

Training manual

APPLYING A RIGHTS-BASED APPROACH (RBA) IN FOREST GOVERNANCE

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Applying a Rights-based Approach (RBA) in Forest Governance

RECOFTC – The Center for People and Forests, Bangkok, Thailand

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Acronyms

ADB	Asian Development Bank
CBD	Convention on Biological Diversity
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CF	Community forestry/Community Forest
CFUG	Community forest user group
FAO	Food and Agriculture Organization of the United Nations
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IIED	International Institute for Environment and Development
IUCN	International Union for Conservation of Nature
JICA	Japan International Cooperation Agency
MDG	Millennium Development Goals
M&E	Monitoring and Evaluation
NGO	Non-Governmental Organization
NTFP	Non-timber forest products
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
RBA	Rights Based Approach
RECOFTC	RECOFTC – The Center for People and Forests
SFM	Sustainable forest management
SDG	Sustainable Development Goals
UN	United Nations
UDHR	United Declaration of Human Rights
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNECE	United Nations Economic Commission for Europe
UNESCAP	United Nations Economic and Social Commission for Asia
UNFCCC	United Nations Framework Convention on Climate Change
UN-GGIM	United Nations Global Geospatial Information Management
UNICEF	United Nations Children’s Emergency Fund
USAID	United States Agency for International Development
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the context of national food security

Introduction

What this manual is about

The right to access and use of forests is a precondition for local communities to be involved in the management of forested landscapes. Through effective forest governance, local communities will be able to realize their rights. Effective governance can ensure that they have a role in decision-making or are able to exercise their rights in a safe way, i.e. without being victims of any negative repercussions. Effective governance also provides the conditions for local communities to receive equitable benefits that can help them to secure their livelihoods and enjoy a better quality of life.

The Rights-based Approach (RBA) allows local communities, or others who are marginalized, excluded or discriminated (the rights holders), to exercise their rights; and for institutions, organizations or other agencies (the duty bearers) to provide support towards equitable and inclusive development programmes that benefit them. RBA interventions can address inequities and disparities evident in these communities. In the context of the management of forested landscapes, RBA emphasizes the rights of local communities for fair benefits, access to resources, secure tenure and gender equity. RBA as a strategy can also contribute to more effective programmes that address issues such as forest deforestation and degradation, unsustainable land-use practices, impacts of climate change, lack of compliance with legislation, and tenure conflicts. These issues can impact on programmes working towards overcoming inequity and poverty.

The fundamental principle of RBA demands that duty bearers are accountable to respect, protect and fulfill local communities' rights. Because RBA and governance are mutually reinforcing, in this manual we will also explore topics such as tenure regimes and the bundle of rights framework in addition to various other concepts related to rights. The nexus between RBA and governance is the basis for forestry interventions that can improve overall forest governance and secure forest tenure. RBA asserts the need for both the duty bearers and rights holders to ensure participation, transparency, rule of law and accountability for all stakeholders. This aligns with governance principles and can be mainstreamed into forestry activities at the project level. However, it should be noted here that the manual does not prescribe that RBA is not the ONLY approach for better forest governance. The manual refers to the other approaches such as increased transparency, accountability, tenure clarity and access to information and explores how they link or intersect with rights issues in the forestry sector.

This manual uses forestry as its context BUT the sessions lend themselves to any area of natural resource management. A trainer can adjust or adapt it to their targeted participants

who want to apply RBA in their projects to contribute towards better governance in their own contexts.

A trainer using the manual should emphasize the basic tenet that respecting, protecting and fulfilling human rights should be the end goal of any intervention and this can be achieved by a RBA. Numerous international and national standards support this approach and provide the legal and non-legal (moral) basis to address and retribute any violations. The trainer should highlight the value of applying RBA to forestry officials whose mandate is to ensure better forest governance. RBA results in rights being respected and protected and also can contribute towards clarity of tenure, promote more equitable benefits, identify the roles and



responsibilities of stakeholders and ultimately contribute towards the sustainable management of forested landscapes. RBA interventions at all levels (whether individual, organizational or institutional, local, subnational/provincial or national) need to consider this.

Why was this manual developed?

Millions of people are dependent on forests in the Asia-Pacific region. RBA has been identified as a way to strengthen local communities' rights to engage in and benefit fairly from forest management. While there have been efforts by state agencies to recognize and protect local community rights, it should be acknowledged that huge gaps remain. RBA is most effective when duty bearers are held accountable to democratic processes and rights holders are given the opportunity to fully participate in these processes.

In the Asia-Pacific region, duty bearers and rights holders have limited capacities to ensure that rights are claimed, respected, protected and fulfilled. Having training programs on this

topic is one way to fill the capacity gap. This training manual on RBA can be used by relevant agencies and organizations to train their stakeholders to be able to apply RBA in their mandated activities. After completing this training, participants will be able to:

1. Explain concepts, principles and evolution of human rights and RBA.
2. Explain how RBA and governance are mutually reinforcing and can result in more equitable outcomes in forested landscapes.
3. Use and adapt participatory tools to assess rights issues and identify potential RBA interventions.
4. Develop an action plan for their own context that applies RBA in programme planning and implementation, leading to better forest landscape governance.



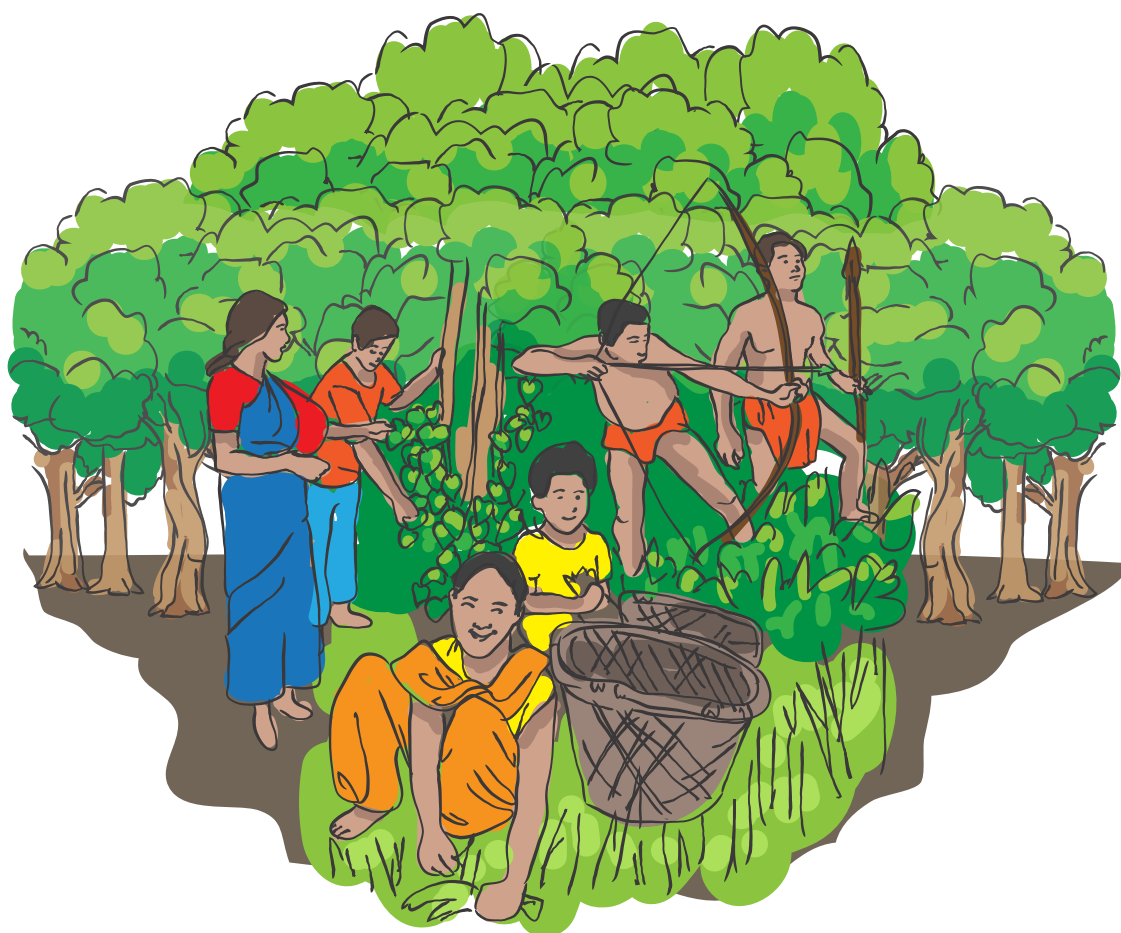
How to use this manual

RECOFTC's preferred training methodology is at the core of the manual. It aims to create participatory, interactive and collaborative learning environments. Mutual respect, confidence building, cooperation and shared learning are encouraged throughout the training. Learning occurs through interactions between the participants' and trainers' experiences, knowledge and skills. The trainer should make a conscious effort to make the sessions action-oriented, relevant with a logical flow through systematic process design. The trainer uses various tools, methods and approaches to achieve this.

There are five learning blocks in this manual and each learning block consists of several sessions. Each session is organized in the following sequential way:

- Learning objectives;
- Materials needed;
- Estimated time to run the session (time allocation);
- Directions to facilitate the steps of the session;
- Questions for reflection which help the trainer draw out key learning;
- Conclusion which is the key learning points of the session based on objectives;
- Trainer's note providing additional guidance on how to prepare and run the session;
- Exercise sheets that can be reproduced (e.g. case studies, role play scenarios, templates, tables etc.);
- Handouts that include key learning points , additional content not covered in the training and further readings references. They also serve as the initial reference for the trainer, providing conceptual references, information and focus for the session.

All the sessions are designed to respond to the participants' backgrounds and training needs and easily adapted(see 'How to customize your training' on page 10). However for maximum learning, all the components of a session as above should be included when running a session to ensure the full experiential learning cycle. Learning Blocks 1 and 2 can be completed in one day of training but the remaining learning blocks need at least one training day each.



Flow of the learning process

The manual is sequentially arranged to follow a logical learning process. Figure 1 elaborates the five learning blocks in this manual.

Figure 1. The five sequential learning blocks



Learning Block 1: Setting the stage. This is a gradual familiarization process with other participants and the trainer (Session 1). Participants understand and collectively agree with the training content, design and methodology. It also sets the norms of the training (Session 2). The trainer at this stage has the responsibility to start the process of creating a learning environment that is safe and conducive to open and meaningful discussions, interaction and participation.

Session 1: Welcome and introduction

Session 2: Training objectives and learning flow

Learning Block 2: Foundation to rights. This learning block presents the learning process of the training. It unpacks the concept of human rights. Participants discuss the definition and various categories of rights, responsibilities of duty bearers to secure rights (respect, protect and fulfill) and the importance of ensuring the participation of rights holders in all activities. All this provides the foundational introduction to RBA to the participants.

An introduction to basic human rights explores the conceptualization and birth of the human rights ideology by the international community leading to the crystallization of international human rights standards (Session 3). These standards evolved in line with new social, economic and political developments and influencing sectors, including forestry, resulting in rights-based legal frameworks that address forestry and forestry-related issues (Session 4). The next session explores the roles and responsibilities of rights holders and duty bearers which is fundamental in RBA (Session 5). An introduction to RBA is the next session and explores the fundamental difference from other developmental approaches (Session 6).

