tribal families are now entitled to apply for land titles up to a maximum of 4 ha. By July 2012, more than three million families had taken advantage of the opportunity, and the Ministry of Tribal Affairs had issued some 1.3 million individual titles and a few collective titles.

The Forest Rights Act emerged from tremendous social mobilization over the past two decades in support of forest users' rights (box 5.2). The influence of this mobilization reflects a general strengthening of civil society involvement in the forest policy debates in the wake of India's democratization process and substantive donor support for civil society in the late twentieth century. NGOs and forest users' associations sprung up across the country, undertaking grassroots actions, such as the much-heralded Chipko (tree hugging) movement in Uttarakhand State and engaging government officials at local, state and national levels. The mobilization became an increasingly vocal advocate for the rights of tribal and other disadvantaged people, including federations (such as the National Forum for Forest People and Forest Workers), women's organizations (such as the Action Committee on Women Forest Rights), tribal people's association (such as Sarvahara Jan Andolan) and others. Some have formed alliances with international organizations, which has strengthened their position in India.

Indian law and policy on community forestry has come a long way since the first trials with participatory forest management in the 1970s. Today, the country finds itself at a critical juncture. An increasing number of rural people hold ownership titles to forest land, in radical difference to their limited tenure rights and passive participation under the joint forest management programme. Most international donors have stopped funding joint forest management because of its negative effects on communities. Instead, communities' needs and demands are represented by an increasingly vocal civil society. Nonetheless, even where rural people have found recognition as owners, they often continue to encounter constraints on their ability to benefit from the ownership and use forests for improving their livelihoods. The state Forest Department continues to restrict people's ability to harvest timber and non-timber forest products and to undermine the authority formally accorded to tribal people's bodies of self-governance. At the same time, many local forest officers continue to side with or turn a blind eye on illegal timber logging and trade undertaken by powerful networks. In certain ways, the struggle is similar to the situation in Nepal: community forestry as a socially transformative initiative serving human, political and indigenous rights versus community forestry as an environmental project.

## China: Continued top-down management or decentralized collective forestry?

Unlike India and Nepal, China has not been on the world's community forestry map.<sup>18</sup> The country does not even have a policy using the term community forestry, nor is there any officially recognized form of community forestry. However, communities hold collective titles to 60 percent of the country's forest land (chapter 2). The key term in China is "collective forestry", which may conjure a different image from community forestry but has nonetheless made millions of villagers owners of forest. And China's collective forestry today also finds itself at an important crossroads: Will the next few years bring a strengthening of communities' tenure rights and control over forests or will communities remain subject to top-down implementation of conservation-oriented forest policy?

### Box 5.2 Civil society lobbying for the recognition of forest rights in India

Madhu Sarin is a leading campaigner for the recognition of customary forest tenure rights in India. She now heads the Campaign for Survival and Dignity, an informal network of grassroots organizations. In an interview with the Rights and Resources Initiative, she described the ongoing struggle for the recognition of communities' forest rights. Even after the passing of the Forest Rights Act in 2006, she explained, serious problems have remained, particularly with the recognition of collective claims to forest land, she said. "The first three, four years were pretty disastrous," she added, summarizing the initial experience when "bureaucrats took over". They were "focusing on only one of the rights, which has to do with individual small pieces of land under cultivation, nothing about community forest rights". New procedures issued by the central Government in October 2012 clarified the powers of communities. According to Sarin, a few states have shown serious commitment to the implementation of the Forest Rights Act. Odisha State has been "the best in terms of bringing in civil society organizations [and] opening up the process". No community rights have been recognized in other state, she said, leading her to conclude that "it is a long way to go".

Source: [www.youtube.com/watch?v=4LZr\\_Rzw-ac](http://www.youtube.com/watch?v=4LZr_Rzw-ac)

The origins of collective forestry in China reach back to the Maoist revolution in the late 1940s. Land reform was a cornerstone of the revolution, transferring nearly all rural land into the hands of agricultural collectives and production teams. Forests were no exception, with production teams given ownership rights over many forests. The teams received the mandate to exploit the firewood and timber contained in the forests for the needs of their own members, urban residents and industrial development. They typically assigned one or two cadres to oversee the exploitation of forests, just as others were given the tasks of coordinating agricultural production.

China's collective forestry practice has persisted over the past 60 years even though its governance has changed over time. Ownership passed from the production teams to townships and to administrative villages after the agricultural collectives and communes were dissolved in the 1980s. Not all of the forest originally given to production teams remains under collective ownership and management today; some has passed to individual households or groups of households as part of the reforms initiated in the 1980s. Nonetheless, villages across China continue to govern forests in collective ways, with village leaders and villagers making decisions about their management and use.

<sup>18</sup> This section is based on Zhao, 2012; Li, 2008; Li and He, 2008; Su and Zhao, 2009; Weyerhaeuser et al., 2006; and He, 2013.

Communities possess strong tenure rights to forests, although there is much variation in governance arrangements, extending from the active control exercised by Xinqi's villagers discussed in chapter 3 to situations in which villagers participate in forest management in a passive role only. The latter is often due to classification as protected forest, which severely restricts the range of uses and management options available to villagers. Consequently, the use rights accorded to individual forest managers may vary from very limited uses (such as afforestation or collection of dead branches as firewood) to situations in which individual owners can decide the management of the forests, can harvest timber and are allowed to sell the forest – though not the land. Communities' decision-making powers range from constellations in which villagers have little choice but to plant trees provided by the state foresters to situation in which village leaders and village representative bodies are in full control of forest management.

Collective forests in all forms presently extend over 109 million ha in China, surpassing the area in state ownership. Most of the collective forests are in the North, West and Southwest of China, where most forests were under collective management until 2004. For example, Yunnan Province contained around 10 million ha of collective forests in 1998, three times the area of state-owned forests in the province. More recently, collective forests have been subdivided for individual management and transferred into individual ownership in reaction to the policy reforms. This occurred mainly in the North and South of the country, where living standards are higher and forests are more accessible, thus facilitating commercial exploitation.

The governance of collective forests most recently underwent a transformation due to changes in China's political system. The central party-state sought to decentralize government powers and strengthen grassroots democracy through the Organic Law in 1998, which introduced the election of the heads and councils of administrative villages and granted them authority over local development affairs. More recently, the Property Law reaffirmed the rights of property owners and strengthened their protection through the State. These changes, together with larger societal transformations, served collective forestry by strengthening the collective ownership of forests and the collective governance of forests. The most recent tenure reform, initiated with a pilot in Fujian Province in 2004, increased the decision-making powers of townships and villages by giving them the right to decide on the governance model. They also made councils and leaders more accountable to their constituencies by requiring that local plans for tenure reform have the backing of at least two-thirds of all villagers.

### **Box 5.3 Property law and central party-state support for community forestry in China**

Zhao Yaqiao is not only Dean of the College of Economics and Management at Yunnan Agricultural University but also a prominent analyst of forest policy in China. In the country report he prepared for this work, he notes that China's central party-state has placed "more and more emphasis on the people's needs and benefits", increasing people's decision-making powers in a "people-oriented approach" to development. He attributes particular significance to the Property Law because "it states that any property belonging to the citizen should be strictly protected by the law or by the Government". The Property Law, Zhao argues, has direct implications for collective forestry because "these forests become the property of the local people, so it should be respected and protected by the law". In the process, the central party-state becomes the primary champion of communities' forest tenure rights, as central officials "currently have greater interest to push the development of community forestry than the State Forestry Administration".

Source: Zhao, 2012 (annex 2).

These developments increasingly put China's small forest owners in opposition to the State Forestry Administration. Small forest owners, whether they own forest individually or collectively, have embraced the assurances of their rights given by the central party-state. They invoke the Property Law to argue for their tenure rights as forest owners, including the power to decide about forest management and the right to benefit from forests by exploiting them commercially (box 5.3). These demands clash with the ongoing practice of the State Forestry Administration to zone large areas of forest land for protection, a practice born out of widely shared concerns over the presumable downstream effects of deforestation and land degradation. In these zones, commercial uses of forests are prohibited, typically limiting the benefits derived by forest owners to dry fuelwood and non-timber forest products in addition to the meagre payments received for forest protection and afforestation. Classification as protected forest also undermines most of the decision-making powers given to villages over forests, leaving them with two options only: either afforest barren forest land or protect natural forest.

Community forestry, therefore, has entered a crucial period in China. Will small forest owners be able to take advantage of the general decentralization and assurance of tenure rights originating from the central party-state? Or will they remain subject to the implementation of forest policy, driven by equally strong interests in the protection of natural forests and reversal of land degradation?

## Indonesia: The emergence of community forestry policy

As with China, Indonesia does not appear prominently on most maps of community forestry.<sup>19</sup> The reason, however, is because national policy has long sought to exclude communities from Indonesia's forests. The use of Indonesia's "forest zone" – the land officially classified as forest – remains the privilege of the state-owned forest corporation Perum Perhutani and private concessionaires. Local people manage forests outside the forest zone, such as the more than 2 million ha of "people's forests" on Java (known as Hutan Rakyat), but have been kept away from forests inside the forest zone. It is only in the past decade that the Government enacted policy enabling community forestry in reaction to civil society demands. The impetus provided by civil society partly hailed from their efforts to support indigenous peoples who tend to live in forest areas.

The efforts to involve communities in forest management were long confined to practices of the powerful state-owned Perhutani corporation, which granted local people temporary access to forest land on Java. Just as the colonial forest service had done before independence, the corporation allowed workers on their tree plantations to cultivate agricultural crops between rows of newly planted tree seedlings until the canopy closed after a few years. The practice served both the workers and the corporation, because the workers grew crops to meet their subsistence needs and the corporation obtained cheap labour for its reforestation activities. It required the workers to move around with the opening of new plantations and did not allow them to improve their livelihoods in a sustainable manner. They did not enjoy any tenure rights to forest land, nor did they have any influence on forest management. Indonesia's past political economy, particularly the powerful alliance between the Suharto regime and the forest industry, prevented any substantive concessions to communities.

The situation changed significantly with the democratization process, which culminated with the downfall of President Suharto in 1998. Civil society grew increasingly assertive over the 1990s, including public intellectuals and organizations supporting the cause of impoverished and marginalized forest communities. Some of these advocated on forest communities' behalf for changes in forest policy so that forest management would become more attentive to local people's livelihood needs. Others supported local experiments with community forestry in specific sites, with funding provided by international donors. In addition, there were wider civil society demands that indirectly supported community forestry. For example, indigenous peoples' activists campaigned for the recognition of their customary land rights and forest practices with support from international activists (box 5.4). Demands for political reforms highlighted the importance of decentralizing government powers from the central Government in Jakarta to district governments.

### Box 5.4 Advocacy for indigenous peoples' rights

Marcus Colchester has worked towards the recognition of indigenous peoples' rights for more than three decades. Until early 2013, he was Director of the Forest Peoples Programme, a UK-based NGO advocating for and with indigenous peoples from around the world. A huge part of Colchester's work has focused on Indonesia, where he has lobbied for the acknowledgement of plural legal traditions. Forest people, Colchester argues, have developed their own legal systems, which provide clear rules on forest tenure rights. Modern states, such as post-independence Indonesia, have ignored these multiple traditions, with detrimental effects on people and forests. Colchester attributes considerable significance to recent international law related to indigenous peoples, in particular the United Nations Declaration on the Rights of Indigenous Peoples. "[T]hese international laws very firmly uphold the principle that indigenous and tribal peoples derive their rights in land from custom and their close ties with their lands," he argues. "Such rights [are] obtain[ed] independent of the actions of the States," which means that the international norms override contradictory national regulations, such as land laws. Colchester highlights that "indigenous peoples now have recourse to this third body of law to assert their rights to their lands and territories to self-governance and the operation of customary laws".

Source: Colchester, 2011.

<sup>19</sup>This section is based on Maryudi, 2011; Nomura, 2008; and Royo and Wells, 2012.

Democratization has given fresh impetus to community forestry in Indonesia, leading to several policy innovations driven by the central Government but not necessarily by the Ministry of Forestry and Estate Crops. Democratization provided new momentum to the community forestry scheme known as Hutan Kemasyarakatan, or HKm, that was introduced by the Ministry in 1995. District governments are now allowed to grant communities licenses for community forestry in the forest zone as long as it is not zoned for conservation. Democratization also fuelled the path-making government Regulation PP6 in 2007, which introduced three new schemes for community forestry in addition to HKm. Regulation PP6 opened up legal opportunities for forest communities and NGOs to register community forestry initiatives, many of which have been funded by international donors. What is common to all these schemes is that they involve the granting of long-term management powers and use rights to communities, something that had been available only to companies in the past.

One of the new schemes introduced by Regulation PP6 is the village forests scheme known as Hutan Desa. The scheme grants far-reaching management powers and use rights to communities. They are allowed to harvest timber from both natural and planted forest as long as the forest is zoned for production purposes. They can extract non-timber forest products and are entitled to claim any payments received for environmental services. In addition, the forest communities have management powers and are allowed to exclude others from their forest. All these rights extend over a period of 100 years, effectively giving communities ownership rights to the forest. Nonetheless, the rights are circumscribed by overriding government powers: Communities can only sell forest products if they have obtained a business license, and forest management has to comply with the management plan approved by forest officials. Also, the Government can revoke the concession at any point without compensation.

Progress with the implementation of these innovative schemes has been extremely slow despite the ambitious objectives defined by the central Government. By the end of 2011, communities had received a mere 30 000 ha of forests under the three schemes – less than 1 percent of the 8 million ha targeted by 2016. Around 900 000 ha had been approved for transfer to communities, the vast majority of which has yet to be transferred. Some of the slow progress is due to long delays in the application process and bureaucratic foot-dragging by the agencies in charge of implementation. Even though official regulations promise to process applications within 60 days, the average time required is about a year.

Democratization even enticed the state corporation Perhutani to introduce a new scheme in 2001 addressing local people's livelihood needs after a series of public consultations and lobbying by NGOs and intellectuals. The collaborative forest management scheme known as Pengelolaan Hutan Bersama Masyarakat, or PHBM, invites communities and other stakeholders to jointly manage forests with the State Forestry Enterprise (Perum Perhutani). The idea is that they make management decisions and implement silvicultural activities together and eventually share the benefits derived from forest management. The scheme has benefited the communities by granting them access to forest land for cultivation and giving them a share of timber revenues, yet control over the forest land remains firmly vested with Perhutani.

Community forestry policy took off in Indonesia only recently when the democratization process offered unprecedented opportunities for civil society to support forest communities' cause. Today there is much dynamism, centring on the new schemes introduced by the central Government in reaction to civil society demands, on numerous pilots with community forestry supported by national and international NGOs and advocacy for forest communities' and indigenous peoples' rights. The President's Office most recently committed to prioritize forest communities' needs and recognize their customary rights to land and forest – an unprecedented move opening up novel opportunities for community forestry in Indonesia.

### **Comparison: Political factors underlying the various national trajectories**

The preceding analyses illustrate that community forestry policy originated as an environmental project in some countries but as part of much larger political processes in others (table 5.1). In Nepal, as previously noted, donors and forest officials joined forces in the 1970s to experiment with new approaches to forest management out of concern over environmental degradation. Donors supported subsequent reforms that created new regulatory and policy frameworks for community forestry. In India, progressive forest officials sought to develop new ways of overcoming protracted conflicts over forests, with support from international NGOs. In contrast, community forestry connected with major political upheavals in China because the transfer of forests to rural collectives was part of the revolutionary transformation of the countryside pursued by the socialist party-state. Just as in China, community forestry was seen as part of greater political dynamics in Indonesia and not simply considered an environmental project. In contrast to China, however, Indonesia's political economy under the Suharto regime prevented the development of community forestry policy.

The historical differences find their reflection in the forms and extent of community forestry operating in the four countries presently. In India and Nepal, community forestry extended to significant parts of the national forest as a project of environmental improvement when international donors provided extensive support for sustainable forest management. The expansion of community forestry proceeded quickly on degraded or barren forest land but only gradually on high-value forest. A key difference between India and Nepal was that India's state Forest Department managed to limit communities' tenure rights and confine them to passive participation in forest management as a way to protect and expand its control over forests. In China, millions of rural people now hold ownership rights to forest land, but only some of them derive direct benefits from forest or actively control forest management.

Recent changes in the drivers of community forestry indicate some confluence between the four countries. All four have experienced democratization processes, albeit in different forms. Civil society has become an increasingly vocal and capable player in India, Nepal and Indonesia, as reflected in the emergence of public intellectuals located outside government, the rapid growth of NGOs and increasingly influential grassroots organizations. In all three countries, there are now numerous individuals and organizations advocating on behalf of communities and indigenous peoples, and assisting in the promotion of community forestry and socioeconomic development more broadly. Civil society is less visible in China, yet demands for the deepening of political and civil rights have grown stronger. In China, it is the central party-state that has sought new ways to strengthen the citizenry's participation in political and economic affairs.

Regardless of these differences among countries, democratization has generally worked in communities' favour – community forestry has become part of the larger social mobilization and political reforms that seek to overcome all forms of economic, political and cultural marginalization.

The democratization processes have transformed community forestry in fundamental ways. China and Indonesia have witnessed renewed policy initiatives to strengthen the use rights and decision-making powers held by communities – initiatives typically driven by the central government and less so by forest agencies. Civil society in Nepal demands strengthened local people's political and human rights by way of giving them further powers over forests, in strong opposition by the state Forest Department. India and Indonesia have encountered increasingly assertive civil society demands for the recognition of customary rights to land and forest. This has led to the Forest Rights Act in India and increasingly influenced the public debate in Indonesia.

The growing intersection between community forestry and democratization processes in each country reflects influence from other countries and global trends. As all societies become more open and include more assertive media, the policy-makers, government officers, civil society activists and even members of communities become more aware of what is happening elsewhere. For example, the recognition of forest peoples' customary tenure rights in the Philippines by way of the 1997 Indigenous Peoples Rights Act and in India through the 2006 Forest Rights Act influenced advocacy on behalf of indigenous peoples in Indonesia and Nepal. Similarly, there is a growing number of international advocacy groups for forest peoples' and indigenous peoples' rights, such as the Forest Peoples Programme (box 5.4). Additionally, the United Nations Declaration on the Rights of Indigenous Peoples and the social safeguards on REDD+ included in Decision 1/CP.16 of the United Nations Framework Convention on Climate Change offer an increasing number of global reference points for policy-makers and activists.

## **Conclusion: The significance of larger political developments**

The historical variation in the drivers, forms and expansion of community forestry in the four countries examined here reflects wider trends in the Asia-Pacific region. Community forestry has made the most progress when it was part of larger political events and bestowed forest ownership rights to large numbers of rural people, such as in China and, to some extent, Viet Nam. It failed to take a foothold in national law and policy where powerful political and economic elites perceived it in opposition to their interests, such as in Bangladesh, Lao PDR and Malaysia, and similar to what is described for Indonesia here. Cambodia, Myanmar and Thailand are also similar but have more supportive forestry departments, as demonstrated by their relatively significant programmes. In contrast, attempts to secure government tenure rights over forest land and control over forest management motivated joint forest management in India and forest management agreements in Papua New Guinea. Community forestry made progress as an environmental project promoting ecological and economic improvement driven by forest officials and donors not only in Nepal but also in Philippines.

**Table 5.1: National trajectories: Historical and contemporary developments**

	Nepal	India	China	Indonesia
<b>Historical drivers</b>	<ul style="list-style-type: none"> <li>• Cooperation between donors, forest officials, and villagers</li> <li>• Concerns over environmental degradation</li> </ul>	<ul style="list-style-type: none"> <li>• Progressive forest officials supported by international NGOs</li> <li>• Conflicts between state Forest Department and villagers</li> </ul>	<ul style="list-style-type: none"> <li>• Maoist revolution, central party-state</li> <li>• Collectivization of agriculture and forestry</li> </ul>	<ul style="list-style-type: none"> <li>• State-owned corporation</li> <li>• Concerns over labour for reforestation</li> </ul>
<b>Beginning period</b>	<ul style="list-style-type: none"> <li>• 1970s</li> </ul>	<ul style="list-style-type: none"> <li>• 1970s</li> </ul>	<ul style="list-style-type: none"> <li>• Around 1950</li> </ul>	<ul style="list-style-type: none"> <li>• Since colonial times</li> </ul>
<b>Dominant form of community forestry today</b>	<ul style="list-style-type: none"> <li>• Community forest management</li> <li>• Forest user groups have use rights and limited governance powers</li> </ul>	<ul style="list-style-type: none"> <li>• Joint forest management</li> <li>• Forest protection committees paid to perform management duties, have limited use rights</li> </ul>	<ul style="list-style-type: none"> <li>• Collective forestry</li> <li>• Villagers hold collective or individual household use rights to “economic forests”</li> <li>• Administrative villages or households are paid to protect “ecological forests”</li> </ul>	<ul style="list-style-type: none"> <li>• No large-scale regulatory framework for community involvement in forestry</li> <li>• Temporary access to forest land for crop cultivation on Java</li> </ul>
<b>Extent of dominant form</b>	<ul style="list-style-type: none"> <li>• 1.7 million ha</li> <li>• More than 2 million people in more than 18 000 forest user groups</li> </ul>	<ul style="list-style-type: none"> <li>• 22 million ha</li> <li>• Initially 23 million people in 200 000 committees, but how many are active today?</li> </ul>	<ul style="list-style-type: none"> <li>• More than 100 million ha</li> </ul>	<ul style="list-style-type: none"> <li>• (Not applicable)</li> </ul>
<b>Recent changes and drivers</b>	<ul style="list-style-type: none"> <li>• Development of multiparty democracy</li> <li>• NGO advocacy and on-the-ground support funded by donors</li> <li>• Government reluctant to expand community forestry in high-value forests of the Terai region</li> </ul>	<ul style="list-style-type: none"> <li>• Democratization</li> <li>• Civil society movement focused on tribal peoples’ rights</li> <li>• Key issues are recognition and justice</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing demands for political and civil rights</li> <li>• Central party-state</li> <li>• Decentralization and property reforms</li> </ul>	<ul style="list-style-type: none"> <li>• Democratization and ascendance of civil society</li> <li>• Moves to recognize customary rights to land and forest</li> </ul>
<b>Implications for form and extent of community forestry</b>	<ul style="list-style-type: none"> <li>• Intense policy debate</li> <li>• Expansion of forest user groups slowed</li> </ul>	<ul style="list-style-type: none"> <li>• Forest Rights Act 2006</li> <li>• 1.3 million individual titles (July 2012)</li> <li>• Few collective titles</li> </ul>	<ul style="list-style-type: none"> <li>• Forest tenure reforms in 2004 and Property Law, 2007</li> <li>• Individualization of some collective forest</li> <li>• Improved government services to smallholders</li> <li>• Government payment for conservation and other supportive programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Government Regulation PP6/2007, which created three community forestry schemes that transferred long-term use and management rights</li> <li>• Implementation very slow, at only 900 000 ha by the end of 2011</li> </ul>



More recent events suggest a shift in the drivers of community forestry, a shift that plays out in a surprisingly consistent manner across the region. Democratization processes have fundamentally transformed the politics of community forestry, de-emphasizing environmental concerns and increasingly focusing on broader economic, political and cultural goals. Even though certain individuals (featured in the boxes) have gained recognition as champions of community forestry, they have been part of a broader trend of democratization. This uptake into wider social mobilization and larger democratic politics explains the progress made by community forestry in the region in terms of tenure transfers over the past decade. It holds for a large number of countries in which civil society has become increasingly vocal, advocating on behalf of forest communities and providing assistance. The trend also applies to countries where civil society is less visible but where citizens voice similar demands for political, civil and economic rights.

The coalescence of larger political developments has assigned new roles to community forestry in the Asia–Pacific region, as pointed out in chapter 1. Community forestry is no longer primarily an initiative to improve rural livelihoods and manage forests in a sustainable manner. It now brings together a broader set of initiatives addressing economic, environmental, political and cultural concerns. Community forestry has taken on the new roles in response to the environmental concerns voiced by national societies, the call for civil and political rights and implementation of global conventions and agreements.

The winds of change are coming from beyond the forestry sector. The next chapter analyses current supporters of and opponents to community forestry in the Asia–Pacific region to understand the potential for further development in the coming years.



## Proponents and opponents of community forestry

Five stakeholders are critical for the development of community forestry in the Asia–Pacific region today, according to the ranking analysis conducted for this report.<sup>20</sup> Communities, of course, are strongly supportive of community forestry. International donors, the ministries in charge of forestry and central governments have significant influence on policy and practice, a finding that matches the historical insights discussed in chapter 5. Additionally, there is an emergent stakeholder with increasing influence on community forestry: civil society organizations.

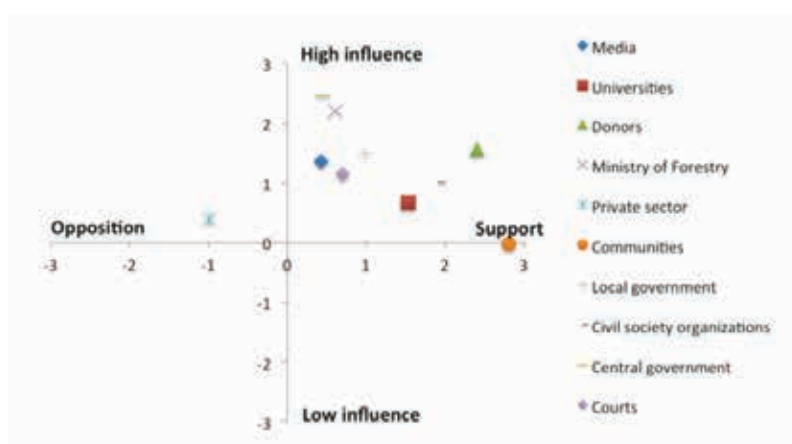
In the analysis of 14 countries in the region, central governments and the ministries in charge of forestry wield high influence over the development of community forestry, despite all differences among those countries. Central governments (particularly prime ministers and national parliaments) and ministries typically possess powerful means to influence the setting in which community forestry can develop, tenure rights can be transferred and control over forest management can shift to communities. Yet, their support remains mostly ambivalent; only some governments and ministries see it in their interest to promote community forestry. Others perceive community forestry as incompatible with or even in opposition to their goals.

Communities and civil society organizations generally have strong interest in promoting community forestry. Despite a few exceptions, CSOs are broadly supportive not only because of the potential contributions made by community forestry to sustainable forest management and rural livelihoods but also because community forestry serves the agenda of civil society activities on community development, human rights, indigenous peoples, women’s rights and good governance. According to the analysis, both communities and CSOs have relatively little influence on forest policy and other contextual factors conditioning the possibility for community forestry. There is a danger of oversimplifying here; none of these stakeholders are homogeneous and uniform in their views, with their positions partly driven by individuals or often moulded by partnerships with other stakeholders, including other CSOs.

### Proponents and opponents

Figure 6.1 displays the rankings of ten stakeholders regarding community forestry according to two criteria: influence and support. “Influence” is defined as the power to facilitate or impede community forestry. High influence is attributed to stakeholders who can prevent or promote the development of community forestry nationwide. Stakeholders are considered to possess no influence if they lack the means to affect practices on the ground. High support means that there is a clear and direct overlap between stakeholders’ core interests and community forestry. Strong opposition occurs when community forestry directly conflicts with stakeholders’ interests.

**Figure 6.1: Proponents and opponents of community forestry in the Asia–Pacific region**



Note: Both criteria (influence and support) are defined at a scale from -3 (no influence, strong opposition) to +3 (high influence, strong support).

<sup>20</sup>The stakeholder “ranking” involved consultations with experts from the 14 countries. They provided subjective snapshots of current stakeholder constellations to inform the regional-level results and should not be understood as an ultimate assessment of who is for and against community forestry in each country, which is why this chapter does not present country-specific results.

The ranking reveals the following three stakeholders to be the most supportive of community forestry:

- communities
- international donors
- civil society organizations.

The ranking also shows that the following three stakeholders wield the highest influence over community forestry:

- central governments
- the ministries in charge of forestry
- international donors.

The other stakeholders do not hold regional significance, even though they may be important in some countries. They include the private sector, which is considered to be in opposition to community forestry but also has only limited influence over it, and local government. Local government can be a key stakeholder where it has procedural responsibilities and government is strongly decentralized. Other stakeholders are the media, the courts and universities and research institutes.

### Central governments: High influence but limited support

Central governments wield the highest influence on community forestry (figure 6.1). Prime ministers and presidents and their offices, national parliaments and politicians, and central party organs in countries with one-party political systems are highly influential on the development of community forestry by passing laws directly related to forestry, such as India's Forest Rights Act. For example, large-scale transfers of forest tenure rights require political support and legislative action from central governments. Additionally, many of the laws passed by national parliaments or issued by prime ministers or presidents have indirect effects on community forestry, such as laws on citizenship rights and the cultural recognition of marginalized groups. Civil codes regulating property dealings and business transactions have implications for communities' ability to register their organizations and engage in commercial transactions and thus gain active control over forest management (box 6.1). Additionally, central governments greatly influence the development of community forestry through the allocation of funds for government departments and programmes as well as tax and subsidy regimes. Moreover, central governments are the largest owners of forest land in the Asia-Pacific region. Central governments' influence remains high despite the efforts made at decentralizing powers to provincial and local governments over the past decade, as indicated by their respective rankings in the analysis (figure 6.1).

#### Box 6.1 The critical role of central government: Experiences in Viet Nam and Myanmar

Viet Nam's central Government has created an enabling environment for community forestry. Above all, the National Assembly passed the Land Law in 1993, which provided the impetus for significant forest tenure transfers to households in the 1990s. The National Assembly also created the legal foundation for the allocation of forest land to communities under collective titles through the Land Law in 2003 and the Forest Protection and Development Law in 2004. At the same time, though, the Government has failed to enact other important legal reforms that would enable the further development of community forestry. For example, the Civil Code does not recognize communities as legal entities, thus preventing them from engaging in commercial transactions. As long as communities cannot register as legal entities, they are unable to sell forest products derived from their own forests and are not qualified for bank loans to invest in forestry operations. As well, there are unresolved conflicts over forest land between state-owned forest enterprises and communities. The enterprises, of which many are loss-making or even highly indebted, continue to occupy large areas of forest land claimed by communities because the Government has yet to undertake a serious reform of state-owned forest enterprises.

Nonetheless, the legal and regulatory environment created by Viet Nam's Government is more developed to the one put in place by Myanmar's Government. Even though the latter published ambitious goals in its Forest Master Plan 2001–2031, it has been unable to issue the required laws and regulations for implementing the goals. For example, only 4 percent of the targeted area of almost 1 million ha that community forestry is expected to cover by 2031 has been achieved to date. The procedures required for the transfer of certificates to communities remain cumbersome because they involve several government departments. For example, the transfer of land administered by the Settlement and Land Records Department to communities necessitates involvement by the General Administration Department and the Forest Department.

Source: UN-REDD Programme Viet Nam, 2010; Forest Department (Myanmar), 2001; Government of Myanmar, 2012; RECOFTC, 2013.

At the same time, central governments offer only ambivalent support to community forestry. Across the region, the central government's position varies, from direct opposition in some countries to full-hearted support in others (as discussed in chapter 5). On one hand, central governments have historically been key champions of community forestry in some countries, such as China and Viet Nam. In these countries, national reforms have brought large-scale transfers of forest land to communities. On the other hand, though, central governments have prevented the development of community forestry in other countries, such as Indonesia, where the Suharto regime not only preserved state ownership of forests but also oppressed civil society activism on forest peoples' behalf. Some governments have perceived community forestry as in direct opposition to national development strategies centred on agro-industries, such as large-scale forest concessions, and agricultural plantations (see chapter 8 for further discussion of central governments).

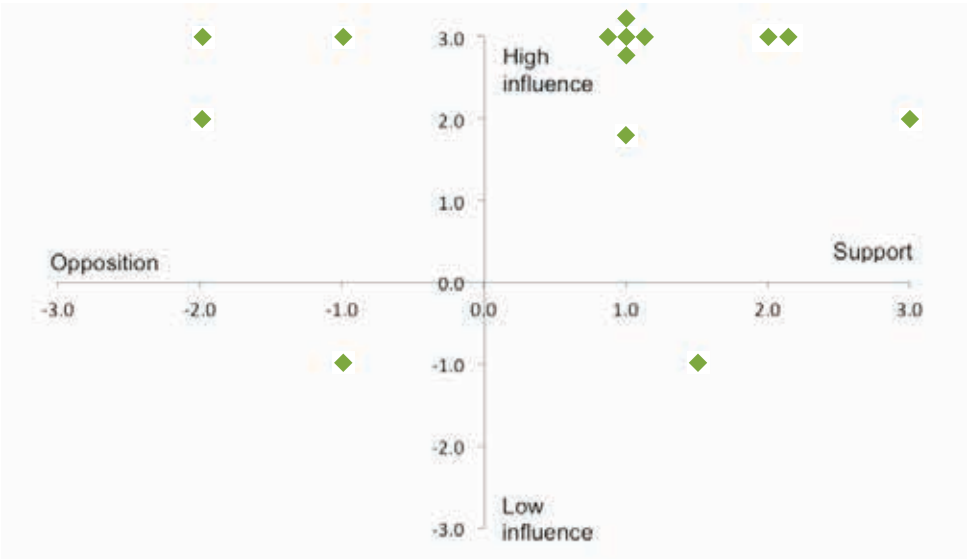
**The ministries in charge of forestry: High influence and varied support**

The ministries in charge of forestry typically yield high influence over the development of community forestry in a country; based on the analysis of the 14 countries included in the study for this report, they were gauged at high or very high influence in 12 countries (figure 6.2). Each country has a central ministry in charge of forestry, and many have established dedicated technical agencies to administer forests.