Session 3: Introduction to human rights

Session 4: International human rights standards and implications for forestry

Session 5: Rights holders and duty bearers

Session 6: Introduction to RBA

Learning Block 3: RBA and forest governance. This learning block informs the participants about the links between rights, RBA and forest governance, based on the premise that they are mutually reinforcing. Better forest governance (i.e. the application of governance principles) can address the rights issues in a given context (e.g. local village, project area, forested landscape, etc.) Likewise, if rights issues are addressed, i.e. rights holders and their rights are respected, protected and fulfilled, this can result in better forest governance at the landscape level.

This session explores forest governance and includes an initial discussion on the link to RBA (Session 7). The next sessions provide an overview of forest tenure regimes and how the bundle of rights framework can be used to analyze different tenure regimes. These sessions continue the discussion on what forest governance and tenure regimes mean for rights and RBA (Sessions 8 and 9).

Session 7: RBA and forest governance

Session 8: Forest tenure regimes

Session 9: Bundle of rights

Learning Block 4: Participatory rights analysis. This session is the core of RBA. Applying a RBA means identifying rights issues, challenges, relevant stakeholders and institutions, analyzing power relations and existing capacity gaps to apply RBA within a certain context or landscape.

Using a set of tools in a systematic process (i.e. RBA) will yield the necessary data needed to plan interventions that can address rights issues. Participants will focus on assessing, analyzing and then mapping out stakeholders' rights, specifically that of the rights holders (Session 10). The analysis continues with a set of tools: problem tree (Session 11), stakeholder

mapping (Session 12), institutional mapping (Session 13), power relations' mapping (Session 14) and capacity assessment of rights holders and duty bearers (Session 15). The information gathered with these tools is mutually reinforcing." They build a picture of the landscape with a "rights lens." This provides the information needed for relevant RBA-based interventions in programme planning and implementation.

Session 10: Mapping rights issues

Session 11: Problem tree

Session 12: Stakeholder mapping

Session 13: Institutional mapping

Session 14: Power mapping

Session 15: Assessing capacity

Learning Block 5: Better forest governance by applying RBA. In this learning block participants synthesize the baseline data from the previous learning block and apply it in programme planning and implementation. Based on the results of the problem analysis in an earlier session, participants now identify their RBA objectives using the objective tree tool (Session 16). Once they have identified their RBA objectives, they can plan their RBA project, including monitoring and evaluation (M&E) (Session 17). In the project design, participants consider the roles and responsibilities of various stakeholders in applying RBA (Session 18). Participants then need consider how they can support applying RBA in their own work by action planning (Session 19).

Session 16: Objective tree

Session 17: Applying RBA in forestry programmes

Session 18: Roles and responsibilities when applying RBA

Session 19: Action planning for RBA

Reflection on the learning journey at the end of the training

At the end of the training (the learning blocks), the trainer is encouraged to run a 'memory wall' exercise. The trainer can walk the participants through each session in the learning blocks. Flip charts of the sessions are placed in a sequential manner to reflect the learning flow of the training.

Revisit the objectives of the training and the participants' expectations on the first day. Here the trainer can encourage some self-reflection on the training and facilitate a short sharing of

- How they feel about mainstreaming RBA now;
- The benefits of using the approach in their own contexts;
- How they plan to use the skills and knowledge from the training in their own work.

The post self-evaluation questionnaire is administered and this ends the training.

How to customize your training

The training can be adapted based on context. This includes adapting the objectives and flow of the training based on target participants, number of days, able to include a field trip and the venue etc. After developing the training objectives, the trainer can decide on sessions that should be delivered. A field trip would allow participants to practise the tools they have learned in real time and context (Sessions 10-16).

Table 1 provides some examples on how the training can be customized. The session plans can also be adapted according to needs. However, the sessions in this manual have been developed according to the experiential learning model and follow a logical and systematic flow. The trainer should carefully consider how to modify the flow and session plans in order to ensure a complete learning process.

Table 1. Suggested customization for the training

Training scenario	Target group	Duration	Learning objectives
Key concepts and frameworks related to RBA and value of RBA in project planning.	Senior officers	1 day	Objectives 1-2
Key concepts and frameworks related to RBA and applying RBA in programme planning and implementation.	Programme managers	3 days	Objectives 1-3
Key concepts and frameworks related to RBA. Participants use participatory tools during the field visit. Applying RBA in programme planning and implementation	Programme managers Field-based staff working with local communities, NGO community facilitators, community leaders youth	5.5-6 days	Objectives 1-5



Learning Block 1

Setting the stage

Session 1: Welcome and introduction



OBJECTIVES:

At the end of this session the participants will be able to:

- Know each other;
- Formulate expectations about the training;
- Reflect on their interest, knowledge and skills about RBA and forest governance.

TIME: 60 minutes (depends on number of participants).

METHODS: Paired interviews.

MATERIALS: Flip charts, metacards, markers, Post-it notes.

STEPS:

1. Welcome the participants and introduce the training team.
2. Allow some time for welcome speeches depending on the organizers of the training.
3. Introduce the objectives of the session.
4. Explain that the participants will get to know each other through a short introduction activity. Pair up the participants randomly and ask them to spend five minutes to find out the following information about their partners:
 - Name;
 - Organization/institution and job title;
 - Interest in RBA and/or forest governance. Explain that the question is not about checking what they know about RBA or forest governance but why they are interested in RBA and/or forest governance;
 - Expectations from the training course (what they hope to take away from it).
5. Invite the participants into a circle and ask them to introduce their partners based on information they have collected. Allow each pair to share in five minutes. Once all the introductions have been made, ask the participants for return to their seats.
6. Ask the participants to write down one or two expectations from the training. Ensure that they write one expectation on one Post-it. Collect the Post-its and categorize them on the flip chart accordingly. Explain that some topics they would like to discuss in this training may not be within the scope of this training. Inform the participants that this will be discussed further in the following session.
7. Conclude by saying that this was a way to get to know each other and create a friendly environment in which everybody should feel free to speak and share ideas (safe space). It was also a starting point for exploring some ideas about the topic of the training.

Session 2: Training objectives and learning flow

OBJECTIVES:

At the end of this session, the participants will be able to:

- State the objectives, the learning flow and agenda of the training;
- Agree on expectations, roles and responsibilities in the training and create a positive atmosphere.

TIME: 45 minutes.

METHODS: Presentation, brainstorming, plenary discussion.

MATERIALS: Flip charts, marker, metacards, printed copies of self-assessment questionnaires.

STEPS:

1. Introduce the objectives of the session.
2. Hang the flip chart with the training objectives on the wall and go through each of them. Highlight key terms and clarify any questions.
3. Introduce the learning flow and explain the connections between each of the learning blocks.
4. Refer to the participants' expectations and clarify the scope and objectives of the training. Refer to the flip chart with the participants' expectations and inform the participants the training will try to incorporate this as much as possible.

LEARNING FLOW

	Day 1	Day 2	Day 3	Day 4	Day 5
AM					
PM					



5. Briefly present the agenda for each day of the training.
6. Explain to the participants that, for the whole duration of the training, they will have to work closely together and support each other to achieve the training objectives. In order to do this, there should be consensus on common rules/norms to follow.
7. Brainstorm the norms for the training and write on a flip chart those which all participants agree on.
8. Hang the flip chart on the wall so that it stays visible to all throughout the training.
9. Before ending the session, take a few minutes to discuss and agree on:
 - Logistical arrangements;
 - Daily tasks for the participants to support the training course (energizers' team, handout distribution, time-keeping etc.).
10. Distribute the self-assessment questionnaires; allow 15 minutes to complete them. Take some time to explain how to fill out the form. Inform the participants that these are their own assessments of the topic and this is not a test. Collect them. Explain that the same questionnaires will be distributed at the end of the training in order to identify progress in the identified areas of knowledge and skills.
11. Conclude the session by allowing some time for clarifications.

Trainer's note:

The learning flow, agenda, expectations and training norms should be displayed prominently in the training room. They will be referenced throughout the training to show participants where they are in the learning process. They are also useful as a reminder of what they have learned and what they will learn as the training progresses. The agreed norms of the training can be referenced and added on to as the training progresses.

EXERCISE 2.1: SELF-ASSESSMENT QUESTIONNAIRE

Name of the participant (optional):

Table 2.1 gives a list of attributes/topics that participants may use to measure their competencies and their degree of knowledge, skills and attitudes. Read through the attributes and along the continuum for each of the attributes, place an O (circle) where you think you were before the course and a triangle (Δ) where you are now. Any further remarks are appreciated.

BEFORE taking this course: 0 **AFTER** learning from this course: Δ

Table 2.1. Self-assessment questionnaire for RBA

Attributes/topics	Applying RBA in forest governance Development of knowledge, skills and attitudes					Remarks
	Very low No general understanding or knowledge about the topic		Moderate Understand the basic knowledge of the topic		Very high Can confidently describe the contents and explain them with examples	
	1	2	3	4	5	
Human rights						
Human rights legal instruments and implications for forestry						
Rights holders and duty bearers						
RBA and its implementation						
Forest governance						
Tenure regimes and bundle of rights framework						
Participatory tools for RBA						
Applying RBA in forestry programmes for better forest governance						



Learning Block 2

Foundation to rights

Session 3: Introduction to human rights

OBJECTIVES:

At the end of this session, the participants will be able to:

- Define human rights;
- Explain the scope and basic principles of human rights;
- Describe how human rights principles are relevant in forestry.

TIME: 90 minutes.

METHODS: Plenary presentation, video clip on human rights principles, small group discussion, role play.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes.

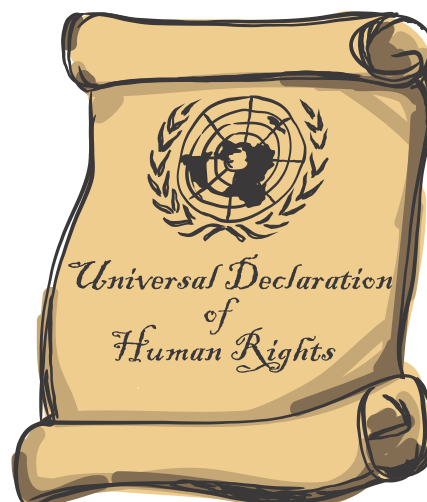
STEPS:

1. Introduce the objectives of the session.
2. Ask the participants if they can think of universal rights all people should have.
3. Give the participants metacards and ask them to write one or two keywords about universal human rights that they are familiar with. Put the cards and Post-it notes on a flip chart. Group similar answers together. Allow five minutes for this.
4. Ask a few of the participants to explain what they have written and why they think these are universal rights.
5. Based on the explanations, write down keywords on a flip chart. Some of the keywords may include access, authority, opportunity, violation, respect, responsibility, obligation, self-determination, protection, freedom, equality and education.

The text 'HUMAN RIGHTS' is rendered in a bold, red, 3D-style font. Each letter has a thick black outline and a slight shadow, giving it a three-dimensional appearance. The letters are arranged in two lines: 'HUMAN' on top and 'RIGHTS' on the bottom.