In most countries, central ministries and technical agencies are the primary government units in charge of policy and regulation on forestry matters, placing them in powerful positions to enable or hinder the development of community forestry, such as regulations that either enable or prevent communities from exercising active control over forest management. Many ministries also own forest companies as part of a state-centred strategy of forest management, giving them leverage down to the field level. This does not apply for all countries because provincial/state or local governments are relatively powerful in a few countries, such as district governments in India and state governments in Malaysia. Additionally, in some countries, such as Cambodia (Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment) and Lao PDR (Ministry of Agriculture and Forestry and Ministry of Natural Resources and Environment), community forestry falls under two or more ministries, the implications of which include the lack of clarity regarding responsibilities.

Yet, the ministries in charge of forestry also offer only ambivalent support to community forestry (figure 6.2; see also box 6.2). Ministries in four countries were considered to be in opposition to community forestry, while those in seven countries were assessed as offering only weak support. In contrast, ministries were found to be strongly supportive of community forestry in only three countries. These differences among countries are related to ministries' direct involvement in forest management, such as through state-owned forest management or logging and plantation companies, and their ability to extract rents from state and private operations. The differences imply that the ministries are a source of neither unanimous support nor fundamental opposition at the regional level.

**Figure 6.2: The ambivalent role of the ministries in charge of forestry**



Note: Both criteria (influence and support) are defined at a scale from -3 (no influence, strong opposition) to +3 (high influence, strong support).

### **Box 6.2 The power of technically oriented agencies: State Forestry Administration in China**

China's State Forestry Administration (SFA) is a powerful institution. It employs an extensive corps of highly qualified experts at the central level and exerts technical oversight on thousands of professional foresters employed in the forestry branches of provincial, prefecture, county and township governments. According to its own statistics, the SFA invested \$77 billion in forestry development from funds provided by the central Government in the five years from 2006 to 2011. The SFA used much of the financial allocation to fund forest protection and reforestation, including payments to communities under the Ecological Forest Protection Programme and Sloping Land Conversion Programme. It did so under the mandate of the Government to combine sustainable forest management with community development. However, communities' interests often were not well served due to the top-down implementation procedures. They have in many cases not been consulted on local implementation even though government policy mandates voluntary participation. Local people also have experienced financial losses even though central policy emphasizes compensation for losses incurred in forest protection or the conversion of cropland to tree plantations.

Source: State Forestry Administration, 2012; Bennett, 2009.

### **Donors: High support and moderate influence**

International donors exercise the third-highest influence over community forestry among the ten stakeholders (figure 6.1). Donors have been active in all 14 countries and include various kinds of organizations: bilateral donors and their executing agencies, such as the Australian Agency for International Development, the German Agency for International Cooperation, Japan International Cooperation Agency, the UK Department for International Development, the Swiss Agency for Development and Cooperation and the United States Agency for International Development; multilateral donors, such as the Asian Development Bank and the World Bank; various UN agencies and international foundations, such as the Ford Foundation.

Donors' current influence fits the historical insights discussed in chapter 5 on their role in the development of community forestry in such countries as India and Nepal. Donors wield influence by funding programmes promoting community forestry, as noted in the discussion on India and Nepal but also relevant to Bhutan, Cambodia, Indonesia, Lao PDR, Myanmar and Viet Nam. They also exert influence on central government policy, the actions of the ministry in charge of forestry and practices employed by CSOs through capacity-building and training measures as well as support to education and research institutions. More broadly, donors influence the generation of knowledge on sustainable forest management and "good practice" in community forestry. Donor support has been important for the development of CSOs in many countries, although sometimes criticized (see box 5.1).

International donors have been supportive of community forestry because they consider it an important element in sustainable forest management and conducive to other development goals, in particular poverty alleviation, gender equality, human rights, grassroots democracy and good governance. Community forestry has been understood as fully compatible with the Millennium Development Goals.

Thus, donors are important champions of community forestry in the Asia-Pacific region.<sup>21</sup> They have been very positive towards community forestry and wielded influence to translate their positive stance into concrete assistance. However, donors also have interpreted community forestry in different ways, supporting forms of community forestry policy and practice that do not grant communities tenure rights or that relegate them to a role as passive participants (such as the joint forest management programme in India and the experiences highlighted in box 6.3).

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<sup>21</sup> This result needs to be treated with caution because few of the people consulted in the national stakeholder analyses are likely to know the entire spectrum of donor activities in their country. They may know what specific donors have done in forestry but may not be aware of the same donors' activities in other fields or of other donors not active in forestry but with considerable investment in other fields. Some of the latter may have negative influence on community forestry, even though they are not directly apparent (such as the Chinese Government's support for infrastructure development and agricultural plantations in Lao PDR).

### Box 6.3 Donors and community forestry: Contrasting experiences in Lao PDR and Viet Nam

The Japan International Cooperation Agency (JICA) works closely with the Lao Ministry of Agriculture and Forestry in the Participatory Land and Forest Management Project for Reducing Deforestation (PAREDD). PAREDD is a technical cooperation project promoting participatory land and forest management to reduce deforestation and forest degradation in northern Lao PDR. Specifically, PAREDD aims to address the current threats to forests by developing a participatory land and forest management system. The role of JICA is to provide technical and financial support to the project until 2014. JICA works within a legal framework in Lao PDR that allows for the transfer of forest tenure rights to communities but limits them to weak rights.

The German Agency for International Cooperation (GIZ) has been an influential donor on community forestry in Viet Nam, supporting the transfer of strong tenure rights to villagers and developing new models of community forestry that grant communities active control over forest management. Some of the projects supported by GIZ have involved multiyear commitments to local pilots in various parts of the country and their scaling up to the provincial and national levels, such as the Song Da Social Forestry Development Project. Other projects have facilitated capacity-building and networking at the national level, such as the Sustainable Management of Resources in the Lower Mekong Project, which helped to establish the Community Forest Management Working Group within the Ministry of Agriculture and Rural Development. Despite considerable investment, however, GIZ has not managed to convince the Viet Nam Forest Administration to translate procedures developed and critical lessons learned into national policy that is supportive of communities seeking active control over their forests. Viet Nam's Forest Administration remains firmly wedded to a form of community forestry that grants villagers strong tenure rights to forest land but constrains their ability to exercise active control over forest management.

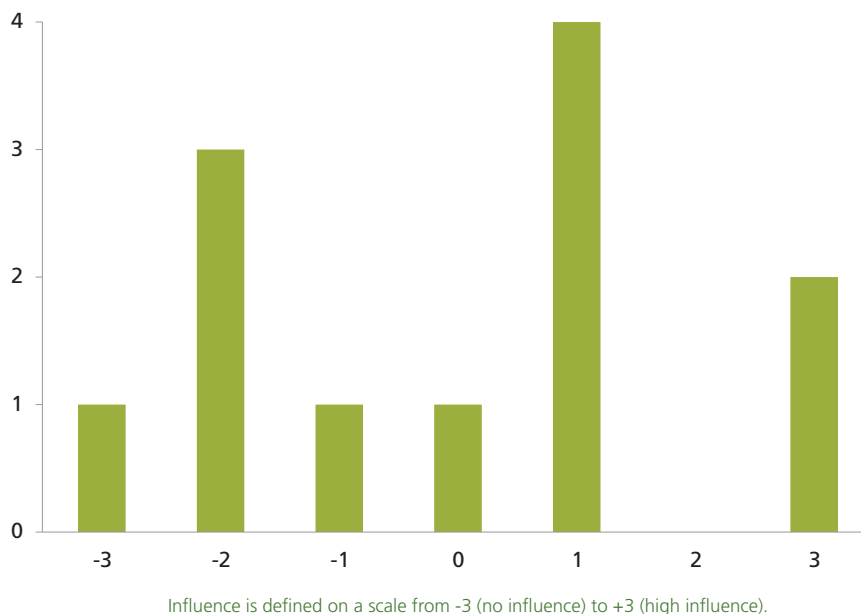
Source: Observations from Jephraim Oro, (Communication Officer, RECOFTC) and the authors; see also Wode and Bao Huy, 2009.

### Communities: Strong interest in community forestry but lacking influence

Despite the differences in the history of forest management and contemporary rural conditions, despite the fact that many young people are leaving village life in a search of jobs elsewhere and even though rural life is rapidly changing rapidly due to the influence of urban culture, communities remain strongly interested in managing their nearby forests.

Not surprising, communities have the strongest interest in community forestry, but generally they wield limited influence on forest management practices – even though they live in the immediate vicinity to forests. Their influence is limited by powerful extra-local forces, such as national legislation, forest policy and commodity markets. Within that limited sphere of influence, there is considerable variation in communities' influence over community forestry (figure 6.3). Communities possess very high influence in two countries, whereas their influence is negligible in four countries.

**Figure 6.3: The varying influence of communities on community forestry (number of countries for each ranking)**



Communities are in a weak position because they are rarely organized in national associations, which are a possible means by which communities can increase their leverage on community forestry. Although Nepal's Federation of Community Forest Users Nepal illustrates how a national organization can strengthen communities' role (box 6.4), 10 of the 14 countries included in the study do not have any national associations of forest users (table 6.1).

In contrast, informal community forestry networks of CSOs or researchers are more common, such as the provincial Community Forest Networks in Cambodia, or Myanmar Environment Rehabilitation-conservation Network (MERN) in Myanmar whose focus goes beyond community forestry, but still provides a platform as a community forestry network. The networks assume a dual function: They improve the flow of information, technical advice and practical assistance to communities and they contribute communities' interests in national policy debates.

**Table 6.1: National forest people's associations and community forestry networks**

Country	Forest people's associations	Community forestry networks (examples)
Bangladesh	None	NGO consortium led by Taungya
Bhutan	None	
Cambodia	None	Community Forest Networks at commune level
China	None	Social Forestry Network
India	State federations in Andhra Pradesh, Himachal Pradesh, Karnataka and Odisha States	
Indonesia	Association of Forest User Groups at the provincial level	Community Forestry Communication Forum
Lao PDR	None	Community Support Knowledge Association
Malaysia	None	
Myanmar	None	Myanmar Environment Rehabilitation-conservation Network (MERN) and Food Security Working Group
Nepal	Federation of Community Forest Users Nepal	
Philippines	National Federation on Community-Based Forest Management – Peoples Organizations	
Papua New Guinea	None	
Thailand	None	National and regional networks
Viet Nam	None	Social Forestry Network

## Civil society organizations: Significant support but limited influence

CSOs have limited influence over community forestry at the regional level, although this varies tremendously among the 14 countries. They include a variety of organizations, ranging from grassroots-based membership associations to urban-based NGOs, consultancy-type organizations run by retired government officials and internationally networked advocacy groups.<sup>22</sup> Their influence is high or very high in five countries, an influence often symbolized through the visible roles assumed by particular individual champions (as noted in chapter 5). At the same time, their influence is weak in three countries. This is related to differences in national political systems, some of which enable civil society activity while others discourage it (see chapter 7 for further discussion of CSOs).

<sup>22</sup> This report treats CSOs as distinct from community organizations. CSOs include all types of non-profit and non-government organizations that seek to promote public interests and benefit groups of people other than their members. Community-based organizations and forest people's associations are included under communities because they primarily seek to benefit their members. CSOs may be small or large, registered as independent legal organizations or under the umbrella of a government organization and funded by government, international donors, domestic foundations or donations.



#### **Box 6.4 Significance of forest people's associations in Nepal and Thailand**

The Federation of Community Forest Users Nepal (FECOFUN) has emerged as a strong institution with the ability to influence central and local governments and to provide practical assistance to local forest user groups. FECOFUN claims to represent more than 18 000 groups, encompassing 1.7 million ha of forest and 2.2 million households and maintains a nationwide network of chapters down to the district level. Its membership base and nationwide organization have made it a key player in policy debates on community forestry in Nepal. FECOFUN has successfully lobbied for the scaling up and expansion of community forestry and fended off repeated attempts by the Department of Forests to limit the tenure rights and decision-making powers held by the forest user groups.

There is no comparable organization in Thailand. In fact, Thailand lacks any kind of formal national association that would represent forest people's interests in policy debates and provide practical assistance to communities managing forests nationwide. However, regional associations, such as the Northern Farmer Network, the Assembly of the Poor and Traditional Fisherman Association of Thailand, have included communities' rights to forests among their demands. Nevertheless, community forestry has failed to make any progress in Thailand. Even though a Community Forestry Bill was introduced to Parliament in 1996, it never developed beyond the draft stage and was eventually dropped in 2007.

Source: Personal observations by the authors.

CSOs are generally very supportive of community forestry even though some CSOs have vocally opposed community forestry out of concern over downstream effects or biodiversity conservation – notable examples are in Cambodia, Philippines and Thailand. CSO support for community forestry originates not only from those seeking to promote sustainable forest management and community development, which is expected, but also from other quarters of civil society, which perceive community forestry as conducive to their goals. Community forestry overlaps with the agenda of many CSOs, whether they define that agenda around sustainable forest management, community development, human rights, gender equality, indigenous peoples' rights or good governance. Still, some CSOs have mounted opposition to community forestry, such as in the Philippines, the only country in the analysis in which CSOs oppose community forestry in the aggregate (even though there are some that are vocal supporters of communities' rights to forest land and forests).

#### **Private sector: Opponents with limited influence**

The private sector is strongly opposed to community forestry, even though it includes a variety of actors with forest interests, from logging companies to small traders and financial institutions (figure 6.1). Private logging and plantation companies compete with communities over forest land and the distribution of benefits derived from forest management. The relations between them are often antagonistic, causing communities to engage in hidden forms of sabotage or open protest against private companies. Companies, in turn, tend to operate on the premise that a more inclusive, people-oriented approach conflicts with their profit-making objectives, unless they are legally required to consult communities and share their revenues with them, as in Papua New Guinea (chapter 3).

The private sector wields little influence over community forestry at the regional level, even though it may be in a powerful position in some countries, such as Cambodia and Indonesia (figure 6.1). Across the region, the private sector has nearly as little influence as communities. Its low influence reflects the continuing dominance of the State as the primary owner of forest land: Governments own more than half of the region's forest land, whereas the private sector holds only 9 percent (chapter 2). Even though private companies manage a larger share of the region's forest land under temporary lease contracts, governments continue to exert strong influence over their operations by way of the concession system (box 6.5). Thus, central governments and forestry agencies exert more leverage on community forestry than the private sector, which depends on the actions of governments and ministries to a large extent.

### Box 6.5 Economic land concessions in Cambodia

Cambodia's Land Law allows the granting of land concessions to private companies for purposes of economic development. As of 2011, there were 117 economic land concessions covering more than 1 million ha, according to government statistics. The Government justifies the concessions with the goal to develop agricultural and industrial-agricultural activities that require initial capital investment and makes investors sign agreements on appropriate land management during and after the concession period. The expectation is that sound investments would create rural jobs and raise government revenues.

Economic land concessions have benefited local people in the form of infrastructure development, employment and improved education and health services. However, governance failures have resulted in many conflicts between investors and communities, including claims of human rights abuses. Few of the concessions' material benefits have trickled down to the community level. The Cambodian League for the Promotion and Defense of Human Rights has recorded 654 disputes involving the land of about 400 000 people since 2003. Moreover, economic land concessions are sometimes in direct competition with community forestry when the Government issues overlapping licenses for the same land. The rapid expansion of economic land concessions compared with the slow progress made in community forestry reveals a disconcerting nationwide trend and suggests that the Government favours investors over communities.

Source: Cambodia Daily, 2012; Dhialhaq et al., 2013.

## Other stakeholders with importance in some countries

In addition to the six stakeholders just spotlighted, there are four others with importance within certain countries, although they do not have a critical role at the regional level. One is the **media**, with some professionals who have gone beyond reporting about community forestry in a neutral manner to being active agents. They make choices about the topics covered and the voices represented at the provincial and national levels (box 6.6). Newspapers, television, radio, magazines and the Internet can shape public perceptions of environmental and social issues as well as help determine the influence of different stakeholders. Yet, the media stance on community forestry is ambivalent. For example, media reports on indigenous peoples and ethnic minorities are often rife with cultural stereotypes. Environmental issues of concern to urban populations, such as floods and landslides, are often blamed on communities engaging in destructive land management (Forsyth and Walker, 2008).