6. Based on these keywords and the explanations of the participants, draw out the point that rights are something (dignity, freedom and equality) a person is **entitled** to as a human and thus can be **claimed**.
7. Explain this means that human rights are inherent to humans (and animals) regardless of nationality, gender, race, religion or any other social, political or economic status determinant (entitled). These rights are universally guaranteed under international legal frameworks (claimed), which will be discussed in later sessions.
8. Ask the participants to think of examples in the context of forestry. Some suggestions would be: the right to perform traditional practices (e.g. traditional burial grounds, religious rites), the right to clean air, the right to clean water, the right to hunt or collect resources for food, the right to harvest fuelwood and timber from forests, the right to manage forests to meet basic needs and the right to trade forest products from forests. Spend some time to clarify these rights and write them on a flip chart as these will be issues that will be discussed throughout the training.
9. Introduce the definition of human rights given below. Facilitate a plenary discussion based on keywords in the definition, linking to the keywords participants shared earlier in the session.

“Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity.” (United for Human Rights, 2017)
10. Explain that now that we have looked at one definition of human rights, we are going to consider what some of the principles of human rights are. Ask the participants to watch attentively and look out for the principles and we will discuss it later. Play the video: “What are the Universal Human Rights?” – Ted Talk (play until 2:23). Available at <https://www.youtube.com/watch?v=nDgIVseTkuE>
11. Ask the participants what were some of the principles they identified. Present the six principles on a flip chart and explain the meaning of each one.
12. Form six groups, and assign one principle per group: universality and alienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion and accountability and rule of law. Ask each group to discuss what these principles mean in the context of forestry. Allow ten minutes for discussion.



13. Each group will now do a five-minute role play that depicts the principle they were assigned to. The role play should present:
 - The main idea of the principle;
 - The relationship between the principle and the human rights discussed earlier (refer to step 7);
 - What happens if the principle is violated.
14. After the role play reflect with the following questions:
 - How did they feel about playing the role? Was it difficult to depict the principle in forestry context? Why?
 - How do these principles relate to the keywords and the definition of human rights discussed earlier?
 - Did you see any linkages between the principles? What does this mean in terms of human rights and forestry?
 - Can you see some examples of the linkages in your own country contexts? What are they?
15. Close the session by stating the following key points:
 - Entitlement (rights) comes with the limitations and responsibilities to respect other people's rights;
 - In the context of forestry, rights have implications on how the resources are managed as well as how the responsibilities and benefits are shared justly and equitably; these rights could include individual or collective rights. This will be discussed in later sessions.
 - All these principles are interrelated and reflected in various standards, approaches and methodologies that that emphasize human rights.

Trainer's note:

Human rights will not be a new concept for the participants, and there would different definitions for different countries in the region. The trainer should be aware that the different definitions and interpretations can lead to heated discussion and may generate strong opinions and disagreements. Human rights principles can be abstract and the trainer should find real examples to share with the participants or to draw out real examples from them. There are 30 basic human rights captured in the Universal Declaration of Human Rights (UDHR). If the trainer finds it relevant to discuss them they can be found at <http://www.un.org/en/universal-declaration-human-rights/>



HANDOUT SESSION 3: WHAT ARE HUMAN RIGHTS?

Human rights are an inalienable fundamental privilege to which a person is inherently entitled simply for being a human being notwithstanding country of origin, race, social-economic or political status and other attributes in life.

“Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity.” (United for Human Rights, 2017)

Human rights can be categorized into three norms: civil-political, socio-economic and cultural, and collective developmental rights. Civil and political rights, which are also known as ‘first generation’ rights, include all the rights that protect individual freedoms from state infringement; they are mostly related to physical and civil security. For example, freedom from torture, equality before the law, freedom of thought, freedom of assembly and political participation in one’s society come under civil and political rights. Similarly, socio-economic and cultural rights, which are considered as ‘second generation’, include all the human rights that pertain to the provision of goods and services in response to social, economic and cultural needs under equal conditions and treatment. Examples are health care, education and adequate living standards. Collective and development rights focus on people’s self-determination and constitute a broad class of rights such as political status, economic and cultural development, and right to the enjoyment of individual cultures, languages and religion. These constitute as ‘third generation’ rights. Some of these rights may be contentious when it comes to implementation and enforcement due to social and contextual conditions. However, they are indivisible, interconnected and universal (adapted from United for Human Rights, 2007).

One can easily relate these ‘third generation’ rights to forestry. For example, many local communities have strong cultural links with forests. Their identities and traditions are strongly connected with certain forests. Some local communities regard forests as homes for their deities, their protectors, and they often gather there to worship them. In that case, free access to these forests should be granted to exercise those cultural rights. Similarly, in order to fulfill their basic needs such as food and livelihoods, local communities harvest forest products. In this case the rights to use the forests can be considered as ‘second generation’ rights. Providing provisions for local communities to harvest their forests and participate in decision making that affects them would be ‘third generation’ rights.

Human rights principles

Human rights principles are universal. They apply to everybody regardless of where they live, their gender, race, or their religious, cultural or ethnic background (*see www.unfpa.org/resources/human-rights-principles*).

The human rights principles include:

Universality and alienability: The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.” It is the duty of states to promote and protect all human rights and fundamental freedoms of ALL their citizens, regardless of their political, economic and cultural systems. These rights are inalienable because people’s rights can never be taken away and everyone, especially the state, has the responsibility to ensure this.

Indivisibility: Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human being. Consequently, human rights cannot be scaled in a hierarchical order. Denial of one right invariably means the diminishing or loss other rights. For example, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as the right to health or the right to education.

Interdependence and interrelatedness: Both contribute to the realization of a person’s dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others.

Equality and non-discrimination: All individuals are equal as human beings and by virtue of their inherent dignity. No one, therefore, should suffer from, discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards.

Participation and inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by local communities, civil society organizations (CSOs), minorities, women, young people, indigenous peoples and other identified groups.

Accountability and rule of law: States and other duty bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Individuals, the media, CSOs and the international community play important roles in holding governments accountable for their obligations to uphold human rights.

United Nations Populations Fund (2007)



Session 4: International human rights standards and implications for forestry

OBJECTIVES:

At the end of this session, the participants will be able to:

- Explain how international human rights standards impose obligations on states to address human rights issues within the forestry context;
- Identify barriers and opportunities in fulfilling the obligations of human rights standards in reference to national laws, policies and forestry initiatives.

TIME: 90 minutes.

METHODS: Small group discussion; plenary discussion, matching statements.

MATERIALS: Flip chart, markers, Post-it notes, photocopies of various agreement statements, box for statements.

STEPS:

1. Introduce the objectives of the session.
2. Link to the previous session and explain that the discussion on rights, including RBA, is influenced and guided by human rights principles and standards.
3. Ask the participants if they are aware of any human rights international agreements. Do they have any experience with them? Can they describe their experiences?
4. Place the title and introduction of five agreements on a flip chart and pin it up on a wall (See Exercise 4.1).
5. Give the participants the instructions for the activity. Ask them to draw one statement each from a box. Each statement is part of a specific agreement. Participants need to find others who they think have another part of the same agreement as theirs. They can search based on the topic of the statement and/or the human rights principles discussed in previous session.





6. Once all statements for all agreements have been found, participants should stick them on the flip chart under the title and introduction of the agreement. Once done, ask the groups to discuss the main points and obligations of the agreement.
7. Provide the participants with copies of Exercise 4.1. Allow some time for the groups to check their results against what is in the handout. Once they have done so, facilitate any questions they may have.
8. Facilitate a plenary discussion using these questions:
 - What is the difference between binding and non-binding agreements? What is the impact on duties and obligations of states?
 - Can these agreements force states to adhere to the human rights principles & standards (e.g. the Paris agreement)?
 - To what extent have their countries adopted international agreements? Are any of these agreements related to forestry? Have these obligations been met?
9. Ask the participants to get into country groups and discuss how these international agreements may provide opportunities to promote human rights. What are some of the barriers in fulfilling the obligations of these agreements? They should write their discussion points on a flip chart to prepare for sharing. Give the groups 20 minutes to do so and then allow them to share key points if their discussion.
10. Summarize the session with these learning points:

- International agreements impose an obligation on states to follow certain human rights standards and principles and to be accountable to them;
- Governments are accountable for the implementation and enforcement of these agreements. Ideally the state's compliance will be monitored through national laws and policies;
- Various international binding and non-binding agreements validate rights-based initiatives at local, national and international levels. Together they set the standards for human rights implementation. These standards make it possible for NGOs, states, companies and other institutions to implement and defend human rights and hold each other accountable for any rights violations. For instance, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which although not binding, provides a framework for states to recognize indigenous peoples' customary rights to own, use and manage forests.

Trainer's note:

The trainer can decide which parts of the agreements to include in the statement box keeping in mind the objectives of the session and the target participants.

If there are not enough participants to form a country group the discussion can be done in plenary. The trainer can also prepare a pre-training assignment on international human rights agreements ratified by participants' countries and/or included in national laws and policies and use this in the discussions.

Human rights agreements can encompass laws, declarations, conventions, covenants, treaties and binding and non-binding legal instruments. Participants do not need to know every single tenet in this agreement. In actual RBA planning, a right issue is likely to be identified first and after that project proponents will identify various agreements that are relevant to the issue. For example, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the context of national food security (VGGT) would be a useful instrument if there are violations resulting from land issues.

EXERCISE 4.1

Some human rights agreements that are relevant to the forestry context are provided below. The first paragraph explains the core function of the agreement and should be cut and pasted on the flip chart for the participants' reference. The next parts should be cut out according to sections and included in the box from which the participants pick at least one section each.

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1) Aarhus Convention 1998

This was adopted on 25 June 1998 under the United Nations Economic Commission for Europe (UNECE) on: Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The convention establishes a number of rights for the public (individuals and their associations) regarding environmental issues in the European Union (EU).

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Principle: The right of everyone to receive environmental information that is held by public authorities ('access to environmental information'). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the convention, to actively disseminate environmental information in their possession.

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Principle: The right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organizations (NGOs) to comment on proposals for projects affecting the environment, or plans and programmes relating to the environment. These comments are to be taken into due account in decision-making and information to be provided on the final decisions and the reasons for these decisions ('public participation in environmental decision-making').

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Principle: The right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ('access to justice').

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2) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the context of national food security (VGGT) 2012

In 2012, the 193 governments represented in the United Nations Committee on World Food Security (CFS) endorsed the VGGT which conceptualizes that states and companies have responsibilities to respect and protect the legitimate land and forest tenure rights being held by communities and households. It aims to perceive tenure rights as being important for the realization of human rights.

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State as well as non-state actors such as the private sector have roles in ensuring responsible governance of tenure. While states have obligations to recognize and respect all legitimate tenure rights holders and their rights as well as to safeguard legitimate tenure rights against threats and infringements, non-state actors, including business enterprises, have a responsibility to respect human rights and legitimate tenure rights.