### Box 6.6 Media coverage of REDD+

National media report on forestry matters in different ways but also display disconcerting shared tendencies, as illustrated by REDD+ coverage in Nepal, Papua New Guinea and Viet Nam. In Nepal and Papua New Guinea, the coverage has been dominated by opinions of policy-makers and experts, with voices of communities and traditional landowners somewhat absent. Viet Nam's media mostly give voice to government officials and the staff of international organizations, reflecting tight government control over media in the country. The media in all three countries rarely report communities' views, limiting their influence on public debate, policy design and implementation. The challenges of capturing the opinions of communities are related to various issues, including costs (it is cheaper to interview those based closer to media offices) and communication (the challenge of communicating with forest communities whose mother tongue is often not the language of the journalists) in addition to a general lack of tradition to listen to grassroots opinions.

Source: Babon et al., 2012; Khatri et al., 2012; Pham, 2011.

**Universities and research institutes** are a stakeholder of significance in some countries. Although they are broadly supportive of community forestry, their influence is limited at the regional level. Many countries now have universities and institutes providing training and research on community forestry or social aspects of forest management in addition to natural science and technical elements. Additionally, universities and research institutes in some countries offer extension services for forest communities and government staff. Academics' and researchers' influence is confined to indirect means in some cases.

### Box 6.7 The role of academics in Indonesia and Thailand

Academics in Indonesia established the Indonesian Communication Forum for Community Forestry in 1997, which has contributed to public consultations on the development of community forestry. Especially after the downfall of the Suharto regime, the Forum provided an effective means to advocate on behalf of communities. Building on insights from collaborative research with communities, the Forum published in 1999 the flagship *The Right Starting Points Towards a New Era for Indonesian Forestry*. It lays out a vision for forest management that is based on democratic, just and participatory principles.

Academics in Thailand lobbied for the development of supportive legislation by way of broad-based consultations in the early 1990s. They participated in the drafting of the Community Forestry Bill in 1996 at the invitation of a new democratic government, and their request for involving representatives from a wide range of stakeholders, including NGOs and grassroots communities, met success. Even though the Bill has yet to be approved by Thailand's Parliament, its history attests to the important role that academics can contribute in the development of community forestry.

Sources: Fay and Sirait, 2002; Johnson and Forsyth, 2002.

**Local governments** enjoy limited influence over community forestry despite the decentralization efforts across the region. District and provincial governments are considered as weak supporters of community forestry. Overall, local governments have reacted to the new powers received under decentralization reforms differently. Some have endorsed transfers of forest land to communities, backed up communities' demands for consultation on concessions and welcomed CSOs and international donors promoting community forestry. Others have largely served the interests of private logging concessionaries and palm oil plantations, often with local politicians deriving personal advantages from the deals (Colfer et al., 2008).

**Courts** are substantial stakeholders of community forestry in a few countries, even though their importance is low at the regional level. They have weak influence over community forestry and are relatively ambivalent in their stance towards it. The reasons for the ambivalence are related to communities' generally weak access to courts as well as the general bias against communities' interests in forest-related legislation. Communities are generally in a much weaker position regarding the judiciary than other agents, such as government organizations, private companies and international conservation NGOs. Yet, court decisions have provided crucial impetus to community forestry in a few countries where communities received support from CSOs, pro bono lawyers or international human rights organizations. In Malaysia, for example, indigenous peoples successfully resorted to the courts to seek recourse for land conflicts on the basis of their customary rights to forest land (box 6.8). In May 2013, Indonesia's Constitutional Court provided a major boost for the recognition of customary forest tenure by removing customary forests (*hutan adat*) from the state-designated forest zones. Implementation of court rulings remains a tremendous challenge, particularly when they cite government action as the main problem. Governments are unlikely to display much effort at guaranteeing forest people's rights when they are the very violators of such rights, even if courts have ruled in forest people's favour.

### Conclusion: The importance of central government and civil society

Central governments are critical for the development and expansion of community forestry in the Asia-Pacific region. Prime ministers, presidents, national parliaments and politicians and top-level party organs in party-states assume important roles in many countries and are often more critical players than the ministries in charge of forestry. Governments have a role because the imperative of community forestry goes much beyond the forest sector. Community forestry is also about community development, human rights, gender equality, indigenous rights and good governance – all matters of immediate interest to top-level government officials. The importance of central governments as contemporary stakeholders matches their historical roles as champions or insurmountable opposition for some countries.

Following central governments, CSOs are considered as immensely critical towards the strengthening of community forestry. Civil society has grown strongly throughout the region, a growth that has enabled the emergence or expansion of CSOs in many countries. CSOs may take different forms, from grassroots-based membership associations to organizations run by retired government officials, yet they generally provide a new voice in support of communities, with potentially considerable influence over policy and practice. Similar to central governments, CSOs find community forestry compatible with multiple agendas seeking to empower rural people.

The importance of central governments and CSOs reflects the consequences of the broader transformations affecting the region. The democratization of political life implies that forestry issues are no longer considered simple technical matters left in the hands of forest ministries and technical agencies. Forestry is increasingly viewed as connected to human rights (including indigenous peoples' and women's rights) as well as good governance and thus is a political issue to be dealt with through democratic procedures. Similarly, community forestry has moved to the intersection of national and global politics. For example, most governments in the region have signed the United Nations Declaration on the Rights of Indigenous Peoples, which means that the recognition of indigenous peoples' demands for forest land is no longer merely a national matter. Indigenous peoples can now refer to transnational conventions or agreements and enlist the support from international advocacy organizations to pursue their demands for the transfer of tenure rights on forest land.

International donors are equally attributed an important role in advancing community forestry. They currently combine a supportive stance towards community forestry with considerable influence over forestry policy and practice. At the same time, many bilateral donors are in the process of withdrawing support from countries with strong economic growth rates, such as India and Viet Nam. Countries graduating from low-income to middle-income status are no longer eligible for the most advantageous loans offered by multilateral donors. Additionally, China is becoming an important source of public and private investment in poor countries of the region, such as Cambodia, Lao PDR and Myanmar, affecting traditional donors' influence.

The critical significance of central governments and CSOs calls for a closer examination of the roles they can have in the development of community forestry in the region in the coming years.

#### **Box 6.8 The Sagong Tasi case and the courts in Malaysia**

Several Temuan (aboriginal people in Malaysia) families were evicted from land that was used for the construction of a highway in 1995. The evicted families received only minimal compensation for the loss of fruit trees, crops and homes – but not for the land upon which they resided. The families sued the Selangor state government, the federal Government, the highway authority and the private construction company, arguing for the recognition of native title and their compensation. Part of the land in question had been gazetted as aboriginal land under the Aborigines Peoples Act of 1954 while another part had remained non-gazetted due to persistent inefficiency within the Department of Orang Asli Affairs (now the Department of Orang Asli Development).

The presiding judge affirmed that the aboriginal families held native title to the gazetted land. He ruled that when native title was revoked, it warranted the same compensation awarded to other holders of land titles in accordance with the Land Acquisition Act of 1960. His judgement was subsequently upheld and extended by the Court of Appeal judge who ruled that the Aboriginal Peoples Act possessed human rights statute. The judgement resulted in the Act being modified to make it the duty of the State authority to ensure fair compensation. They also ruled that the Selangor state government had violated its duties by failing to gazette the Orang Asli lands and that the families were entitled to compensation for the non-gazetted land in the same way as for gazetted land.

The 59-page judgement of the Court of Appeal judge is more than just an affirmation of the rights of the Orang Asli to their traditional lands. It was a condemnation of the way the Orang Asli had been treated by the authorities. In his judgement he wrote, "Here you have a case where the very authority – the State – that is enjoined by the law to protect the aborigines, turned upon them and permitted them to be treated in a most shoddy, cruel and oppressive manner."

Source: Crook, 2005 and Nicholas, 2005, p. 40.





## The difference civil society can make

Community forestry has increasingly become a concern to civil society in the Asia–Pacific region over the past decade. It is of interest not only because of its contributions to sustainable forest management but also because community forestry overlaps with other concerns. Civil society organizations have taken up community forestry or engaged in related work out of covering poverty alleviation and adaptation to climate change, human rights, indigenous peoples, gender inequality, nature conservation, conflict transformation, rural development and good governance. The links between community forestry and CSOs could be strengthened further. CSOs active in many fields have much to gain by better understanding the multidimensional nature of community forestry and making it an integral part of their agenda.

Additionally, CSOs can support community forestry in manifold ways. CSOs have traditionally not been considered a primary source of support for communities managing forests due to their limited capacity and influence. The focus has been towards agencies in charge of forestry for their presumably strong capacity and high influence. Yet, CSOs already support community forestry and can be an important contributor in the further development of community forestry in the region.

### How community forestry connects with wider civil society concerns

The following elaborates on six ways in which community forestry overlaps with CSO's interests.

**Community forestry can make important contributions to forest people's livelihoods and adaptive capacity to climate change.** Forests are not only vital sources of income and subsistence in many cases but provide protection against natural disasters. For example, mangrove forests protect many coastal communities against storms and provide a rich habitat highly diverse in fauna and flora. Giving communities strong tenure rights to forests and active control over forest management thus contributes to economic development and strengthens their adaptive capacity to climate change. It allows communities to use the forests in concordance with their income and subsistence needs and manage them to provide critical protective functions. CSOs working on rural development and climate change adaptation thus have taken up community forestry, such as Thailand's Raks Thai Foundation (box 7.1).

#### Box 7.1 Raks Thai Foundation in Thailand

Raks Thai Foundation is a CSO working on building communities' resilience to climate change in Thailand. It demonstrates how community forestry can be part of a broader strategy to strengthen communities' adaptive capacity to climate change. As part of Care International, Raks Thai emphasizes community empowerment as a key element in enhancing community capacity. It works with coastal communities in the South of the country, where mangroves are vital to livelihoods, and highland communities in the North, where forests provide a source of subsistence and income. It employs participatory methods to raise awareness of the impacts of climate change and to single out coping strategies to address the negative impacts. This enhances communities' capacity to communicate the impacts of climate change to local authorities and to participate in decision-making processes affecting them. It also allows Raks Thai to engage with government organizations from the district to national levels on disaster risk reduction strategies and the integration of climate change adaptation into development planning. Raks Thai receives support from various local, national and international organizations, such as the International Union for Conservation of Nature and the Stockholm Environment Institute.

Source: Limsamarnphun, 2012; Raks Thai, 2011 and 2013.

**Giving communities strong tenure rights and active control over forest management helps to address the root causes of human rights violations.** Forests are often sites where human rights violations occur. For example, protected areas are zoned without consideration of the impact on local livelihoods or consultation of the affected population. Large land concessions are allocated even though they threaten local people's subsistence, and local people's views are not heard before the decision is made. If communities hold strong tenure rights, then forests cannot be simply zoned off as protected areas or private land concessions. If local people exercise active control then their decision-making powers over forest management cannot be easily overridden by external actors. CSOs promoting adherence to human rights standards have thus turned to community forestry in their efforts to protect communities' rights, such as the Cambodian Human Rights and Development Association and the Community Legal Education Center in Cambodia (box 7.2).

#### **Box 7.2 Advocacy for community forestry and human rights in Cambodia**

Human rights organizations in Cambodia have come to understand that rights to forest land and forest resources should be a key concern to them. Dispossession from forests by private land developers or corrupt state officials is an important source of human rights violations in the country. Organizations such as the Cambodian Human Rights and Development Association and Community Legal Education Center have learned how they can link up with grassroots activists and communities to promote community forestry for the protection of forest people's human rights. Without their assistance, community forestry activists have often encountered insurmountable hurdles facing powerful adversaries, such as private companies interested in land concessions. Yet given suitable legal assistance, some communities have overcome powerful opposition and successfully demanded recognition of their forest rights.

Source: Ratner and Parnell, 2011.

**Community forestry can contribute to the recognition of indigenous peoples' rights, including not only their tenure rights but also political rights of self-determination and cultural rights of forest management.** Many indigenous peoples attach tremendous importance to forests, although for various reasons. Forests may encompass high cultural value to them, and they may value managing forests according to their own traditions, knowledge and lifestyles. Forests may also cover extensive parts of the territory in which they have lived historically and for which they today demand participation in governance. It can also provide a platform to enable negotiations among multiple stakeholders with possibly overlapping or conflicting demands on forest land or forest management. CSOs advocating on indigenous peoples' behalf have recognized the significance of community forestry as a measure to implement indigenous rights, such as those working with Lumads in the southern Philippines (box 7.3).

#### **Box 7.3 Giving voice to indigenous peoples in the Philippines**

CSOs provide a channel for indigenous peoples' rights in the Philippines. They increase the awareness among indigenous communities of their political rights and advocate on their behalf in public and with government officials. The CSO support is critical because the recent surge in mining and other resource extraction activities has intensified the pressure on indigenous peoples' ancestral lands.

For example, the Lumads in southern Mindanao oppose the operation of the Sagittarius Mines that encroaches on their ancestral domain, which has been formally recognized by the Philippine Government in the Certificate of Ancestral Domain Titles. A number of Lumads have even been killed pursuing their rights. The Lumads see their survival at stake because the land claimed by the mine and the management of the forest on it have been an essential part of their culture, identity and livelihoods. They found allies in various CSOs in Mindanao that oppose large-scale land grabbing by foreign mining companies on the basis of the Indigenous Peoples Rights Act. The CSOs, including church-based organizations and NGOs, have attracted international support for the Lumads' plight, staged protests against the mining companies and engaged in political and legal advocacy in support of the Lumads' rights.

Source: Sunstar Davao, 2012.



**Community forestry can confront critical gender inequalities.** Forestry-related gender inequalities relate to issues within the household, such as the division of labour (for instance, who collects fuelwood?), the distribution of benefits (who benefits from the money made from harvested trees?) and participation in decision-making (who decides which tree species to be planted?). They also relate to issues outside the household; in particular, women's membership in forest management groups, employment in government agencies, participating in decision-making over forests and share in total benefits derived from forests. CSOs committed to gender equality have taken up work on community forestry as a way to address gender inequalities, such as Vasundhara, which helped women appeal for assistance from their state government in a forest-related matter (box 7.4).

#### **Box 7.4 Women mobilize for forest rights in India**

Women in India's Ranpur block of Odisha (formerly known as Orissa) State have long resented the obstacles to their earning income from selling the leaves of the kendu tree. Even though the Indian Government nationalized the trade with kendu leaves, there was no government-run collection centre in Ranpur. The women were forced to conduct illegal sales with private traders. Repeated attempts to enlist the support from forest officers or the local federation of villages involved in forest protection failed. In reaction, the CSO Vasundhara helped the women take their demands to the state government. Thousands of women staged two rallies in 2001 and 2004 to publicize their demands, and 19 women organized a seven-day sit-in in front of the State Assembly in 2005. The women's protests eventually met success when the state government opened a collection centre for kendu leaves in Ranpur.

Source: Singh, 2011.

**Community forestry can be an important element in the conservation of nature and biodiversity.** Forest management is closely related to nature conservation, not only conceptually but also in practice. Forests constitute an important part of conservation zones, and a large share of the Asia-Pacific region's remaining natural forests lie in protected areas. Yet, CSOs concerned with nature conservation have been divided about the relationship between community forestry and nature conservation. Some have vocally articulated their stance that communities have to be excluded from protected areas because local interests in use are diametrically opposed to global conservation interests. Others have developed forms of co-management between state agencies, international conservation organizations and communities on the premise that local and global interests can be brought together. An example of the latter is Thailand's Seub Nakhasathien Foundation, which seeks to give communities limited use rights and involve them in forest management (box 7.5). CSOs committed to nature conservation may benefit from reaching out to communities as equal partners.

#### **Box 7.5 From exclusion to engagement: The Seub Nakhasathien Foundation in Thailand**

Thailand has experienced intense debate among CSOs over communities' role in nature conservation. Some CSOs believe that people should be excluded from protected areas, while others emphasize the importance of not resettling people and instead involving them in the management of the protected areas. The debate came to a peak in 1996, when the Community Forest Bill was submitted to the Parliament with support from many CSOs. Some CSOs opposed elements of the Bill because they perceived them as a threat to nature conservation. The Seub Nakhasathien Foundation was one of the opponents. Since then, it has radically revised its stance on community management and now believes that people are vital to protecting forests. The Foundation now implements a Joint Management of Protected Areas project in 24 protected areas throughout the country, seeking to engage communities as stewards of nature conservation.

Source: Siriraksopon, 2011; personal correspondence with Sasin Chalermklarp, Secretary-General of Seub Nakhasathien Foundation, 2012.

**CSOs promoting good governance have developed an appreciation of the relationship between community forestry and their concerns.** The forest sector continues to be characterized by entrenched governance problems due to a lack of transparency, accountability and rule of law across the region, as much as elsewhere. This has prompted the European Union and the United States to use trade instruments to promote good governance in the forest sector, such as the Forest Law Enforcement, Governance and Trade initiative discussed in chapter 8. These initiatives have expanded the interest of CSOs active on governance, such as Transparency International Indonesia (box 7.6) to call for improvements in the transparency and accountability of the agencies in charge of forestry as well as other government units and private businesses involved in forest management and the trade with forest products. Their demands for strengthening communities' rights are fully compatible with the community forestry agenda, in particular the recognition of communities' tenure rights and decision-making powers.

#### **Box 7.6 Transparency International Indonesia**

Transparency International launched a Forest Governance Integrity programme in 2009 to raise awareness among global and regional stakeholders of the need to address corruption in the forest sector. It also developed a risk analysis and monitoring framework to help governments and CSOs identify corruption risks and analyze prevention measures. Indonesia's national chapter has successfully lobbied the Ministry of Forestry to make transparency a priority, has performed a risk analysis and has developed a strategy for determining suitable prevention measures. Transparency International Indonesia was also appointed lead coordinator of the Timber Legality Monitoring Group.

Source: [www.transparency.org/country#IDN\\_Chapter](http://www.transparency.org/country#IDN_Chapter).

### **How CSOs can support community forestry**

Even though they may be constrained in their human and financial resources, CSOs can promote community forestry in ways not possible for other stakeholders. Small interventions can generate huge impacts if they are targeted in a suitable manner, as the following demonstrates.

**Raise awareness:** CSOs can increase the awareness of communities about external opportunities and threats. For example, they can inform communities about their rights enshrined in law, such as India's Forest Rights Act. They can alert them to resources supportive of community forestry, such as training courses and microfinance schemes. They can alert them to private sector plans that affect their community, such as mining concessions located in neighbouring forests. CSOs also can expand communities' knowledge about the rights guaranteed to them in a country's constitution or laws, such as the right to be consulted about public interventions affecting them. Another area in which CSOs have already made important inroads is climate change, having helped many communities to understand the potential impacts of biophysical risks, suitable adaptation responses and the possible effects of forest-based climate mitigation actions (box 7.7).

#### **Box 7.7 Center for Sustainable Development in Mountainous Areas in Viet Nam**

Viet Nam's Center for Sustainable Development of Mountainous Areas has expended great effort to raise awareness among the country's ethnic minorities about climate change. The Center has worked with communities since 1998 and facilitated Viet Nam's Thai Indigenous Knowledge network. It took up work on climate change a few years ago, producing a small booklet titled *What is REDD? A Guide for Indigenous Communities in Vietnamese and Thai languages*, with support from the Asia Indigenous Peoples Pact. The booklet seeks to help ethnic minorities understand what REDD+ is about and how it relates to the recognition of indigenous peoples' collective rights. It uses plain language, illustrations and photos to make the text accessible to villagers.

Source: [http://ccmin.aippnet.org/index.php?option=com\\_content&view=article&id=6&Itemid=9](http://ccmin.aippnet.org/index.php?option=com_content&view=article&id=6&Itemid=9).

**Develop capacity:** Communities require support to manage their forests in sustainable, efficient and equitable ways. The required support includes technical aspects, such as simple procedures for forest inventories and silvicultural interventions as well as organizational features, such as procedures for transparent decision-making or bookkeeping. Communities also require significant support if they want to benefit from participation in external programmes. This is particularly true for governance interventions that come along with highly technical language and complicated procedures, such as REDD+ (box 7.8).

### **Box 7.8 Community forest management in Papua New Guinea**

The Nature Conservancy (TNC) has worked with local government and communities in the Madang area of Papua New Guinea since 1997. It received funding from the International Tropical Timber Organization in 2006 to help the local government pass a landmark decision on environment and conservation and provide concrete assistance to communities. TNC has helped communities develop land use management plans and conservation agreements to increase their influence on forest management in a country in which local people may hold strong tenure rights to forests but no decision-making powers in forest management.

Source: Interview with Francis Hurahura, Director, PNG Forest Program, The Nature Conservancy, 2013.

**Transform conflicts:** CSOs have contributed to the transforming of conflicts, some of which involved forests. Their role can be expanded due to the high incidence of conflict in the region's forests. Communities are regularly in direct competition with private companies logging local forests, as in Indonesia, or state enterprises managing forest land to which they assert customary rights, as in Viet Nam. They also compete with each other over forests because the boundaries between adjacent communities are often not clear. Such competition can erupt into open conflict or cause other negative consequences if not addressed. It can even turn into a catalyst for positive change if the involved parties receive suitable assistance, such as the Community Forestry Network in Cambodia (box 7.9).

### **Box 7.9 Transforming conflicts between communities and miners in Cambodia**

Community Forestry Network representative Chhorn Chhoeun successfully helped the transformation of a potentially violent conflict between seven community forest agreement holders and a mining company in Cambodia's Kampong Thom Province. The communities had been granted Community Forestry Agreements by the Forest Administration. The company, in turn, received a permit to assess the feasibility of oil exploration in the same area and wanted to clear a 3 metre-wide strip of forest for its survey, something that the communities opposed. With support from the Centre for People and Forests (RECOFTC), the local Forest Administration department, other local government offices and local NGOs, the Network helped the communities to negotiate with the company. All parties eventually agreed that the company must compensate the affected communities for the trees cut in the strip by paying into their community forestry development fund. The case highlights not only the role of CSOs but also the significance of strong forest tenure rights. If the communities did not possess such rights, they would have had a much more difficult time to negotiate with the company on a level-playing field and to transform the conflict.

Source: RECOFTC Cambodia Country Office.

**Generate knowledge:** CSOs help increase the knowledge base on community forestry. This includes its current status together with detailed insights into the practices employed by communities for managing forests, which remain major information gaps in many countries. It also applies to knowledge about suitable measures to improve community forestry through community-led initiatives or outside interventions. Government-funded or private universities and research institutes have a fundamental role in this, as highlighted in the stakeholder analysis of chapter 6. In addition, CSOs can take on important roles in the generation and dissemination of knowledge on community forestry, such as ForestAction Nepal (box 7.10).

### **Box 7.10 ForestAction Nepal**

ForestAction has developed into a critical source of information and analysis on forestry matters in Nepal since its establishment in 2000. The think tank has found national and international recognition for its research, policy advice and consulting services on natural resources and livelihood issues in Nepal, in particular action research conducted in collaboration with communities and other CSOs. Many of its staff members have a PhD from international universities. ForestAction publishes the Journal of Forest and Livelihood to disseminate research findings on forests, land use and livelihoods and facilitate dialogue among professionals, activists, researchers and policy-makers.

Source: [www.forestaction.org/](http://www.forestaction.org/).

**Enable communities' opinions to be heard:** CSOs can contribute to the further development of community forestry by helping communities integrate their views into public debate and decision-making. Communities face hurdles when they seek to influence government decisions, request access to public information, submit legal cases to a court or approach private companies, even if at the local level only. These hurdles become insurmountable barriers for community representatives who want to participate in public debate or governmental decision-making at the national or transnational level unless they receive support from CSOs. CSOs can advocate on communities' behalf at local, national and transnational levels to counterbalance the influence of other, more powerful stakeholders, such as the private sector or international conservation organizations. Their support is critical for defending the statutory tenure rights granted to communities against competing claims, as illustrated by the example from the Philippines in box 7.3. It is also important in enabling community representatives to voice demands for the recognition of strong tenure rights to forest land and to strengthening their decision-making powers over forest management, as indicated by recent experience in Indonesia (box 7.11). In Thailand, as pointed out in box 6.8, academics have taken on critical role as public advocate for communities' interests in forest policy debates.

#### **Box 7.11 The CSO roadmap on forest tenure reform in Indonesia**

In 2011, 15 Indonesian CSOs developed a roadmap on forest tenure reform in reaction to the Government's commitment to pursue such reform (see box 8.1). The roadmap (titled *Towards Tenure Certainty and Justice: Indonesian Civil Society Groups' Views on Land and Forest Tenure Principles, Prerequisites and Policy Reform Measures in Indonesia*) defers to communities' demands for the recognition of customary forest tenure and control over forest management. The CSOs submitted the roadmap to the Ministry of Forestry in 2011. The Government officially responded in 2012 with a national task force to develop legal reforms that would recognize customary forest tenure rights, resolve conflicts over forest land and expand community forestry in the country.

Source: Rights and Resources Initiative ([www.rightsandresources.org/impact\\_stories.php?id=2](http://www.rightsandresources.org/impact_stories.php?id=2)) and personal observation from Ganga Ram Dahal, a contributing author to this report.

**Monitor private sector and government actions:** Lack of transparency and accountability remain entrenched features of public and private forestry operations across the region. In reaction, central governments have enacted legal and administrative reforms to improve the accountability of forest officials, such as by improving access to public information. These measures, however, will only generate the desired effects if CSOs take on an additional, complementary role as watchdogs, highlighting failures of government officials and private actors to comply with the law. *Telapak Indonesia* is a CSO that has shown the complicity of government officials and involvement of state-owned forest enterprises in illegal logging not only in Indonesia but in other countries, such as Viet Nam (in collaboration with the Environmental Investigation Agency). Other important CSOs assuming watchdog functions in the region are the activist groups organized under the umbrella of Friends of the Earth International, such as Friends of the Earth Malaysia (box 7.12).

#### **Box 7.12 Sahabat Alam Malaysia (Friends of the Earth Malaysia)**

Sahabat Alam Malaysia has been at the forefront of a legal struggle in defence of communities' customary rights to land and forests in Sarawak, which are threatened by the construction of the Bakun Hydro-Electric Dam. Founded in 1977 and aligning with Friends of the Earth International in 1983, Sahabat Alam Malaysia has helped indigenous peoples to fight a 1997 decision by the state government of Sarawak to evict around 10 000 people from their native homeland and cancel their native customary land rights. It helped five longhouse communities, including some 100 families, to initiate legal action against the state government in 2000, starting a prolonged legal struggle. The CSO assisted the communities to prepare their case by producing maps, documenting oral histories, searching archives for old documents showing the location and timing of settlements, gathering evidence on the ground, recording customs and compiling expert testimonies. After losing at the state's High Court in 2008 and the Court of Appeal in 2010, the communities were granted the right to appeal to the Federal Court and are continuing their struggle.

Source: [www.foei.org/en/who-we-are/about/40th-anniversary/google-map-groups/malaysia-defending-native-customary-rights](http://www.foei.org/en/who-we-are/about/40th-anniversary/google-map-groups/malaysia-defending-native-customary-rights).

**Organize and connect communities:** CSOs are catalysts and facilitators of grassroots networks within countries. They can assist communities to develop links with each other within a region or across regions. They can provide practical support for communities' representatives to connect to relevant government officials, other CSOs and the media at the national level. They can attract government and donor finance and make them available to communities for investment in forest management. CSOs also can help to connect communities with relevant private sector activities, for example by acting as intermediaries in microfinance programmes or improving communities' position in forest product markets. The stakeholder analysis presented in chapter 6 made the case for such interventions: Few of the countries in the region possess robust networks of communities involved in forest management, such as FECOFUN. How well CSOs are positioned to operate as catalysts and facilitators of grassroots networks is illustrated by recent experience in Viet Nam (box 7.13).

#### **Box 7.13 Forest Land Rights Network in Viet Nam**

The CSO Culture, Identity and Resource Use Management (CIRUM) has been an important catalyst for grassroots organizing on forest land rights in Viet Nam. CIRUM assists ethnic minority communities in conflicts over forest land, conflicts that often pitch them against powerful state enterprises or private companies. The CSO facilitates conflict mediation between the parties and acquires the required assistance from the local government to legalize the outcomes. In addition, the CSO has helped to set up the Forest Land Rights Network as a platform for affected communities to establish links with each other and voice their demands for the recognition of customary land rights. CIRUM has documented local conflicts and measures of conflict transformation for dissemination nationwide and invited community representatives to Hanoi to meet with government officials in charge of forest tenure and state enterprises.

Source: Personal observation from Thomas Sikor, an author on this report.

**Facilitate transnational networks:** Just as within countries, CSOs can help communities to establish links and organize at the regional level. Communities' causes overlap to a sufficient degree to warrant the exchange of information and experience on community forestry, such as effective measures available to communities against illegal logging. In addition, communities benefit from participating in regional discussions and consultations. Even though forest policy has traditionally been concentrated at the national level, regional representation is becoming increasingly important due to the embrace of forest issues by the Association of Southeast Asian Nations, as reflected in the ASEAN Social Forestry Network, and the rising importance of global initiatives, such as REDD+ and the Forest Law Enforcement, Governance and Trade. Regional networks of communities managing forests remain limited to the Asia Indigenous Peoples Pact (box 7.14) and the Global Alliance of Community Forestry, whose secretariat is in Nepal.

#### **Box 7.14 Asia Indigenous Peoples Pact**

Asia Indigenous Peoples Pact (AIPP) has gained Special Consultative Status with the United Nations Economic and Social Council. It brings together 47 members from 14 countries in the Asia-Pacific region. They include 11 national networks and 36 subnational organizations representing indigenous peoples' interests. Indigenous peoples' activists founded AIPP in 1988 to facilitate exchange and disseminate information across national borders, network indigenous peoples' associations and grassroots organizations across the region and engage in advocacy at the national, regional and international levels. Even though community forestry does not figure explicitly in its agenda, many of its objectives directly connect with community forestry and many of its members are engaged in it. For example, AIPP implemented a programme to raise communities' awareness of REDD+ as a potential source of support as well as possible threat to their forest rights.

Source: [www.aippnet.org](http://www.aippnet.org)

## Conclusion: CSOs have much to gain by supporting community forestry

Community forestry often overlaps with the interests of CSOs working in many fields. It serves the aims of CSOs working on economic development and adaptation to climate change, promoting human rights, supporting indigenous peoples' rights, enhancing social rights (including gender equality), aiming to conserve nature and strengthening governance. CSOs in all these fields can strengthen their work by supporting community forestry and using community forestry as a platform for promoting multiple agendas.

Even though their financial and human resources may be limited, CSOs can assume important functions not taken on by others. They can help expand communities' awareness of external opportunities and threats, develop their skills in forest management, transform conflicts between communities and other parties, generate appropriate knowledge, help communities to organize and to participate in public debates and decision-making processes, monitor the practices of government officials and other powerful actors and facilitate transnational networks.

There are apparent differences in political systems and donor support between countries that shape the possibilities for civil society activity. On one side are such countries as India, Indonesia, Nepal, Philippines and Thailand that possess a vibrant civil society. CSOs have grown rapidly in number and influence over the past decades due to an accommodating political system and significant assistance received from international donors; they have majorly contributed to the strong development of community forestry over the past three decades. On the other side are countries such as China, Lao PDR, Myanmar and Viet Nam where the activities of CSOs are small in scope, oriented more towards practical action, engaged less in political advocacy and typically less visible to international observers than in India, Philippines and comparable countries. But even in those countries, there is a discernible trend of democratization.

Community forestry is sufficiently adaptive to serve as a suitable vehicle for progressive change in all countries regardless of their political systems. In countries with a strong civil society, it may primarily function as a symbol for political advocacy and grassroots organizing. For example, community forestry has provided a rallying ground for CSOs in Thailand to advocate for the rights of ethnic minorities and other disadvantaged rural people. In countries with a civil society limited in scale and scope, community forestry provides a template for practical interventions and proposals for forest policy reforms. This is one of the reasons, for example, why Myanmar's Forest Department has taken new steps to scale up community forestry and allow CSO involvement in its experimenting.







# The fundamental roles of central government

Central governments can provide incisive support to the further development of community forestry in the Asia–Pacific region in the coming years. They have good reason to promote community forestry as a central pillar of forest management, as shown in chapter 4. They can make direct contributions by expanding the forest land in the possession of communities and enacting legal reforms that enable communities to assume active control over forest management. Central governments also can provide indirect support by integrating community forestry into forest policy initiatives and instruments, in particular REDD+, the Forest Law Enforcement, Governance and Trade and the payments for environmental services initiatives and the policy on tree plantations.

Additionally, community forestry can be a vehicle for central governments to achieve various goals beyond the forest sector, although it requires that communities hold strong tenure rights to forest land and active control over forest management. The development of community forestry can help governments in their wider efforts to improve local livelihoods, adaptive capacity to climate change, governance, indigenous peoples' rights, social inequalities (including gender), human rights and grassroots democracy.

Community forestry allows central governments to attain multiple benefits simultaneously due to its cross-cutting nature as an environmental, economic, social, political and cultural initiative. The emphasis in this chapter is on laying out a synergistic and comprehensive vision of community forestry as a cornerstone in a central government's approach to improving conditions for rural people and in rural areas. It does not provide any specifics on how community forestry can be promoted, integrated with new policy initiatives or included in wider government efforts, which have been covered in many reports (see Arnold, 2001 and O'Brien et al., 2005).