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- Section 3 of the agreement says that states have the following duties:
- RECOGNIZE AND RESPECT all legitimate tenure rights and the people who hold them;
 - SAFEGUARD legitimate tenure rights against threats;
 - PROMOTE AND FACILITATE the enjoyment of legitimate tenure rights;
 - PROVIDE access to justice when tenure rights are infringed upon;
 - PREVENT tenure disputes, violent conflicts and opportunities for corruption.

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Good governance of tenure ensures the equitable access to resources (land, fisheries and forests). Rights holders should not be evicted forcibly if they have a right to the land or resources. Laws, policies and practices ensure this through transparent and participatory decision-making. The laws and policies provide the framework that ensures the administration of tenure is accessible while ensuring dispute resolution mechanisms are in place and functioning effectively.

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3) Rio Declaration on Environment and Development (Agenda 21) 1992

The Rio Declaration on Environment and Development was signed by 170 UN member states at the Rio Conference (the Earth Summit) in 1992. The Rio Declaration defines the rights of the people to be involved in the development of their economies and the responsibilities of human beings to safeguard the common environment. It is a seminal agreement that influenced subsequent sustainable development and environment-related agreements. These include: Agenda 21, the United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, United Nations Convention on Biological Diversity (CBD), Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) signed by all 193 UN member states in 2016.

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Principle 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

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Principle 3: The right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations.

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Principle 10: Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available, including access to judicial and administrative proceedings that include redress and remedy clauses.

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Principle 22: Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

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4) United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007

An international instrument adopted by the UN on 13 September 2007. The declaration sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It also “emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations.”

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It “prohibits discrimination against indigenous peoples” and “promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development.” The opening and Article 2 of the declaration provide that “indigenous peoples are equal to all other peoples,” guaranteeing them the right of existence, of living free of discrimination and entitling them as peoples to self-determination under international law.

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There is recognition of the need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources. Control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.

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Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

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Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

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Article 26.1: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 26.2: Indigenous 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, as well as those which they have otherwise acquired.

Article 26.3: States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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5) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

This was adopted by the General Assembly of the UN in 1979. It is often referred to as the international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination and is a principal instrument for the promotion of gender equity.

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In their legal systems, states must commit to ensuring that they incorporate the principle of equality of men and women in their laws. While abolishing laws that discriminate against women, they need to adopt those that prohibit any kind of discrimination against women.

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Public institutions and tribunals that are set up/established must have safeguards that ensure the protection of women against discriminatory acts.

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Most importantly, states have the obligation to ensure that all acts by persons, organizations, enterprises or the state itself that result in discrimination against women are eliminated.

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6) Universal Declaration of Human Rights (UDHR) 1948

The UDHR is an historic document that was adopted by the UN General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. The declaration consists of 30 articles affirming an individual's rights which, although not legally binding per se, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions and other laws.

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Article 17 (Right to Own Property): Everyone has the individual right to own property as well as in association with others and that this property cannot be appropriated without good reason.

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Article 19 (Freedom of Opinion and Information): People have the right to hold and express their own opinions. They should be able to share their opinions with others, including people from other countries, through any media or other channels.

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Article 22 (Right to Social Security): Everyone, as a member of society, has the right to social security and is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each state, to the economic, social and cultural rights indispensable for human dignity and the free development of personality.

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Article 7 (Right to Equality before the Law); Article 8 (Right to Remedy by Capable Judges): People have a right to be protected and treated equally by the law without discrimination of any kind. If legal rights are violated, people have the right to access fair and capable judges to uphold their rights. Mechanisms of redress must be available for fair compensation.

HANDOUT SESSION 4: INTERNATIONAL HUMAN RIGHTS STANDARDS AND IMPLICATIONS FOR FORESTRY

Human rights are those rights which are essential for human existence. They are built on basic standards without which people cannot survive and/or live with dignity. Human rights are inalienable, universal and apply to all individuals.

Human rights were initiated and given standards when the UN adopted the Universal Declaration of Human Rights (UDHR) in 1948. As it is not part of binding international law, it is not accepted by all countries around the world although it gives great moral weight to the fundamental principle that all human beings, rich and poor, strong and weak, male and female, of all races and religions, are to be treated equally and with respect.

Many legally binding international human rights agreements have been adopted since 1948 by the UN. These often build on the UDHR and in combination are used as a framework for discussing and applying human rights including how to hold governments accountable in the event they violate human rights. For example, the UDHR (1948) calls for states to uphold peoples' rights, including those to their property. The article relevant to forestry is Article 17, which is about the right to own property (e.g. forests) and its security. Likewise, customary practices of local community members can be interpreted as the economic, social and cultural rights indispensable for their dignity and the free development of personality (Article 22); besides the UDHR, the core human rights agreements are: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Elimination of All Forms of Discrimination against Women.

Every country in the world has ratified at least one of these agreements, and many have ratified most of them (UNICEF, 2017a). However, in terms of adoption or adhering to the provisions there are some challenges, especially for states which have:

- Knowledge and capacity gaps among the public;
- Weak laws and/or lack of enforcement;
- Capacity gaps in implementing, reporting and monitoring institutions;
- Lack of political will;
- Legal abuse by government agencies and powerful private entities;
- Economic and political interests obstructing the enforcement of human rights, for instance freedom of union and association;
- Security issues, conflicts or war that disrupt individuals from exercising rights and organizations and judicial institutions in guaranteeing rights.

However the issue remains that the states' ability and commitment to adhere to human rights standards. The agreements discussed here combine sets, standards, norms and principles that provide opportunities for international collaboration to carry out rights-based activities. Donor agencies that fund rights-based programmes or the private sector pursuing more responsible rights-based actions, and NGOs working on particular rights issues (e.g. SDGs) are examples of processes that would not exist without definitive international standards. For

example, networks of indigenous communities across countries have partnered (e.g. the Asia Indigenous People's Pact) to pressurize their governments to ratify and use UNDRIP, which recognizes customary rights to own and manage forests and to safeguard indigenous people from forced displacement from their customary land.

Key terms in relation to international agreements

Convention: Binding agreement among states; used synonymously with treaty and covenant. Conventions are stronger than declarations because they are legally binding for governments that have signed them. When the UN General Assembly adopts a convention, it creates international norms and standards. Once a convention is adopted by the UN General Assembly, member states can then ratify the convention, promising to uphold it. Governments that violate the standards set forth in a convention can then be censured by the UN.

Covenant: Binding agreement between states; used synonymously with convention and treaty. The major international human rights covenants, both passed in 1966, are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Declaration: States agreed upon standards but is not legally binding. UN conferences like the 1993 UN Conference on Human Rights in Vienna and the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by NGOs. The UN General Assembly often issues influential but legally non-binding declarations.

Treaty: Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with convention and covenant. When conventions are adopted by the UN General Assembly, they create legally binding international obligations for the member states who have signed the treaty. When a national government ratifies a treaty, the articles of that treaty become part of its domestic legal obligations.

Non-binding agreement: A document, like a declaration, that carries no formal legal obligations. It may, however, carry moral obligations or attain the force of law as customary international law. International law: International law is the set of rules that countries follow in dealing with each other. There are three distinct legal processes that can be identified in international law that include public international law (the relationship between sovereign states and international entities such as the International Criminal Court), private international law (addressing questions of jurisdiction in conflict) and supranational law (the set of collective laws that sovereign states voluntarily yield to).

Customary international law: Law that becomes binding on states, although it is not written, but rather adhered to out of custom; when enough states have begun to behave as though something is law, it becomes law 'by use'; this is one of the main sources of international law.

Adapted from Human Rights Resource Center (2017).

Some human rights agreements that are relevant to the forestry context are listed below.

1. Aarhus Convention 1998

The Aarhus Convention was adopted 25 June 1998 under the United Nations Economic Commission for Europe (UNECE) on: Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The convention prescribes a number of rights to the public (individuals and their associations) in environmental issues in the European Union.

Principle: The right of everyone to receive environmental information that is held by public authorities (“access to environmental information”). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the convention, to actively disseminate environmental information in their possession;

Principle: The right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organizations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it (“public participation in environmental decision-making”);

Principle: The right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general (“access to justice”).

Further reading: <http://ec.europa.eu/environment/aarhus/> (accessed 23.10.17)

2) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the context of national food security (VGGT) 2012

In 2012, the 193 governments represented in the United Nations Committee on World Food Security (CFS) endorsed a document called the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the context of national food security (VGGT). VGGT conceptualizes that states and companies have responsibilities to respect and protect the legitimate land and forest tenure rights being held by communities and households. It aims to see tenure rights as being important for the realization of human rights.

State as well as non-state actors such as the private sector have roles in ensuring responsible governance of tenure. While states have obligations to recognize and respect all legitimate tenure right holders and their rights as well as to safeguard legitimate tenure rights against threats and infringements, the non-state actors including business enterprises, have a responsibility to respect human rights and legitimate tenure rights.

Section 3 of the agreement says that states have the following duties:

- RECOGNIZE AND RESPECT all legitimate tenure rights and the people who hold them;
- SAFEGUARD legitimate tenure rights against threats;
- PROMOTE AND FACILITATE the enjoyment of legitimate tenure rights;
- PROVIDE access to justice when tenure rights are infringed upon;
- PREVENT tenure disputes, violent conflicts and opportunities for corruption;

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Good governance of tenure ensures the equitable access to resources (land, fisheries and forests). Rights holders should not be evicted forcibly if they have a right to the land or resources. Laws, policies and practices ensure this through transparent and participatory decision-making. The laws and policies provide the framework that ensures the administration of tenure is accessible while ensuring dispute resolution mechanisms are in place and effectively functioning.

Further reading: <http://www.fao.org/docrep/016/i2801e/i2801e.pdf> (accessed 23.10.17)

3) Rio Declaration on Environment and Development (Agenda 21) 1992

The Rio Declaration on Environment and Development was signed by 170 UN member states at the Rio Conference (the Earth Summit) in 1992. The Rio Declaration defines the rights of the people to be involved in the development of their economies and the responsibilities of human beings to safeguard the common environment. It is a seminal agreement that influenced subsequent sustainable development and environment-related agreements. These include: Agenda 21, the United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, United Nations Convention on Biological Diversity (CBD), Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) signed by all 193 UN member states in 2016.

Principle 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

Principle 3: The right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations.

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Principle 10 states that environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage

public awareness and participation by making information widely available, including access to judicial and administrative proceedings that include redress and remedy clauses.

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Principle 22: Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Further reading: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (accessed 23.10.17)

4) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

The Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the General Assembly of the UN in 1979. It is often referred to as international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination and is a principal fundament for the promotion of gender equality and gender equity.

In its legal system, the states must commit to ensuring a number of things and incorporate the principle of equality of men and women in their laws. While abolishing laws that discriminate against women, they need to adopt those that prohibit any kind of discrimination against women.

Public institutions and tribunals that are set up/established must have safeguards that ensure the protection of women against discriminatory acts.

Most importantly states have the obligation to make sure that all acts by persons, organizations, enterprises or the state itself that result in discrimination against women are eliminated.

Further reading: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (accessed 23.10.17)

5) Universal Declaration of Human Rights 1948

The Universal Declaration of Human Rights (UDHR) is an historic document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. The UDHR consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions and other laws.

Article 17: Right to own property: Everyone has the right to own property alone as well as in association with others and this property cannot be taken away without good reason.