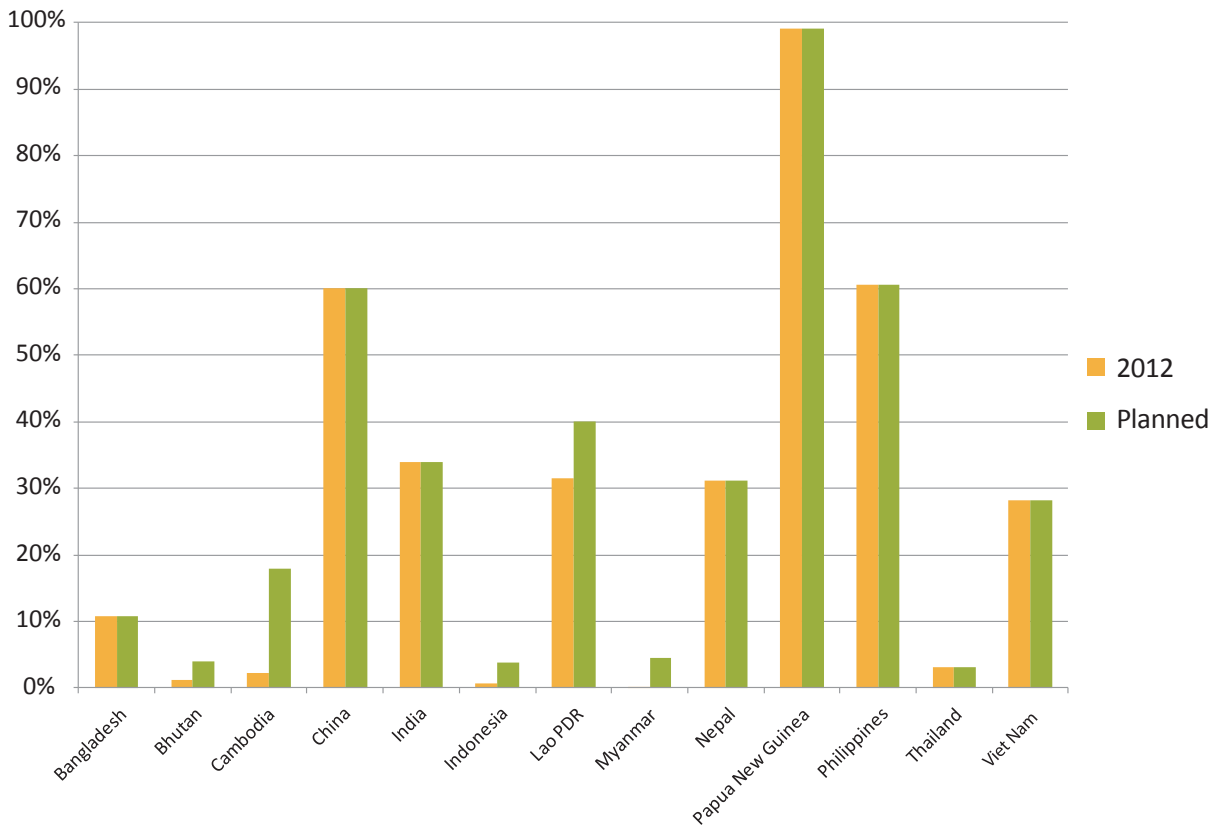
### Expanding community forest tenure, tenure rights and decision-making powers

Central government can directly foster the development of community forestry through suitable legislative, regulatory and financial measures, as explained in this section. Such direct support is justified on the grounds of the multiple benefits potentially generated by community forestry, as discussed in chapter 4. Giving communities strong tenure rights and active control over forest management not only improves forest conditions but also contributes to livelihood improvements and grassroots democracy. The impetus for the required legal and regulatory reforms can only come from central governments – and not the ministries in charge of forestry – as highlighted in chapters 5 and 6.

**Increase forest land in community possession.** Central governments can promote community forestry by passing enabling and supportive laws, setting targets and funding the programmes required for the further transfer of tenure rights to communities. There is immense potential for further transfers because governments retain more than half of the region's forest land in their possession (see figure 2.6). This gives the region a significant advantage over other regions, such as Latin America, where communities possess a similar share of the total forest land yet the private sector holds a much larger share of the remaining forest land (RRI and ITTO, 2010). In the Asia–Pacific region, only 9 percent of the total forest land is in the possession of the private sector, leaving a much larger share of the total forest land for potential transfer to communities.

The published targets for tenure transfers in the coming years fall drastically short of this potential (figure 8.1). Among the 14 countries included in this study, only five have published concrete targets: Bhutan, Cambodia, Indonesia, Lao PDR and Myanmar. Indonesia has the largest area of planned transfers – 5 million ha by 2030 – yet the targeted area is minuscule in comparison with the total forest land area, despite the Government's general willingness to reform forest tenure (box 8.1). Similarly, the transfers planned in Bhutan fall drastically short of the commitment to recognize customary forest tenure rights included in the 1995 Forest and Nature Conservation Act. India continues to recognize forest people's customary tenure rights through the Forest Rights Act but has not published any data on target areas. A few countries have published vague goals for recognizing community forestry: The Thai Government wants forest boundaries to be clarified for 8 000 new villages by 2015, and the Vietnamese Government announced its intention to permanently allocate the forest land currently under temporary management by local governments (around 18 percent of the total forest land) to local people.

Figure 8.1: Existing plans for further tenure transfers in the Asia–Pacific region (as % of total forest land)



### Box 8.1 Roadmap for tenure reform in Indonesia

The Indonesian Government issued a groundbreaking commitment to reform forest tenure during a conference in Lombok, Indonesia in July 2011. The Government committed itself to expanding the rights of communities and indigenous peoples for the first time in the history of the country, including the recognition of customary tenure rights. The Government also agreed on forming a joint committee, including multiple government agencies as well as CSOs, to formulate an official road map for forest tenure reform.

This move was made possible by direct involvement of Indonesia's President. It was the head of the Indonesian President's Special Delivery Unit who declared the Government's intention to recognize communities' forest tenure rights during the conference: "We must accelerate the delineation of the legal status of the nation's forest area, guaranteeing the recognition of adat customary rights," proclaimed Pak Kuntoro Mangkusubroto. The significance of this commitment is further affirmed in the May 2013 ruling by the Constitutional Court, which bolstered communities' tenure rights by removing customary forests from the forest zones.

Source: Rights and Resources Initiative ([www.rightsandresources.org/impact\\_stories.php?id=2](http://www.rightsandresources.org/impact_stories.php?id=2)).

**Strengthen community tenure rights and decision-making powers:** Another point of direct intervention for central governments is to strengthen tenure rights and decision-making powers so communities can assume active control over forest management. In half of the countries included in this study, governments have so far granted only weak rights to communities and limited them to passive participation in forest management: Bhutan, Cambodia, India, Indonesia, Lao PDR, Myanmar and Thailand. In Papua New Guinea, local people hold strong forest tenure rights but are relegated to passive participation in forest management. These eight countries offer clear potential for legal and regulatory reforms to upgrade communities' forest tenure rights and decision-making powers.

Progress on tenure and governance reform is currently slow, with some noteworthy exceptions. The Lao Government is developing a new Land Use Policy, Land Law and Forest Law, which may expand communities' tenure rights and decision-making powers. The Government in Viet Nam has initiated a debate on land rights, with some activists advocating for giving landholders ownership rights and others arguing for retaining ownership with the people and limiting landholders'

rights to those of long-term use, as in the past two decades. Bhutan, China and India are in the process of implementing changes in statutory tenure: Bhutan's 2010 National Community Forestry Strategy seeks to implement the recognition of customary forest tenure rights and promote community forestry as set out in the 1995 Forest and Nature Conservation Act. China's forestry plan for 2011–2015 calls for accelerated implementation of the collective forest tenure reform (box 8.2); and India is implementing its Forest Rights Act (see box 5.2).

### **Box 8.2 Collective forest tenure reform in China**

The Chinese Government started an ambitious reform of collective forestry in 2004 and has since exerted extensive effort to implement it. The reform seeks to strengthen communities' tenure rights to forest land, with the expectation that it would improve forest management. It builds on the premise that many villagers have little influence on forest management because local government officers monopolize control over forests and exclude villagers from management decisions – a premise that does not hold everywhere, as illustrated by experiences in Xinqi (see chapter 3, particularly box 3.4). The reform allows villagers to determine changes in forest governance in an effort to increase their leverage on forest management, requiring local government officers to arrange public consultations with villagers. It also encourages forest managers to break up collective management and transfer it to individual households. The ultimate goal is to empower villagers by strengthening their tenure rights and decision-making powers.

Source: He, 2013.

## **Integrating community forestry with new forest policy initiatives**

Central governments can contribute to the development of community forestry in a myriad of indirect ways. Within the forestry sector, they can ensure that new forest policy initiatives provide a level playing field for communities to participate and thereby contribute to the attainment of their objectives. There is a good reason for central governments to do so because the new forest policy initiatives typically require coordination between the forest sector and other fields of government, such as the ministries responsible for foreign affairs (as in the case of the Forest Law Enforcement, Governance and Trade, FLEGT programme), planning or the environment (as in the case of climate change). Additionally, the new initiatives can help to develop community forestry and thereby generate multiple benefits, some of which may not be apparent or of interest to the ministry in charge of forestry. The involvement of central governments will be important to overcome bureaucratic resistance to change, such as the resistance within Nepal's Department of Forests to the handing over of forests to communities in the Terai region.

**Reducing Emissions from Deforestation and Forest Degradation:** REDD+ could radically transform forestry in the region. It aims to reduce deforestation and forest degradation through comprehensive measures that range from heightened forest protection to the licensing of agricultural plantations, investments in agricultural intensification and the planning of infrastructure projects in densely forested regions. In addition, REDD+ introduces a new international dimension to forestry because recipient countries of REDD+ funds will be accountable to the Secretariat of the United Nations Framework Convention on Climate Change. National REDD+ programmes will have to report emissions reductions to the global body and open their doors to independent verification. Twelve of the 14 countries included in this study already implement or are in the process of developing REDD+ actions, with support by the UN-REDD Programme, the Forest Carbon Partnership Facility or the Forest Investment Program (FIP) (table 8.1).

REDD+ requires involvement by each central government, particularly if it wants to involve communities on a level playing field in line with the social safeguards included in the Cancun Agreements of the United Nations Framework Convention on Climate Change. Central governments must provide a coordinating function due to the multisector and international nature of REDD+. Their involvement is critical to prevent the capturing of REDD+ benefits by powerful elites, such as networks of patronage spanning across government and business, the managers of state-owned forest companies and shady international brokers (box 8.3). Only then can communities participate in REDD+ actions on equal terms and contribute their superior capacity as forest managers to the benefit of the national REDD+ programmes. Additionally, REDD+ offers a suitable vehicle for central governments to pursue wider reforms of the forest sector, in particular tenure reforms. In the absence of suitable measures, existing conflicts over forests may intensify or new conflicts may emerge as a consequence (Patel et al., 2013).

**Table 8.1: The status of FLEGT, REDD+ and the payments for environmental services initiatives in the Asia-Pacific region (14 countries only, as of May 2013)**

	FLEGT	REDD+	PES
<b>Bangladesh</b>	–	<ul style="list-style-type: none"> <li>Road map completed</li> <li>UN-REDD partner country</li> </ul>	–
<b>Bhutan</b>	–	<ul style="list-style-type: none"> <li>UN-REDD partner country</li> <li>Candidate for the Forest Carbon Partnership Facility (FCPF)</li> </ul>	<ul style="list-style-type: none"> <li>Pilot project</li> </ul>
<b>Cambodia</b>	Pre-negotiation phase	<ul style="list-style-type: none"> <li>Draft road map</li> <li>2 pilot projects</li> <li>UN-REDD national programme</li> <li>Participation agreement with FCPF</li> </ul>	<ul style="list-style-type: none"> <li>A few pilot projects</li> </ul>
<b>China</b>	–	<ul style="list-style-type: none"> <li>Pilot (voluntary carbon sector)</li> </ul>	<ul style="list-style-type: none"> <li>Government programmes</li> </ul>
<b>India</b>	–	–	–
<b>Indonesia</b>	Voluntary partnership agreement (VPA) signed	<ul style="list-style-type: none"> <li>National REDD+ strategy</li> <li>Around 50 pilot projects</li> <li>Participation agreement with FCPF</li> <li>Forest Investment Program (FIP) country</li> <li>Letter of intent with Norway</li> </ul>	–
<b>Lao PDR</b>	Pre-negotiation phase	<ul style="list-style-type: none"> <li>Legal framework in preparation</li> <li>A few pilots</li> <li>UN-REDD partner country</li> <li>Participation agreement with FCPF</li> <li>FIP country</li> </ul>	<ul style="list-style-type: none"> <li>A few pilot projects</li> <li>Legal framework in preparation</li> </ul>
<b>Malaysia</b>	VPA under negotiation	<ul style="list-style-type: none"> <li>REDD+ strategy in preparation</li> <li>UN-REDD partner country</li> </ul>	–
<b>Myanmar</b>	Pre-negotiation phase	<ul style="list-style-type: none"> <li>UN-REDD partner country</li> </ul>	–
<b>Nepal</b>	–	<ul style="list-style-type: none"> <li>UN-REDD partner country</li> <li>Participation agreement with FCPF</li> <li>REDD+ strategy in preparation</li> </ul>	–
<b>Philippines</b>	–	<ul style="list-style-type: none"> <li>REDD+ strategy in preparation</li> <li>3 pilot projects</li> <li>Candidate for FCPF</li> </ul>	<ul style="list-style-type: none"> <li>A few pilot projects</li> </ul>
<b>Papua New Guinea</b>	Pre-negotiation phase	<ul style="list-style-type: none"> <li>REDD+ strategy in preparation</li> <li>A few pilots</li> <li>UN-REDD national programme</li> <li>Participation agreement with FCPF</li> </ul>	<ul style="list-style-type: none"> <li>A few pilot projects</li> </ul>
<b>Thailand</b>	Negotiating VPA	<ul style="list-style-type: none"> <li>Conditional approval of FCPF, Readiness Preparation Proposal (R-PP)</li> </ul>	<ul style="list-style-type: none"> <li>A few pilot projects</li> </ul>
<b>Viet Nam</b>	Negotiating VPA	<ul style="list-style-type: none"> <li>National REDD+ action programme</li> <li>A few pilot projects</li> <li>UN-REDD national programme (phase II)</li> <li>Participation agreement with FCPF</li> </ul>	<ul style="list-style-type: none"> <li>National policy</li> <li>Government programmes</li> </ul>

Note: FLEGT: Forest Law Enforcement, Governance and Trade; REDD+: Reducing Emissions from Deforestation and Forest Degradation.

### Box 8.3 Carbon cowboys in Papua New Guinea

Papua New Guinea's experience demonstrates how REDD+ may undermine the rights of communities even where they hold strong tenure rights to forest land. Right after the endorsement of REDD+ at the climate change conference in 2007, the vice-president of the ruling National Alliance party contacted an Australian company about the possibility of developing a REDD+ project in the Kamula Doso forest area. The head of the Office of Climate Change under the Prime Minister of Papua New Guinea became involved two months later when he arranged a meeting with them and representatives of another Australian company. They eventually concluded a deal under which the latter would market 1 million tons of carbon credits from Kamula Doso – without any consultation of the forest owners affected by the deal. Subsequently, the deal became public and had to be revoked a few months later. The head of the Office of Climate Change lost his job.

Source: Filer and Wood (2012)

**Forest Law Enforcement, Governance and Trade:** FLEGT is another relatively new forest policy initiative that goes way beyond the confines of the narrowly defined forest sector. When governments sign voluntary partnership agreements with the European Union, they must commit to changes in forest governance. They must introduce monitoring systems that document the origin of all timber and wood products exported to the European Union as well as eventually all domestic products, and they must certify its legality. This requirement applies to wood sourced within the country and wood imported from third countries for further processing and then export. Thus, FLEGT makes the timber and wood trade a matter of international affairs, which is why negotiations with the European Union typically involve the foreign affairs ministry. At this point, the Government of Indonesia is the only one in the Asia–Pacific region that has signed a voluntary partnership agreement with the European Union. Malaysia, Thailand and Viet Nam are negotiating such, and another four governments are preparing negotiations (table 8.1).

FLEGT involvement is required to coordinate the forest, law enforcement and foreign affairs sectors. Wood processing and exports to the European Union are multibillion-dollar businesses in some countries, giving rise to powerful business lobbies. Yet, FLEGT also requires central governments to reach out to communities and CSOs. Constructive engagement with community representatives and their supporters in civil society is important to avoid not only boycotts of public consultation processes, as occurred in Malaysia, but also detrimental impacts on local livelihoods. The voluntary partnership agreements negotiated with the European Union need to recognize communities' special needs, such as the provision of simple and cheap measures to legalize small wood volumes harvested by them. Otherwise, the legality requirements central to FLEGT may easily undermine communities' rights to harvest timber by deeming it as illegal (box 8.4) or imposing cumbersome procedures for the verification of small timber harvests.

### Box 8.4 What's legal in the FLEGT initiative, and why does it matter for communities?

What is illegal to a government may be considered legal by communities, and vice versa; what communities may view as illegal may be legal according to a country's laws. For example, communities may assert customary rights to forest land that statutory legislation deems as in government ownership. In this context, the findings of a recent study of the European Union's Forest Law Enforcement, Governance and Trade action plan and the Indonesian legality standards are problematic. They show that both documents adhere to a narrow interpretation of legality that promotes a strong role of the State and relegates issues of public participation and sustainability to secondary positions. In particular, the voluntary partnership agreement lacks a clear commitment to stakeholder consultation and legal reform and instead focuses on the enforcement of existing legislation by the State. This does not bode well for communities contesting their dispossession from nationalized forests on the basis of customary rights. Their products would be ruled illegal under the voluntary partnership agreement.

Source: van Heeswijk and Turnhout, 2013.

**Payments for environmental services (PES):** Governments across the region increasingly use or experiment with payments to influence the forest management practices employed by communities and other forest managers. Justification for the payments comes from the hydrological and other environmental services provided by forests to water companies, hydropower dams and the public. For example, a city government may pay farmers who cultivate land next to its water source not to use any chemical inputs that are considered detrimental to water quality. China and Viet Nam are the only countries in the region that have large-scale programmes in which they pay villagers to protect natural forests or reforest barren land in upper watersheds (see table 7.1). In China it is a Sloping Land Conversion Programme and an

Ecological Forest Compensation Programme. Viet Nam is in the process of scaling up two provincial pilots to upland regions nationwide under the Decree on the Policy on Payment for Forest Environment Services (Decree 99). Many more countries have implemented small-scale PES pilots, some of them discussing the creation of legal frameworks enabling PES schemes nationwide.

Large-scale PES schemes require central governments' involvement, particularly if they want to include communities. No other actor possesses capacity and legitimacy comparable to central governments when it comes to collecting fees from powerful companies operating nationwide, such as state corporations running hydropower dams, and coordinating influential ministries, such as the ministries of finance and industry. Viet Nam learned this lesson when Energy of Viet Nam refused to transfer the required fees to provincial governments. Also, the concerned payments reach sizeable amounts if implemented nationwide, accounting for substantial shares of fiscal transfers to rural areas. More importantly, central governments' involvement is important to avoid elite capture because PES schemes increase the value of forests and thus attracts the attention of powerful players. Central governments create the legal and institutional preconditions for communities to participate in PES schemes and prevent powerful actors from capturing the payments. Only if central governments provide an enabling framework to communities will the PES schemes address environmental objectives as well as helping to attain economic and social goals (box 8.5).

#### **Box 8.5 Including communities in the Ecological Forest Compensation Fund in China**

China's Ecological Forest Compensation Fund is one of largest PES schemes in the world. The programme pays local forest managers for the conservation of forests that the central Government closed for logging as of 2003. A study conducted by Liu et al. (2008) found that the programme had generated positive environmental and socio-economic effects. The latter were due to the generation of new sources of income for workers employed in forest enterprises. They shifted from logging and processing to reforestation and forest management. Perhaps more importantly – and this is not mentioned by Liu et al. – the programme benefits communities through direct payments to the committees of administrative villages that manage their forests collectively. Villagers initially received an annual payment of \$10 per hectare protected, which was doubled to \$20 per hectare in 2010.

Sources: Liu et al., 2008 and He, 2013.

Policy on tree plantations: Tree plantations are expanding rapidly throughout the region. Although large-scale companies attract most of the media coverage on the issue, many of the plantations are also grown by smallholders, which have replaced the state agencies previously dominant in reforestation. They have developed innovative ways of growing trees in small parcels and offsetting the disadvantages of being small scale through cooperation with each other and other actors. Many countries have ambitious plans for the expansion of plantations in coming years. For example, India's state Forest Department wants to reforest 10 million ha between 2010 and 2020, including 6 million ha in cooperation with the forest protection committees. The plantations generate environmental benefits, although most of them are monocultures of acacia or eucalyptus as well as pine, teak and rubber. They also create positive socio-economic effects, as rising wood prices create an attractive new source of income for rural households and allow them to keep on working their land even when their daughters and sons leave for urban areas. The plantations cut across several fields of government, ranging from the supply of seedlings and affordable loans to the creation of secure tenure.

There are good reasons for governments to take up tree plantations as a central concern, particularly if they want to ensure communities' participation. Communities can contribute to the expansion of plantations only if central governments create suitable legal and regulatory frameworks, such as what the Vietnamese Government did for smallholders (box 8.6). Villagers need to access the required land, obtain loans to finance investments, receive technical advice and inputs, and access markets interested in small wood volumes. They also require an enabling and supportive framework to develop cooperative arrangements and to engage with the private sector in out-grower schemes. Local people can only do so if central governments formulate legislation and regulations that prevent private or state-owned companies from acquiring large tracts of land, monopolizing bank credit, enjoying favourable access to inputs and advice and controlling the wood markets.

### Box 8.6 Smallholder tree plantations in Viet Nam

Tree plantations have expanded rapidly across Viet Nam over the past decade. They are not under the management of state agencies or private companies, as in many other countries, but the large majority are owned and operated by rural households. They have quickly become an important source of wood for Viet Nam's pulp and paper mills as well as the chip industry, and they may supply the country's booming furniture industry in the future. Smallholder plantations are so dynamic because the central Government laid the foundations for households' involvement through suitable policy. Forest land allocation granted strong tenure rights to millions of households. The country's extensive rural banking system provides an accessible source of cheap credit. Past investments in pulp and paper mills and today's open-door policy for foreign investments in wood processing enable smallholders' access to market outlets. Rural households have embraced the new opportunities afforded by tree plantations, as has the World Bank. A large Bank loan funded the Forest Sector Development Project supporting smallholder plantations in four provinces along the central coast from 2006 to 2015.

Source: Sikor, 2012

## Using community forestry to attain goals outside the forest sector

Central governments can employ community forestry for various goals beyond the forest sector. Support for community forestry helps governments to not achieve sustainable forest management and livelihood improvements but also to strengthen communities' adaptive capacity to climate change, improve governance, recognize indigenous peoples, balance gender inequalities, protect human rights and develop grassroots democracy.

**Adapting to climate change:** Forests are an important component of adaptation to climate change in the region (FAO, 2010), and community forestry can support communities' ability to adapt. Climate change will have significant negative impacts on forests and thus people's lives: Forests are often a key asset to local people, enhancing their ability to respond to shocks and cope with risks originating from various sources in and outside the forests (box 8.7); changes in forest conditions may cause possible knock-on effects on local people, adding to the multiple pressures on their livelihood strategies. Changes in forest conditions also may cause unanticipated positive and negative downstream effects, such as changes to the water yield. Thus, transferring strong tenure rights to communities enhances their ability to adjust to climate variability and extremes by giving them access to an asset of critical importance. Active control over forest management allows communities to respond to stresses on both their livelihoods and forests in a manner that matches local conditions and meets the interests of wider society.

### Box 8.7 Community forestry and adaptation to climate change in northern Thailand

Ban Huay Win is a Tai Lue village in a remote part of Nan Province in Thailand. The village became illegal when the Thai Government established the Doi Phu Kha National Park in 1999. The villagers did not have much involvement in the decision, even though it would mean that they were no longer could live in their homes, cultivate their fields and use surrounding forests legally. Until now they were able to hold on to their homes and fields, although they found themselves in precarious conditions. Now, the legal insecurity, food insecurity and the market risks of villagers' recent shift towards cash crops have made the Ban Huay Win residents highly vulnerable to the impacts of climate change. Despite the constraints, villagers believe they have various assets that can possibly support adaptation efforts. One of the assets is the surrounding forests and their experience with community forest management. Recognizing their customary rights to the forests would make an important contribution to their adaptive capacity.

Source: Limsamarnphun, 2012.

Community forestry has an important place in national adaptation strategies, but few governments have developed coherent approaches to forest-based climate change adaptation. Even though many countries have developed a national adaptation programme of action or other related programmes, few have considered the effects of climate change on forests or the potential contributions of forests to the improvement of adaptive capacity in a comprehensive manner (RECOFTC et al., 2012).

**Improving governance:** The forestry sector suffers from entrenched governance problems in the Asia–Pacific region (Yasmi et al., 2010). Private logging companies often collude with senior officials in local and central governments to manipulate auctions or to circumvent the conditions imposed on concessions. State-owned companies are kept alive through government subsidies and favourable loans not held to public scrutiny. Illegal loggers evade enforcement of the laws by developing powerful networks with law enforcement and forest officers. Plantation and mining companies bribe government officials to make deals on the use of forest land for agricultural or extractive purposes. The revenues earmarked for government coffers from logging taxes or concession fees are lost in obscure dealings, which was the case with Indonesia’s Reforestation Fund (Barr et al., 2012).

Community forestry offers a special opportunity to improve the governance of the forest sector in the region and thereby support wider efforts to promote good governance. It would help governments to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which was endorsed by the Committee on World Security in 2012 and supported by the United Nations General Assembly. Further transfers of forest land to communities would create a group of forest owners demanding transparent procedures and holding government officials to account (box 8.8). For example, county forest departments in China are introducing a service to communities that enhances the transparency of timber markets. County market information centres inform villagers about timber prices and demand so they can break out of situations in which a single buyer dictates demand and price.

#### **Box 8.8 Illegal logging as a governance issue in Viet Nam**

Illegal logging is rampant in Viet Nam. Government reports typically attribute it to the operation of powerful networks of illegal loggers, which entice villagers to look away or even participate through coercion or financial incentives. The national Forest Protection Department has admitted the complicity of local forest protection officers and other government officials in many cases. Nonetheless, the Government’s response to illegal logging has emphasized a law enforcement approach.

In a 2011 paper published in *Society and Natural Resources*, Sikor and To showed that local Vietnamese officials collude with illegal loggers. Local officials are able to extract significant bribes from the loggers on the basis of the law enforcement powers given to them. Strengthening law enforcement will not solve the problem because it empowers local officials even further. Local officials would not be enticed to enforce the law but be in an even stronger position to extract bribes from illegal loggers. Illegal logging can only be addressed by empowering communities to defend their forests and holding local officials accountable. This requires the transfer of strong tenure rights to forest land to communities.

Source: Sikor and To, 2011.

**Recognizing indigenous peoples:** The recognition of indigenous peoples’ particular identities and histories is an issue pertinent to virtually all countries in the region. The presence of ethnic and racial minorities is a common feature, with many minority groups claiming indigenous status. In addition, nearly all countries in the region voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples in 2007, with the exception of Bangladesh, Bhutan and Samoa, which abstained (Samoa has since endorsed the document). Even though the Declaration does not impose binding obligations on signatory countries, it reflects the increasing attention to indigenous peoples’ issues and demands. In particular, article 26.2 of the Declaration acknowledges that “[i]ndigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use”.

Community forestry provides a means to ensure indigenous peoples’ rights to lands, territories and resources (box 8.9). Forests are an important element in the land claimed by indigenous peoples, with many of them living in remote, forested areas. Giving communities active control over forest management also helps to respond to indigenous peoples’ demands for resource rights and territorial sovereignty. Community forestry is one of the “effective mechanisms for prevention of, and redress for [...] any action which has the aim or effect of dispossessing them of their lands, territories or resources” that States are required to provide, according to article 8.2 of the Declaration on the Rights of Indigenous Peoples. In some countries, however, the government-sponsored models of community forestry are not supported by many indigenous peoples because they think these models fail to give them adequately strong rights.



### Box 8.9 Comparing the rights of ethnic minorities in Philippines and Viet Nam

As stated in their policy brief, Luong and Genotiva find that “Viet Nam needs new laws to protect land owned by ethnic minorities” and “to recognize their customary rights and attachment to land”. They base their recommendation for Viet Nam on a review of Philippine legislation, in particular the 1997 Indigenous Peoples Rights Act and its recognition of indigenous peoples ancestral land rights. They suggest that the Act and the process of issuing Certificates of Ancestral Domain Titles to communities is suitable for Viet Nam if adapted in an appropriate manner. Viet Nam lacks a law that addresses the specific rights of ethnic minorities, but it requires the inclusion of specific provisions on ethnic minority land in its land legislation. According to Luong and Genotiva, the existing Law on Cultural Heritage could make explicit reference to customary land rights and governance as key elements of ethnic minorities’ cultural heritage.

Source: Luong and Genotiva, 2010.

**Achieving gender equality:** The inclusion of people who are poor, women and other disadvantaged groups remains a challenge for community forestry, as noted in chapter 4. Women are underrepresented in the membership and leadership of many community organizations active in forest management, just as in other fields. They often carry a larger burden in forest management and receive a smaller share in overall forest benefits than men. More broadly, women are often not recognized as having particular knowledge of or interest in forests.

The promotion of community forestry can make important contributions to gender equality if accompanied with dedicated measures for women’s inclusion and participation in leadership. Forests provide important resources to women; and decisions over forest management within the household, within communities and involving external organizations provide important fora for women’s broader empowerment as household members, community members and citizens (box 8.10).

### Box 8.10 Women’s empowerment due to community forestry in India and Nepal

Indian states and the Nepali Government generally encourage the inclusion of women on the executive councils of forest protection committees and forest user groups. The inclusion of female council members has direct effects on women’s empowerment in communities, as shown by statistical evidence from 135 forest protection committees and forest user groups in the Indian state of Gujarat and in Nepal:

- The more women serve in the executive council the smaller the proportion of meetings not attended by any woman.
- The more women there are in the executive council the greater is the likelihood that women will speak up in meetings.
- Including disadvantaged women, such as landless women, in executive councils tends to encourage greater female attendance in meetings.

These insights suggest that women can assert themselves even where they experience economic and political inequalities. Women from disadvantaged households can be more outspoken than other women in public forums.

Source: Agarwal, 2010.

**Protecting human rights:** Forests, particularly protected areas, are prone to human rights violations. Exclusion from protected forests leads to situations in which local people have problems to meet their basic subsistence needs due to their lack of access to forest land and forest resources. Environmental agencies zone protected areas and impose restrictions on the use of forest resources without consulting the affected communities. In reaction, all major international conservation organizations, such as the International Union for Conservation of Nature and the World Wildlife Fund, have introduced new guidelines for the protection of human rights in conservation efforts. The Convention on Biological Diversity ratified a new protocol for equitable access to forests and benefit-sharing; all countries in the Asia–Pacific region are parties to the convention, and about half have signed the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

Community forestry provides a meaningful vehicle to integrate forestry with human rights principles (box 8.11). If communities hold strong tenure rights and exercise active control over forest management, they are more likely to receive an equitable share of forest benefits and have the possibility of using forest resources to meet basic subsistence requirements than otherwise, despite the presence of entrenched political and economic inequalities. They will also have to be consulted when governments or other actors seek to intervene in forest management. Because forests retain high economic and cultural significance in many rural areas, granting the protection of human rights in forestry will spill over into other areas of villagers' lives.

#### **Box 8.11 Human Rights Commission in Malaysia**

The Government of Malaysia set up a Human Rights Commission (SUHAKAM) as a national institution in 1999. SUHAKAM has the mandate to increase public awareness of issues relating to human rights and advise the Government on policy formulation.

In 2011, SUHAKAM embarked on its first investigation – the National Inquiry into the Land Rights of Indigenous Peoples. The impetus came from numerous complaints and reports the Commission had received over the years on alleged infringements of the rights of indigenous peoples to their customary land and forests. The Commission “found that a majority of these complaints relate to native customary right (NCR) to land”, and that “a problem of this magnitude could not be overcome by using piecemeal approaches or addressed on case by case basis”. In reaction, SUHAKAM arranged a “National Inquiry into the Land Rights of Indigenous Peoples in Malaysia.”

The national inquiry examined the root causes of the problems relating to the recognition of indigenous peoples' customary tenure rights to land and forests from a human rights perspective in order to recommend appropriate solutions. It commissioned independent researchers and domestic universities to conduct studies on various issues related to the recognition of customary land rights and their violation by the private sector and government units. The national inquiry completed its investigation and final report in early 2013. However, according to a press release in April 2013, SUHAKAM decided “to defer the official release of the Report until after its first submission to the Federal Parliament”.

Source: SUHAKAM background paper, 2011 and press release of 25 April 2013.