Article 19: Freedom of opinion and information: People have the right to hold and express their own opinions. One should be able to share one's opinions with others, including people from other countries, through any form of media.

Article 22: Right to social security: Everyone has the right to social security and is entitled to its realization, through national efforts and international cooperation and in accordance with the organization and resources of each state, to the economic, social and cultural rights indispensable for dignity and the free development of personality.

Article 7: Right to equality before the law; and Article 8: Right to justice by capable judges: Everyone has the right to be protected and treated equally by the law without discrimination of any kind. If legal rights are violated, people have the right to source fair and capable judges to uphold their rights. Mechanisms of redress should be available for fair compensation.

Session 5: Rights holders and duty bearers



OBJECTIVES:

At the end of this session, the participants will be able to:

- Discuss the importance of the duty to respect, protect and fulfil rights;
- Differentiate the roles of duty bearers and rights holders;
- Explain the roles of duty bearers to respect, protect and fulfil rights in a forestry context.

TIME: 120 minutes.

METHODS: Small group discussion, brainstorming, illustrative case study.

MATERIALS: Meta cards, pins, markers, flip charts, charts copies of respect, protect and fulfil matrix, copies of illustration of land issues.

STEPS:

1. Introduce the objectives of the session.
2. Facilitate an initial discussion on the obligations to respect, protect and fulfil human rights. Explain that the terms 'respect, protect and fulfil' are included in human rights agreements and discussed to highlight the duties of states and non-state actors.
3. On a flip chart, present the following definitions below and allow for questions:
 - Aspect of rights: Type of human rights, e.g. access to food;
 - Respect: Avoid putting limit on something that a person can do;
 - Protect: Safeguard a person from abuse and harm;
 - Fulfil: Provide basic settings for a person to fulfil his/her need and potential.

4. Present the respect, protect and fulfil matrix. See Exercise 5.1 and show how an example of how to fill up the matrix for one aspect of rights.
5. When the exercise is over, ask the participants the following questions:
 - Was the exercise easy or difficult? Why?
 - Did you think of rights in the context of duties to respect, protect and fulfil previously? If so, did it help to think of rights in this way? Why?
 - What are some examples of respecting, protecting and fulfilling rights in the forestry context in your country?
6. Divide the participants into three groups. Provide them with Exercise 5.2. Let the groups discuss the questions in the exercise. Allow 20 minutes for discussion.
7. Ask each group to present their discussion. Facilitate any questions from the other groups.
8. Ensure enough time is given to discuss the responses related to question 4: 'Which stakeholder has the responsibility to ensure that the rights are respected, protected and /or fulfilled?'
9. Introduce the concepts of rights holders and duty bearers. Ask the participants if they have heard of these terms and in what context.
10. Ask the groups to divide a flip chart into two and draw a human figure on both sides. They will brainstorm the roles and responsibilities of rights holders and duty bearers in forestry. Remind them to write one idea on one metacard. They should stick the cards on the human figures. The groups have 20 minutes to do this.

Figure 5.1. Rights holders and duty bearers



11. Once they are finished, get all the groups to place their flip charts side by side. Give them some time to look at the similarities and differences of the roles and responsibilities. Invite any observations from the participants before asking these questions:
 - Which roles and responsibilities were the easiest to identify? Which were the most difficult? Why?
 - Which roles and responsibilities did all the groups identify? Why do think these were identified?
 - Do you think this would differ depending on countries? Why?
 - What is the relationship regarding respect, protect and fulfil between rights holders and duty bearers?
12. Present the relationship between duty bearers and rights holders (Figure 5.1) and the obligations to respect, protect and fulfil.
13. Conclude with these key learning points:
 - The various types of duty bearers have a duty to respect, protect and fulfil human rights. In RBA, duty bearers need to be accountable to rights holders as well as to obligations that states have signed on to. How they conduct their roles and responsibilities should be in accordance to human rights principles and standards;
 - Rights holders in RBA refer to those who are marginalized, excluded or discriminated against. For example, we could have gender-related inequities or discrimination where women's contributions in forest management activities are not accounted for. RBA requires specific interventions to address this gap;
 - Rights holders also have an obligation to hold duty bearers accountable and should play an active role in doing so. In a forestry context this could be when a government or its mandated unit/personnel disregards the rights of a local community to be a part of decision- making process about their customary-owned forest. Based on their legal rights, a local community can make a motion to the courts or file a complaint to an acknowledged grievance mechanism or to designated authorities for redress;
 - In RBA, rights holders and duty bearers are interdependent and equally important actors to empower (rights holders) and make accountable (duty bearers) human rights and how it is realized. They should not be treated in exclusive terms – in many situations, duty bearers are also rights holders. For example, a forest officer is a duty bearer who has the responsibility to ensure that local communities are able to use the forest according to national forestry laws (e.g. based on international agreements). But at the same time a forest officer is a citizen and so also a rights holder with a right to the forest as prescribed within the same law.

Trainer's note:

There may be some confusion about the duty to respect, protect and fulfil rights and the terms duty bearer and rights holder. This session serves as an introduction. The various relationships between the types of duty bearers and how these impact rights issues and rights holders will be discussed in Learning Block 4.

EXERCISE 5.1: THE STATE AND HUMAN RIGHTS

Table 5.1 shows various roles of the state in relation to rights.

Table 5.1. Roles of the state in relation to rights

Aspect of rights (rights issue)	Obligation to respect	Obligation to protect	Obligation to fulfil
Accessibility to food	Ensure the basic right to access to food for its citizens	Monitor and prevent others from encroaching on land and affecting access to food (e.g. developers who take over farmland)	Enact programmes to ensure greater access to food and sustained food security
Participation in natural resource management	Institute policies, and set up mechanisms or platforms that allow for participation in line with laws	Enforce compliance with the relevant laws and procedures to secure participation in natural resource management	Take steps to facilitate new platforms and networks to increase level of participation
Access to land	Ensure that the country's land laws are adhered to in decisions that affect people	Set up mechanisms that ensure equitable access and ownership of lands, and for access to justice to address conflicts	Enact land administration and titling programmes, including land or tenure reform

UNICEF (2017b).

EXERCISE 5.2



Figure 5.2. Land issues

Consider Figure 5.2. Discuss the picture above based on the questions below. Document your discussion on a flip chart.

1. What are the issues seen in this picture?
2. Who are the actors/stakeholders involved in this situation?
3. What rights are not being respected, protected and/or fulfilled?
4. Which stakeholder(s) has the responsibility to ensure that the rights are respected, protected and/or fulfilled in this case?

HANDOUT SESSION 5: RIGHTS HOLDERS AND DUTY BEARERS

In RBA there are two key groups of actors:

Rights holders: Rights holders are individuals or social groups who are entitled to certain conditions from specific duty bearers. In general, all human beings are rights holders under the UDHR. In particular contexts, there are often specific social groups whose human rights are more likely to not be fully realized, respected or protected. More often than not, these groups tend to include women/girls, ethnic minorities, indigenous peoples, migrants and youth. RBA not only recognizes that the entitlements of rights holders need to be respected, protected and fulfilled, it also considers rights holders as active agents in the realization of human rights and development – both directly and through organizations representing their interests.

Duty bearers: Duty bearers are those actors who have a specific obligation or responsibility through formal legislation or ethical expectations to respect, protect and fulfil human rights and to refrain from committing human rights violations. The term is most commonly used to refer to state actors, but non-state actors can also be considered duty bearers in certain contexts (UNICEF, 2017c).

There are two kinds of duty bearers:

1. Legal duty bearers such as state leaders, parliaments, ministries, judiciaries and local authorities, enshrined to hold this role under national legal frameworks and international human rights conventions.

2. Moral duty bearers are individuals or formal or informal institutions that have the power to affect people's lives in different ways. This includes local leaders, local communities, CSOs and companies.

'Moral duty bearer' is an umbrella term for non-state actors, who directly or indirectly have a responsibility to protect and improve human rights. 'Indirect moral duty bearer' refer to actors whose power and size will impact right holders and so has a duty to ensure rights are not infringed. This could include the private sector. 'Direct moral duty bearer' refers to institutions (individuals, social or political movements, NGOs , academic institutions etc.) whose main objective is to improve the rights of rights holders. These are sometimes also known as 'rights defenders'. Rights defenders may appear to be different, some may focus on research while others may take a more advocacy or activist stance. An individual or institutions that advocates for the recognition of indigenous land rights could be called a 'rights defender'.

Obligations of duty bearers: Rights and duties are the flip side of the same coin. At the individual level, every person has the reciprocal duty to respect the rights of others in the same way as he or she expects the others to respect his or her rights. Therefore, rights and duties/obligations have a correlation, as 'one person's rights exist by exerting a duty upon others' (Globalization 101, 2017).

Some of the duties of the duty bearers include:

The obligation to respect requires the state and all its agents to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of individuals or impinging on their freedom to access resources to satisfy their needs. It also requires that legislative and administrative codes take account of guaranteed rights.

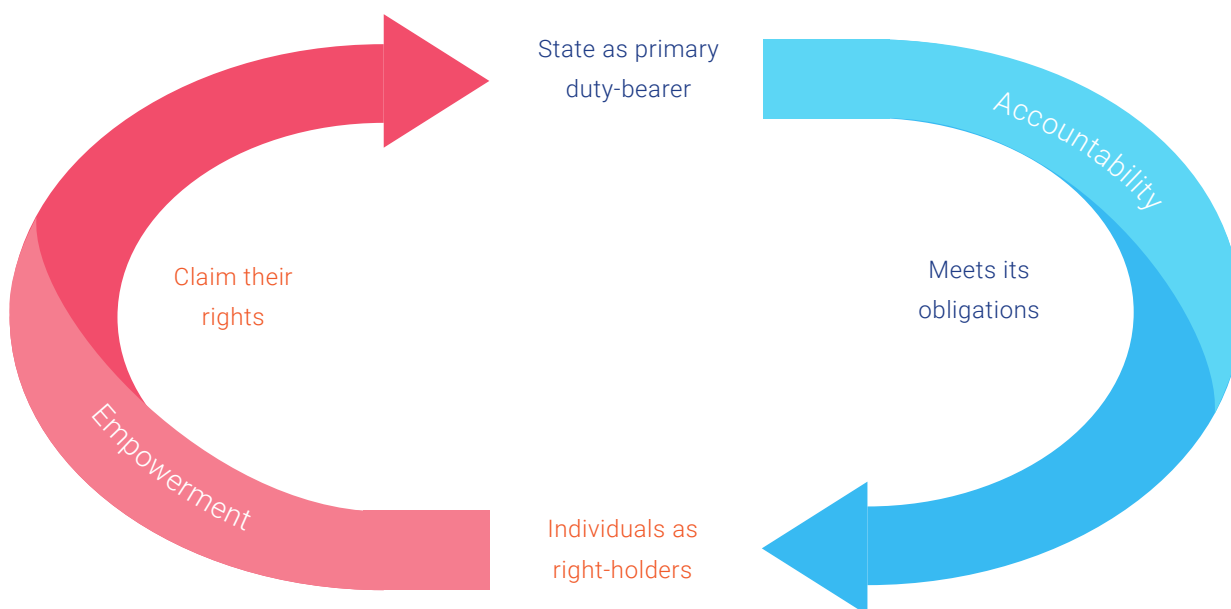
The obligation to protect obliges the state and its agents to prevent the violation of rights by other individuals or non-state actors. Where violations do occur the state must guarantee access to legal remedies.