**Developing grassroots democracy and transforming social conflict:** Community forestry can make important contributions to grassroots democracy and the transformation of social conflict. Remote forested areas are often characterized by undemocratic structures, such as the presence of powerful local patrons who prevent broader participation in public decision-making. Many also experience entrenched social conflict between long-term inhabitants and recent migrants, ethnic groups, companies, villagers, and so on (Yasmi et al., 2012). Forests are factors in these political dynamics and conflicts because they are sources of material wealth but also because they take on political and cultural significance as territories and places of belonging.

Community forestry provides a potential measure to involve disenfranchised communities in democratic processes. When communities receive active control over forest management they can participate in public decisions over their own affairs. Community groups organized around forests may even take on additional roles in local decision-making, as forest user groups did in Nepal (box 8.12). In addition, community forestry may help to transform social conflict if communities receive strong tenure rights to forest land claimed by them. Recognition of customary forest tenure may directly address the root causes of social conflict, such as when communities contest state ownership of forest land or the granting of concessions to private companies. Negotiated settlements of tenure rights to forest land may also transform other types of conflicts involving different social groups, such as ethnic communities.

### Box 8.12 Forest user groups as local government and promoters of peace in Nepal

In many villages in Nepal, forest user groups stepped up to fill the administrative voids that emerged during the Maoist uprising and after the peace agreement was signed in 2006. During the uprising, many local governments ceased to operate due to threats by Maoist insurgents. Forest user groups took over some of their tasks. After the signing of the peace agreement, the groups continued to make important contributions to the implementation of the agreement and the promotion of democracy. Under the umbrella of the Federation of Community Forestry Users Nepal, forest user groups participated in a nationwide campaign to inform people about the peace agreement and the upcoming elections, using printed materials, such as the one displayed here.

Source: Springate-Baginski and Blaikie, 2007 and Barnhart, 2011.



Photo by Barnhart, 2011 of original poster by FECOFUN

## Conclusion: Central governments have good reason to promote community forestry

Central governments can help the development of community forestry in direct and indirect ways. Directly, they can make policy and implement programmes that expand the forest land in community possession and give communities active control over forest management by strengthening tenure rights and enhancing their decision-making powers. Indirectly, government can integrate community forestry with new forest policy initiatives, in particular REDD+, FLEGT, PES and tree plantations. This will enable the countries of the region to comply with the global conventions and agreements many have signed up to, in particular the social safeguards included in the Cancun Agreements under the United Nations Framework Convention on Climate Change and the Voluntary Guidelines on Responsible Governance.

Additionally, central governments have good reason to promote community forestry beyond the forest sector. It is a vehicle for governments to achieve multiple goals simultaneously. If communities hold strong tenure rights and exercise active control over forest management, community forestry can help governments to improve local livelihoods, strengthen adaptive capacity to climate change, improve governance, recognize indigenous peoples, balance gender inequalities, protect human rights and develop grassroots democracy. This, again, would help governments to implement global conventions and agreements, such as the United Nations Declaration on the Rights of Indigenous Peoples.

This call to action addressed to governments does not imply that they should centralize or re-centralize control over forest management. Local governments often provide important support to community forestry. Yet, central governments remain a critical stakeholder because they wield significant influence over forestry, as noted in chapters 5 and 6. They should consider community forestry an issue not to be left solely in the hands of the forest ministry or technical agencies. It is a useful vehicle for many other ministries also. Community forestry can help to respond to environmental demands, contribute to democratization and allow countries to meet their global commitments, which all go far beyond forestry matters.

Central governments' specific roles vary among countries, depending on their political systems. In countries with state-centred political systems, such as China and Viet Nam, central governments may be the most critical champion for community forestry to develop and help to attain multiple goals. Expansion of community forestry, integration with policy initiatives and integration with wider social and political efforts will crucially depend on the stance they take. In countries in which central governments assume a less dominant position, such as India and Thailand, the possibilities for government interventions may be more circumscribed. Other stakeholders, in particular civil society organizations, may be better positioned to become the primary champions of community forestry.



# Community forestry as a vehicle for inclusive rural futures

The analysis of community forestry currently practised in the Asia–Pacific region can be synthesized into the following four points. First, community forestry has become an important pillar of forest policy in the region. Communities possess statutory tenure rights to 34 percent (over 180 million hectares) of the region's forest land. They are in the possession of such a significant share of forest land by virtue of various tenure arrangements, ranging from village-based groups to household management. They hold strong tenure rights to 83 percent of this land (over 150 million hectares). Moreover, many of them exercise active control over forest management due to the legal recognition of their decision-making powers.

Second, community forestry has not progressed evenly across the region. Some countries in the region have progressed further than others in terms of tenure transfers to communities and legal recognition of their active control over forest management. Nepal stands out for its forest user groups, under which communities hold strong tenure rights and exercise active control. China is also prominent due to the large-scale transfer of tenure to communities in the past, especially where communities exercise active control over forest management. India and Philippines have set examples in the recognition of customary forest tenure rights for tribal communities and indigenous peoples.

Third, community forestry in the region is not a silver bullet that solves all problems in forest management but often requires further development. Only where communities possess strong tenure rights and active control does forest management tend to improve forest conditions, contribute to local livelihoods and strengthen grassroots democracy in comparison with other forms of forest management. Where communities do not possess such rights or are relegated to passive participation, forest management may improve forest conditions but harm local livelihoods and close down possibilities for grassroots democracy. Additionally, community forestry has yet to include suitable measures to avoid elite capture and include marginalized groups, such as women and the poor, in an equitable manner.

Fourth, substantial potential remains to expand community forestry further in the region. More than half of the region's forest land is in government possession, opening up ample opportunities for further tenure transfers. Also, there is tremendous room for strengthening communities' tenure rights and enhancing their decision-making powers in many countries, particularly in Bhutan, Cambodia, India, Indonesia, Lao PDR, Myanmar and Thailand. The good news is that the governments of some countries, such as Indonesia, have published plans to expand community forestry in the coming years. The governments of other countries, such as Bhutan, have formulated statements of intent to recognize communities' rights to forests. Nevertheless, the plans and statements fall drastically short of the existing potential for expanding community forestry.

These findings call central governments and civil society organizations to action: They can provide critical support to the development and expansion of community forestry in the Asia–Pacific region in the coming years. Central governments, although not necessarily the technical agencies in charge of forestry, have been critical in the historical development of community forestry and are considered the most influential stakeholder today. Civil society organizations may be a relatively recent stakeholder in the region, yet they have rapidly gained in influence over the past decade. Today, CSOs concerned with a variety of issues, ranging from environmental protection to human rights, have formed links with forest people and their associations or are potential allies in the future.

Underlying this call to action directed at central governments and CSOs is the realization that community forestry is no longer simply an environmental project but is increasingly valued for all its economic, political, social and cultural features. If communities possess strong tenure rights to forest land and exercise active control, then forest management tends to not only improve forest conditions but also contribute to local livelihoods, help protect human rights, recognize indigenous peoples' rights, advance gender equality, promote good governance, transform conflicts and strengthen adaptive capacity to climate change. In short, the importance of community forestry today reaches far beyond the narrowly defined forest sector. For this reason, community forestry has become a matter of concern to central governments and CSOs in various fields.

Community forestry provides a vehicle for inclusive futures in the Asia–Pacific countryside. As young people leave their villages in search of jobs and modern lives across the region, community forestry helps communities to formulate reactions to the demographic, economic, social and cultural stresses on their livelihoods and lifestyles. As primary natural forests give way to mixed landscapes and tree plantations, community forestry provides new sources of land-based income and meaning to rural people. Above all, community forestry provides a flexible framework for communities to cope with the highly varied local expressions of large-scale transformations in a locally specific and adaptive manner, something that neither state nor private management can afford.

Community forestry helps rural people develop suitable responses to the larger drivers transforming the region. Attention to and investment in community forestry is a suitable response to the region's trajectory of economic development, which has thus far been almost exclusively based on urban areas and lifestyles. Granting communities rights to assets of material and immaterial significance and fostering their ability to influence the nature of their local economies, societies and cultures helps protect them powerful external forces. Finally, granting communities strong tenure rights and active control over forests responds and contributes to the wider trend of democratization by recognizing rural people's civil and political rights and strengthening their stake in the political system.

Community forestry offers an appealing vehicle to bring about inclusive rural futures in the Asia–Pacific region. It is not a silver bullet and can even generate undesirable outcomes in certain forms. It requires further development. Yet, community forestry may well serve the ambitions of an economically vibrant region in which people are searching for a model of inclusive development suitable to its specific features. It is a vehicle that is flexible enough to accommodate the diversity of the economy, politics and culture in Asia and the Pacific.







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## The forest tenure data

The forest tenure data compiled for this publication are based on the forest statistics published by the governments of 14 countries in Asia: Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Papua New Guinea, Philippines, Thailand and Viet Nam.

The government statistics typically define forest land as a legal category – the land to be used for forestry. In most countries this includes forested and barren land, but not in all. Also, there may be significant areas of forest outside what is recognized as forest land, such as mangrove forests or tree plantations, established on land zoned for agriculture. Thus, government statistics on forest land may not reflect the actual extent of forests in a country.

In addition, many countries divide jurisdiction over different types of forest land – such as forests classified for production or conservation – between different government departments and/or ministries. Data collection methods typically differ between these national institutions, making aggregation of data difficult at national levels even where there is a responsible department for this purpose.

The following compilation categorizes statutory forest tenure into three classes:

- Forest land in government possession is forest land over which governments not only exercise oversight but hold tenure rights, including forest land temporarily granted as economic concessions to companies and/or local community groups or smallholders under usufruct regimes.
- Forest land in community possession includes forest land to which communities hold legally recognized tenure rights in various forms. The recognition can take the form of forest land falling into indigenous domains, forest land granted to entire village communities, forest land held by social groups or smallholder holdings.
- Forest land in the possession of large owners and companies is land for which possession was granted to individual or legal persons, particularly as large-scale economic concessions. It excludes forest parcels granted under smallholder or household tenure regimes.

**Table A1: Total forest land and forest land in community possession, 2002–2012**

Country	Total forest land (million ha)			Forest land in community possession (million ha)			Forest land in community possession (% of total)			Change since 2002 (million ha)	
	2002	2008	2012	2002	2008	2012	2002	2008	2012	Forest land	CF
Bangladesh	0.91	1.59	2.52	0	0.17	0.27	0%	11%	11%	1.61	0.27
Bhutan	2.9	3.02	3.1	0	0	0.04	0%	0%	1%	0.2	0.04
Cambodia	11.54	11.12	11.12	0	0.06	0.25	0%	1%	2%	-0.42	0.25
China	172.78	181.38	181.38	99.44	108.91	108.91	58%	60%	60%	8.6	9.47
India	65.39	67.71	68.43	11.6	10.25	23.2	18%	15%	34%	3.04	11.6
Indonesia	104.9	133.72	131.2	0	0.18	0.84	0%	0%	1%	26.3	0.84
Lao PDR	20.98	18.48	18.68	0	5.78	5.9	0%	31%	32%	-2.3	5.9
Malaysia	18.41	18.22	18.48	n.a	n.a	n.a	n.a	n.a	n.a	0.07	n.a.
Myanmar	15.85	18.97	20.41	0.02	0.04	0.05	0%	0%	0%	4.56	0.03
Nepal	5.82	5.8	6.01	1.11	1.3	1.87	19%	22%	31%	0.19	0.76
Papua New Guinea	26.7	25.77	25.33	25.9	25.51	25.08	97%	99%	99%	-1.37	-0.82
Philippines	16.8	16.46	18.08	9.57	9.25	10.96	57%	56%	61%	1.28	1.39
Thailand	17.01	17.16	17.22	0.24	0.47	0.54	1%	3%	3%	0.21	0.3
Viet Nam	11.78	13.12	13.52	2.74	3.29	3.81	23%	25%	28%	1.74	1.07
<b>Totals</b>	<b>491.77</b>	<b>532.52</b>	<b>535.48</b>	<b>150.62</b>	<b>165.21</b>	<b>181.72</b>	<b>31%</b>	<b>31%</b>	<b>34%</b>	<b>43.71</b>	<b>31.1</b>

Notes:

(1) The Chinese data for 2008 and 2012 are based on the 7th National Forest Inventory conducted in 2008 in the absence of more recent data.

(2) Data on community forest tenure are not available (n.a.) for Malaysia.

(3) Decreases in total forestland in Papua New Guinea and Vietnam are due to the reclassification of land, with consequences for the forestland reported in community possession.



**Table A2: Distribution of statutory forest tenure, 2002–2012**

Country	Forest land in government possession (million ha)		Forest land in community possession (million ha)		Forest land in possession of large owners and companies (million ha)	
	2002	2012	2002	2008	2002	2012
Bangladesh	0.91	2.25	0	0	0	0
Bhutan	2.9	3.06	0	0	0	0
Cambodia	11.08	10.39	0	0	0.46	0.48
China	73.34	72.47	99.44	99.44	0	0
India	44.42	35.65	11.6	11.6	9.37	9.58
Indonesia	71.44	96.06	0	0	33.46	34.3
Lao PDR	20.98	12.62	0	0	n.a.	0.16
Malaysia	16.57	16.63	n.a.	n.a.	n.a.	n.a.
Myanmar	15.83	20.36	0.02	0.02	0	0
Nepal	4.71	4.14	1.11	1.11	0	0
Papua New Guinea	0.8	0.25	25.9	25.9	0	0
Philippines	5.63	5.75	9.57	9.57	1.6	1.37
Thailand	14.81	14.09	0.24	0.24	1.96	2.59
Viet Nam	8.6	9.69	2.74	3.29	0.02	0.09
<b>Totals</b>	<b>292.02</b>	<b>303.41</b>	<b>150.62</b>	<b>165.21</b>	<b>46.87</b>	<b>48.57</b>

Notes:

- (1) The Chinese data for 2008 and 2012 are based on the Seventh National Forest Inventory conducted in 2008 in the absence of more recent data.
- (2) Data on community forest tenure are not available (n.a.) for Malaysia.

**Table A3: Forest land in community possession, weak versus strong tenure rights**

Country	Weak tenure rights (million ha)			Strong tenure rights (million ha)		
	2002	2008	2012	2002	2008	2012
Bangladesh	0	0	0	0	0	0.27
Bhutan	0	0	0.04	0	0	0
Cambodia	0	0.06	0.25	0	0	0
China	0	0	0	99.44	108.91	108.91
India	11.6	10.25	21.55	0	0	1.65
Indonesia	0	0.16	0.81	0	0.02	0.03
Lao PDR	0	5.78	5.9	0	0	0
Malaysia	n.a	n.a	n.a	n.a	n.a	n.a
Myanmar	0.02	0.04	0.05	0	0	0
Nepal	0	0	0	1.11	1.3	1.87
Papua New Guinea	0	0	0	25.9	25.51	25.08
Philippines	4.43	1.69	1.68	5.14	7.56	9.28
Thailand	0.24	0.47	0.54	0	0	0
Viet Nam	0	0	0	2.74	3.29	3.48
<b>Totals</b>	<b>16.29</b>	<b>18.45</b>	<b>30.82</b>	<b>134.33</b>	<b>146.59</b>	<b>150.57</b>

## Notes:

(1) The Chinese data for 2008 and 2012 are based on the Seventh National Forest Inventory conducted in 2008 in the absence of more recent data.

(2) Data on community forest tenure are not available (n.a.) for Malaysia.

**Table A4: Weak versus strong tenure regimes on forest land in community possession**

Country	Weak tenure regimes	Strong tenure regimes
Bangladesh		1. Forests and plantations under smallholder tenure regimes
Bhutan	1. Community forestry	
Cambodia	2. Community forestry 3. Community-based production forestry, community conservation forestry, partnership forestry, community protected areas	2. Indigenous community land titles
China		3. Collective forestry
India	4. Joint forest management	4. Land for scheduled tribes and other indigenous forest dwellers
Indonesia	5. Community forestry, village forestry, community plantation forestry, customary law forest	5. Community forest concession 6. Community plantation concession
Lao PDR	6. Village forestry	7. Forests and plantations under smallholder tenure regimes
Malaysia		8. Adat (customary law forest)
Myanmar	7. Community forestry	
Nepal	8. Leasehold forestry 9. Collaborative forestry 10. Religious forests 11. Buffer zone community forestry	9. Community forestry
Philippines	12. Community based forest management 13. Socialized integrated forest management 14. Protected area community-based resource management	10. Certificate of ancestral domain titles 11. Private forest development
Papua New Guinea	15. Community forestry	12. Common customary land
Thailand	16. Community land use permit	
Viet Nam		13. Forest land allocation to communities 14. Forest land allocation to individuals and households



# Country reports commissioned for this study

- Bao Huy. 2012. *The Development of Community Forestry in Viet Nam*.
- Dahal, Ganga Ram. 2012. *The Development of Community Forestry in Bangladesh*.
- Dahal, Ganga Ram. 2012. *The Development of Community Forestry in Bhutan*.
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