The obligation to fulfil involves issues of advocacy, transparent public expenditure, governmental regulation of the economy, the provision of basic services and related infrastructure and redistributive measures. The duty of fulfilment comprises those active measures necessary for guaranteeing opportunities to access entitlements.

The relationship between duty bearers and rights holders depends on the rights holder being empowered and the duty bearer being accountable in fulfilling all the obligations imposed on her/him. In RBA, rights holders and duty bearers are interdependent and equally important actors in ensuring human rights are respected, protected and fulfilled.

Figure 5.3. The relationship between rights holders and duty bearers

(available at: http://waterwiki.net/index.php?title=Image:The_relationship_between_rights-holders_and_duty-bearers.jpg [4.8.17])



Session 6: Introduction to RBA

OBJECTIVES:

At the end of this session, the participants will be able to:

- Define RBA;
- Explain the principles of RBA;
- Compare the differences between RBA and other development approaches;
- Argue for why applying RBA is important in the forestry context.

TIME: 90 minutes.

METHODS: Matching statements, paired work, small group discussions, carousel.

MATERIALS: Flip charts, markers, Post-it notes, copies of development approaches statements, box for statements.

STEPS:

1. Present the objectives of the session.
2. Explain that we have explored the concept of human rights and have used the term RBA many times already. In this session we will unpack RBA.
3. Ask the participants if they have heard about RBA and what they think it means.
4. Refer to the last few sessions and explain that RBA is about strategically implementing human rights. RBA is built on standards set and defined by various human rights agreements. Remind the participants about human rights principles discussed in Session 3. In this session we will also explore how these principles are linked to core principles of RBA.
5. Inform participants that by looking at the evolution and its uniqueness, and by comparing it to other development approaches we can understand RBA better. by looking at its evolution and what makes it unique by comparing it to other development approaches.
6. Present three flip charts with the headings: Charity-based Approach (CBA), Needs-based Approach (NBA) and RBA. Do not explain the headings at this juncture.



7. Ask the participants to pair up. Each pair should collect three statements written on metacards from the box at the front (Exercise 6.1). Ask each pair to think where the statements they have picked should be placed on the flip chart. Once they have discussed this, ask them to come up and place the cards on the flip chart. Allow 15 minutes for this.
8. Bring all participants to the flip chart and ask them to think about the cards. Encourage discussion. Should the cards be misplaced, the trainer can use this as a discussion point before placing it under the right heading.
9. Ask the participants the following questions:
 - How did they decide under which approach to place their cards? Did you use some of the discussions from the previous sessions?
 - What are some of the key differences of the three approaches?
 - What are some examples of these approaches in their own contexts?
10. Present the various definitions of RBA written on the flip chart and pasted around the room. Make sure that there are at least four definitions (Exercise 6.2).
11. Ask the participants to walk around and read the definitions. They are to consider them in the context of forestry. If they have comments regarding a particular definition, they are to write them on Post-it notes and stick them on the definition. Once done, encourage them to go around and read the Post-it notes. Allow at least 15 minutes for this exercise.
12. Facilitate a short discussion after the exercise to draw out RBA principles.
13. Present the four principles of RBA and explain each one: Empowerment, Accountability, Non-discrimination and Participation (see handout). Ensure the participants understand the meaning of the principles.
14. Ask the following questions:
 - Is there a link between human rights and RBA principles? What are the links? What do you think these links mean?
 - Consider the principles in terms of the roles and responsibilities of the duty bearer to ensure that rights are respected, protected and fulfilled. What are the implications of this for forestry?
 - Are the principles relevant in your countries? Why?



15. Conclude the session with these key learning points:

- CBA is about giving to people, while NBA is about development for people, but RBA is about development by the people;
- RBA:
 - Supports the most marginalized to assert their rights based on international instruments/laws and national mechanisms that have provisions for respecting, protecting and fulfilling their rights;
 - Puts rights holders in the driver's seat when it comes to deciding their own development agenda.
 - Demands for accountability and transparency of duty bearers (governments, organizations/institutions) to their citizens and increases the likelihood that policy measures are implemented and monitored;
 - Provides the space for participation and empowerment of rights holders to be part of decision-making processes. In RBA participation can be seen as both the means and the goal.
- Based on these principles, we can see how RBA can be a way towards a more just, equitable and inclusive approach in forestry.

Sources: Cornwall (2000); Eyben and Ramanathan (2002); Kabeer (2003); Cornwall and Nyamu-Musembi (2004).



Trainer's note:

For many participants these principles, like human rights principles, will not be anything new but it is important for the trainer to help the participants to consider them in terms of the roles and responsibilities of the duty bearer towards the rights holder in a forestry context.

Some participants may talk about the similarity between human rights principles, RBA principles and governance principles. They are in essence interlinked and may overlap with each other. For this training it is not necessary to delve deeply into these conceptual frameworks. They provide a basis for the implementation level, which is what RBA focuses on. The principles influence how a project will be carried out. Human rights principles are more guiding ideals and are not necessarily translatable into full actions. They and other principles discussed in this training however provide an important foundation for RBA.

EXERCISE 6.1: CHARITY-BASED APPROACH, NEEDS-BASED APPROACH AND RIGHTS-BASED APPROACH

Write each of these characteristics on metacards and mix them up. Ask each group to choose the approach based on the description on each card.

CBA:

- Focuses on input not on outcome;
- Emphasizes increasing charity;
- Recognizes moral responsibility from the rich towards the poor;
- Recognizes individuals as victims;
- Recognizes that individuals deserve assistance;
- Focuses on manifestation/expression of problems.

NBA:

- Focuses on input and outcome;
- Emphasizes meeting needs;
- Recognizes needs as valid claims;
- Recognizes that individuals are objects of development interventions;
- Recognizes that individuals deserve assistance;
- Focuses on immediate causes of problems.

RBA:

- Focuses on processes and outcomes;
- Emphasizes the realization of rights and obligations;
- Recognizes individual and group rights as claims toward legal and moral duty bearers;
- Recognizes that individuals and groups are empowered to claim their rights and be accountable;
- Recognizes that individuals are entitled to assistance;
- Focuses on structural causes and their manifestations.

Ask each group to fill the grid below with the phrases above. Allocate 15 minutes for this.

CBA	NBA	RBA

Discuss the three different approaches and ask the participants to reflect on:

- What is strength of each approach?
- What is the weakness of each approach?

EXERCISE 6.2: RBA PRINCIPLES

Choose at least four definitions to provide a basis for comprehensive discussion on key RBA principles. The trainer can access the link below for more definitions:

https://www.crin.org/en/docs/resources/publications/hrbap/Interaction_analysis_RBA_definitions.pdf

Below are a few RBA definitions:

*"...A rights-based approach... is a conceptual framework...that is normatively based on **international human rights standards** and operationally directed to **promoting and protecting** human rights." (OHCHR, 2017)*

*"A human rights-based approach constitutes ... a holistic framework methodology with the potential to enrich operational strategies. It adds a **missing element** to present activities by enhancing the **enabling environment** for human development, and by **empowering people to claim their rights** and **influence decisions** about their lives." (UNDP, 2002)*

*"A rights based approach to development is a concept that **integrates all human rights norms, standards and principles** of international human rights systems, including the right to development, into the plans, policies and processes of development." (Norwegian Agency for International Development, 2002)*

*"A rights-based approach to development describes situations not simply in terms of human needs, or developmental requirements, but in terms of society's obligations to respond to the **inalienable rights of individuals, empowers people to demand justice as a right**, not as a charity, and gives communities a moral basis from which to claim international assistance when needed." (UN, 1998)*

HANDOUT SESSION 6: INTRODUCTION TO RIGHTS-BASED APPROACH

Three approaches to development were compared in this session: charity-based approach (CBA), needs-based approach (NBA) and rights-based approach (RBA).

CBA

This approach is based on the emotional instinct and assumption that people are willing to help others who are in need. This type of model usually includes the donation of money, food, clothing, shelter and medical care to help the burden of the poor. It is based on the assumptions that the donors know the needs of the poor and are willing to help them. This approach is not strategic in the long run as it does not solve any problem and the recipients of charitable aid might become increasingly dependent on the donors.

NBA

The development sector started to shift its paradigm to the NBA in the middle of the twentieth century. This model bases its interventions on needs to identify targets and decide the means to alleviate those needs collaboratively with the poor. Although it makes decisions through a participatory process, it avoids local or national politics and thus does not address any policies and regulations that could change or challenge the system. It encourages people to be more active at the community level but does not provide the path for them to have more impact in higher ranks of policy-making processes.

RBA

RBA highlights the importance of linking human rights and development processes. Originally it started in the early 1970s when developing countries used their majority at the UN to negotiate for the redistribution of international resources to better favour poor local communities (Uvin, 2007). Researchers in development studies also showed that attempts to link human rights and development had emerged as far back as the anti-colonial struggle (Cornwall and Nyamu-Musembi, 2004). In addition, organized citizens had started protests against authoritarian governments with a significant movement towards democracy (Hickey and Mitlin, 2009). In the mid-1980s, the concept emerged in different documents of the World Bank and the UN. However, it really gained momentum and traction during the 1990s. According to Cornwall and Nyamu-Musembi (2004), the end of the Cold War marked the beginning of a more integrated perspective of rights, i.e. encompassing civil, political, economic, social and cultural dimensions. This became the basis of framing development concerns such as food security or environmental degradation as rights issues .

From NBA to RBA

RBA has provided a new perspective by focusing on applying human rights lens on development processes and goals. This approach can be seen as a move away from NBA, from assessing the needs of the people, to understanding that individuals from disadvantaged or marginalized groups

(rights holders) need to be able to recognize and claim their rights (Eyben and Ramanathan, 2002; Eyben, 2003). The key difference between RBA and NBA and CBA is that RBA provides an opportunity for a more inclusive process where people are involved in decision-making over the resources and institutions that affect their lives. RBA is the only approach that aims to achieve behavioural (long-lasting) changes.

Through applying RBA, power relations are transformed and opportunities to level the playing field in the relevant decision-making process are created. Ethnicity, religion, social status, political alliances, gender and class are not acceptable reasons for injustice and discrimination. For instance, RBA would consider the imbalance in power relations between (and among) rights holders and duty bearers regarding rights, poverty and social justice (Cornwall and Nyamu-Musembi, 2004).

In the forestry context, access to and ownership of forests and their products are generally a source of income and power. RBA helps to stabilize the power relations between the state and local communities and within the communities themselves. This could be done by recognizing, protecting and fulfilling the rights of specific rights holders to forest resources and income from them. Other examples include the recognition of customary rights to forests; securing access to and ownership of forests and ensuring voices are respected in every decision that affects the rights holder. This means that as recognition of their rights, the livelihood needs of the local communities are included in forest management in an equitable and fair manner.

Defining RBA

Below are three definitions developed by international organizations (various organizations define RBA differently depending on their mandates and missions):

"...A rights-based approach... is a conceptual framework...that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights." (OHCHR, 2017)

"A rights based approach to development is a concept that integrates all human rights norms, standards and principles of international human rights systems, including the right to development, into the plans, policies and processes of development." (Norwegian Agency for International Development, 2002)

"A human rights approach to development means empowering people to make their own decisions, rather than be passive objects of choices made on their behalf. It focuses on empowering all people to claim their right to opportunities and services made available through pro-poor development. A rights-based approach means that:

- *Development organizations should work in ways which strengthen accountability of governments to people living in poverty, particularly ensuring that citizens can hold governments to account with regards to human rights obligations;*
- *Promoting social justice and recognizing that equality matters is crucial. Addressing discrimination in legislation, policies and society will contribute to an environment in which excluded people have more control over their rights and that the rights of poor people are not sacrificed for aggregate gain;*

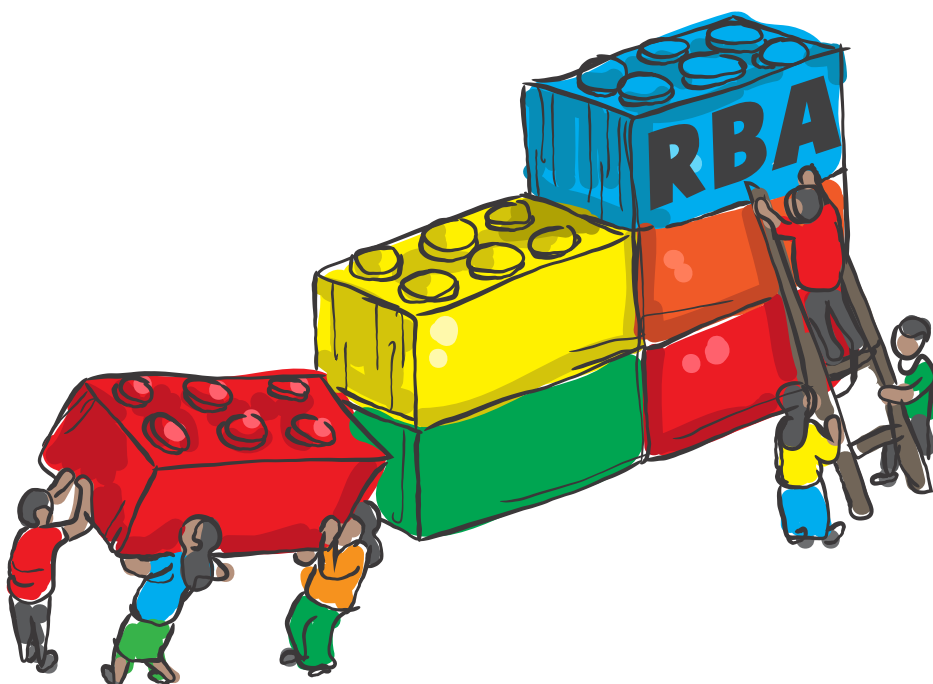
- *Poor or marginalised people's perspectives will be linked with the national and international policy processes;*
- *Poor or marginalised people's are both empowered and engaged in the decision-making processes which affect their lives. (Department for International Development-UK; in OHCHR Asia-Pacific Human Rights Roundtable No. 1: A rights-based approach to development October 2002)*

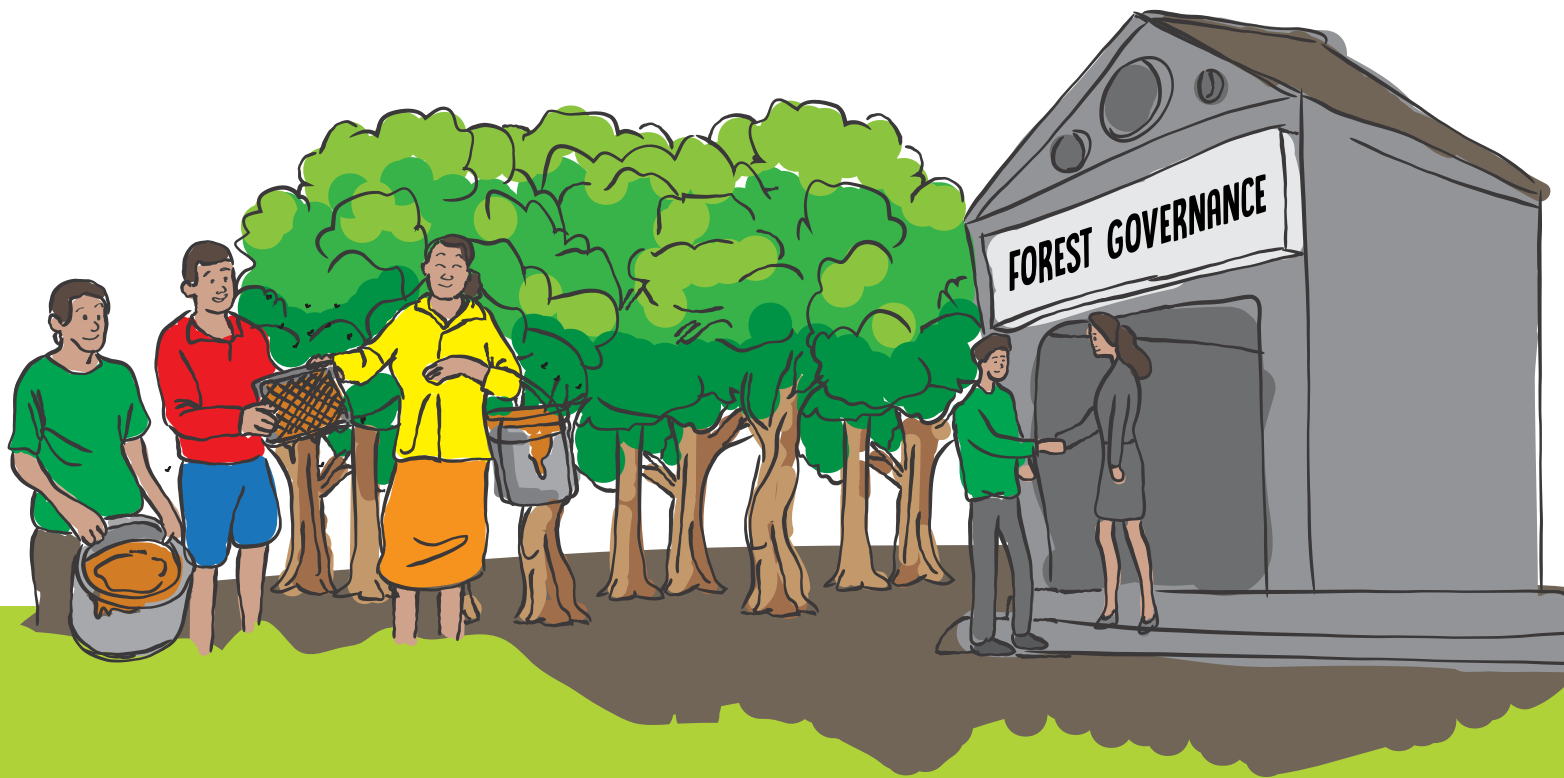
Child Rights International Network (2003).

RBA principles

While various organizations have their own definition of RBA which align with their organizational mandates, they all agree on what the principles of RBA are:

- **Participation:** Participation is considered as a right in the UDHR where it is acknowledged that "all individuals have a right to active, free and meaningful participation in all stages of the development process.";
- **Accountability:** Accountability focuses on the relationship between rights holders and duty bearers and refers to the ability to hold duty bearers accountable for actions or lack of actions to fulfil their obligation to the rights holders. The methods can refer to campaigns, reports and/or negotiations;
- **Non-discrimination:** People who face the biggest barriers to realizing their rights should be prioritized when it comes to taking action. This means that the duty bearer or policy-maker has to specifically secure the rights of groups or people who are prone to discrimination while not reinforcing existing power imbalances;
- **Empowerment:** Empowering people depends on how individuals and groups strengthen their capacity to renegotiate their relationship with the state and other actors, to take control of their circumstances and achieve their goals to improve the quality of their lives and to influence the future.





Learning Block 3

Linking RBA to forest governance

Session 7: Introduction to forest governance

OBJECTIVES:

At the end of this section, the participants will be able to:

- Define governance in the forestry context;
- Explain the four key principles of governance (transparency, accountability, participation and rule of law);
- Discuss how RBA and forest governance principles are mutually reinforcing in ensuring rights are respected, protected and fulfilled.

TIME: 90 minutes.

METHODS: Small group discussion, paired work, matching game.

MATERIALS: copies of Governance definition sheet, governance scenario exercise, flip charts, markers, metacards.

STEPS:

1. Introduce the objectives of the session.
2. The session will look at the definition and key principles of forest governance and explore how they relate to RBA.
3. Pair the participants and provide them with the exercise sheet with four working definitions of governance and ask them to discuss each one (Exercise 7.1). They should use forestry as the context. They should consider keywords and the specific focus of each definition. They should also think of how each definition is similar and/or different. Allow 10 minutes for this.
4. Ask some participants to share their discussions; the trainer captures the keywords on a flip chart and confirms understanding of the definitions.
5. Provide Exercise 7.2 which lists 20 different governance principles of various international organizations. Most organizations agree on four key principles: accountability, transparency, participation and rule of law. Explain each one and encourage comments and questions.
6. Ask participants to consider these principles in a forestry context. Follow instructions in Exercise 7.3 for small group work. Provide 15 minutes for the exercise. It is important that for one scenario at least two random cards are given to the group to show that all principles are important and are linked. Once completed, ask the groups to present their discussions and ask the following questions:
 - Was it easy to identify good and bad governance cases? Why?
 - Which principles were easier to identify and which were harder? Why?
 - Are some principles interlinked? How are they interlinked?
 - What happens when one of the principles is not followed and implementation of a project or initiative is poor?
 - Why are these principles important for forestry?



7. Present two flip charts with RBA and governance principles side by side. Ask the groups to compare and contrast the core principles of both concepts. They should base their comparison on the forestry context. Remind them of key points from previous sessions such as participation, accountability, transparency and the state's responsibility to ensure these principles for the rights holders. After 15 minutes ask the groups to share their discussions. Facilitate the discussion to highlight the relationship between RBA and governance principles.
8. End the session with the following key points:
 - Good governance refers to full respect of human rights, the rule of law, effective participation of rights holders and accountability of duty bearers. RBA principles provide the standard to guide governments and other actors to respond to rights obligations and ensure accountability towards the rights holders;
 - Duty bearers require enabling conditions to fulfil their duties and responsibilities to rights holders where the respect, protection and fulfillment of rights of marginalized, discriminated or vulnerable local communities are prioritized;
 - RBA and governance are mutually reinforcing. Rights cannot be guaranteed and protected in a sustainable manner without good governance. If a forestry intervention or activity promotes RBA principles in its implementation it also contributes towards better governance. With better governance, the enabling conditions towards the sustainability of secured rights (respect, protect and fulfil) and applying RBA are more likely to be achieved.

Trainer's note:

For this session, it is important to emphasize that RBA and governance principles reinforce and strengthen each other to achieve set objectives. For example, if a local community's rights to participate in decision-making platforms are fully respected, they can play a part in decisions that directly affect them. Good forest governance on the other hand demands that local communities participate fully and their voices are heard in all decision-making processes on issues that affect them. An inclusive process like this would be more sustainable.



EXERCISE 7.1: GOVERNANCE

Distribute at least four definitions to each pair. Ask the pairs to discuss the keywords and focus of each definition.

*Governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. **United Nations Development Programme (UNDP)***

*Governance means the process of decision-making and the process by which decisions are implemented, or not implemented. **United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)***

*Governance means rules, processes and behavior that affect the way in which powers are exercised, particularly with regard to openness, participation, accountability, effectiveness and coherence. **Organisation for Economic Co-operation and Development (OECD)***

*Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them. **World Bank***

*Governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials. **Asian Development Bank (ADB)***

*Governance encompasses the values, rules, institutions, and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy, and exercise power. **Canadian International Development Agency***

*Governance is the process whereby societies or organizations make important decisions, determine whom they involve and how they render accountability. **The Institute of Governance***

*Governance is the process or method by which society is governed. **International Institute for Environment and Development (IIED)***

*Governance is the interaction of statutory and customary laws and formal and informal rules, institutions, and processes through which a society exercises powers and responsibilities to make and implement decisions affecting natural resources and natural resource users and to hold decision-makers, implementers, and natural resource users accountable. **International Union for Conservation of Nature (IUCN)***

Definitions from Moore et al. (2011).

EXERCISE 7.2: GOVERNANCE DEFINITIONS

Many definitions of governance are accompanied by descriptions of what governance is. Nine international institutions use more than 20 different principles in their descriptions (Table 7.1). From the list of principles we can see that accountability, participation, transparency and rule of law are the ones most often referred to as governance principles. For RBA, participation and accountability are usually the core principles most often referred to (Moore et al., 2011: p 157).

Table 7.1. Governance principles promoted by different organizations.

Governance Principles									
	ICUN	UNDP	UNESCAP	Commission of the European Communities	African Development Bank	Asian Development Bank	USAID	World Bank	UK Department for the International Development (DFID)
Accountability	★	★	★	★	★	★	★	★	★
Transparency ("Openness"- EU Commission)	★	★	★	★	★	★	★	★	
Participation	★	★	★	★	★	★	★	★	
Predictability("Rule of Law")	★	★	★			★	★	★	
Government effectiveness (World Bank); Policy effectiveness (EU Commission); Effectiveness and efficiency of institutions and processes (UNDP and UNESCAP)		★	★	★				★	
Responsiveness		★	★						★
Coherence	★			★					
Consensus-oriented		★	★						
Capacity of the State							★		★
Combating corruption (AfDB); Control of corruption (World Bank)					★			★	
Access to information and justice	★								
Subsidiary	★								
Respect for human rights	★								
Equity (UNDP) Equitable and inclusive (UNESCAP)		★	★						
Strategic vision		★							
Commitment to the public good							★		
Stock of social capital							★		
Political stability and absence of violence								★	
Regulatory quality								★	
Promoting an enabling legal and judicial framework					★				

Source: Moore et al. (2011).

EXERCISE 7.3: GOVERNANCE PRINCIPLES AND SCENARIOS

Print Table 7.2 and cut out the sections. Ask participants to get into small groups. Each group receives all four principle cards and a mixed combination of cards from scenarios 1 and 2. The combinations are numerous (e.g. four principle cards and cards 1, 3, 6 and 7).

Table 7.2. Governance principles and scenarios

Principle	Scenario 1	Scenario 2
Participation	Card 1. The government considers building a dam in a forest area used by local communities. It believes this can provide many mutual benefits for both parties. To decide whether to go ahead, the government actively engages with local communities who are dependent on the forest.	Card 2. There have been some meetings arranged between government officials and local community. These meetings were about a potential dam construction in a forested area where the communities are now living. However, the construction plans for the dam have already been prepared and these meetings are just to share information about the project to the local community.
Transparency	Card 3. The government has recently approved a provision in the law that requires the relevant agencies to provide all details to the local communities who will be affected by any projects. The information includes the social, economic and financial costs and benefits of any planned dam project.	Card 4. There is no law or policy that demands local demands local officials to inform the potentially impacted local communities of the potential risks to their lives and livelihoods because of the dam project.
Accountability	Card 5. The local communities who will potentially be affected by the dam project will receive mutually agreed compensation if the government fails to keep to the agreement that has been reached by all impacted parties.	Card 6. If the dam project is not completed in time or if any financial costs are incurred for the forest-dependent local communities, there is no clear law or consensus on whether they will receive any compensation.
Rule of law	Card 7. The government officials follow existing law and procedures when decisions about the construction of the dam need to be made. If anyone goes against the law they will have to answer to the relevant party as prescribed in the same law. The local communities know what rights they have if they are negatively impacted by the dam construction in their forests.	Card 8. The local communities who are affected by the dam construction worry about the potential effects on their lives and livelihoods. However, they are not certain about the plans of the government or the rights they possess. The information they have so far have only been provided to them in English and not in the local language.

HANDOUT SESSION 7: FOREST GOVERNANCE

Because of the interrelationships between forestry and other sectors, forests get a huge amount of interest from many stakeholders: governments, local communities, the private sector among others. Their interest can only be genuinely addressed through healthy interactions among them. Forest governance defines how the stakeholders, including local communities, partner in managing forests and meeting their needs and addressing their concerns.

The core principles of governance – accountability, transparency, participation and rule of law – are at the centre of the efforts at local, national, bilateral and multilateral levels to ensure, for example, that local communities take part in making decisions that affect them. They are also provided with access to information on how these decisions are being implemented, which points towards duty bearers (e.g. forest officials) being accountable in fulfilling their mandated responsibilities. The four fundamental principles are interrelated. People can be held accountable if only there is transparency in how decisions are made and how information is disseminated. Transparent decision-making processes can only take place if there is participation of all actors. The rule of law is essential in all these situations.

Forest governance is characterized by many features: multi-actor partnerships, political pluralism, transparent and accountable decision-making processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability and attitudes and values that foster responsibility, solidarity and tolerance.

Governance describes a mix of multi-stakeholders' representatives participating in public forums to negotiate and leverage their demands. It is generally associated with social justice and equity. In the forestry context, clear, secure and enforceable property rights (including tenure rights) to forests and forest resources of local communities, households and corporate entities are central to sustainable forest use and equitable benefit sharing.

The rights of stakeholders to participate in and influence decision-making regarding forests and forest resources should be recognized and applied as a good governance practice. The forestry sector in Asia has for a long time been largely centralized and top-down, focusing primarily on conservation goals. The actual and potential roles of local communities, who are the rights holders, in forest governance have received relatively little recognition or support, despite the knowledge these forest users have demonstrated in making and implementing decisions about their forests and other resources.

The link between governance and human rights is normally organized around four areas: democratic institutions, service delivery, rule of law and anti-corruption stewardship. The similarity between the principles of these two concepts indicates how governance and human rights are interlinked and mutually reinforcing. The meaning of the principles remains unchanged irrespective of where or when they are used. They also provide a set of performance

standards against which actors involved can be held accountable. Further, human rights principles inform the content of good governance efforts: they may inform the development of legislative frameworks, policies, programmes, budgetary allocations and other measures. The implementation of human rights relies on an enabling environment. This includes appropriate legal instruments and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population.

In this regard use of RBA in the implementation of programmes, projects or other activities, can help to strengthen the capacity of local people to make their voices heard and contribute to broader outcomes related to social security and sustainability at different levels (Moore et al., 2011).

Principles of governance

Accountability: Accountability is the requirement to accept responsibility and be answerable to actions - to make a decision one must also be accountable for the consequences. The relationship between the government and citizens that is the basis for the concept of governance requires that those who make and implement decisions must be responsible to those whose lives are affected by them. Implementation of decisions needs to be monitored and options for holding decision-makers and implementers accountable need to be provided in laws and other rules (Moore et al., 2011).

While accountability is required at both institutional and individual levels, in the Asian forestry context, focus has been more on institutions of governance. Individual governmental officials, individual private sector and CSO actors might be held accountable for their obligations to exercise their responsibilities and to obey the law. The accountability relationship between government forest officials and local communities is considered particularly important for power relations. It obliges the forest officials to explain their use and/or abuse of power or authority. For example, if a forest official, who is in charge of a forest management planning task team, excludes local communities in the forest management plan preparation process, when specific legal instruments deem the communities' participation necessary, the official has to provide the reason for exclusion as well as redress for the exclusion.

Enforcement is also an important aspect of accountability, which requires sanction and redress when the duty bearers fail to meet their obligations to protect local communities from harmful actions (such as deforestation by powerful external actors in community-managed forests). In these cases, there should be procedures in regulatory instruments (e.g. forest law) that the community members can use to take action against the officials who failed to serve them as mandated.

Transparency: Transparency means sharing information and acting in an open manner. Transparency allows stakeholders to gather information that is critical to uncovering abuse and defending their interests. A transparent system will give stakeholders information on how to become involved in decision-making processes and implementation. Information about rights

to access and use natural resources is particularly critical for rural communities who depend on them for their livelihoods. In situations where local communities know what their rights are, information about seeking redress through formal, statutory processes is also important for them to be able to address any attempts to violate their rights (Moore et al., 2011).

In the forestry context, dissemination of information enables stakeholders (especially local communities) to effectively participate in forest management decision-making and implementation. Local communities should be provided with comprehensive information about not only the decision-making process but also the various options available to them and the likely consequences. Without such information, local communities cannot effectively participate in various engagement processes and make meaningful contributions, including expression of their concerns. For example, accessible information on forest management plan preparation and its time line would enable local communities to plan and take part in the management plan drafting workshop. Communities that have adequate information on the effects to their forests and livelihoods due to planting of certain tree species would be more able to consider and weigh their options. However, in practice, many local communities in Asia-Pacific countries do not get timely and adequate information about agribusiness or hydropower dams that have very real consequences for them. Without accessible information they are not able to plan for these serious consequences such as being evicted from their native land. To safeguard local communities from these incidents, in the forestry sector the citizens' rights to information is recognized by constitutions of many countries (e.g. Nepal, India).

Participation: In the context of governance, participation means effectively taking part in decision-making and implementation, either directly or through legitimate representation. For local resource users in many parts of the world, participation by all stakeholders in decision-making and implementation processes is of great importance when it comes to holding governments and private sector actors responsible for their actions. For example, customary law is often described as the result of participation because rules are developed through a social process (Moore et al., 2011).

Participation is instrumental in the forestry sector for generating knowledge and information from diverse stakeholders as well as for safeguarding their interests. Participation takes many forms in forestry. It can be conducted via representatives of local communities who share their concerns in the drafting of forest policy and relevant legal instruments, e.g. procedures to formalize their customary rights to forest. Another form of active participation is community forestry where local community members (rights holders) decide how to manage, who to collaborate with in their management and how to share the benefits (e.g. forest products and revenues from sales). Sometimes, it becomes necessary for states to favour certain marginalized groups in areas with high inequality to ensure that they take part fairly in forest management decision-making. For example, the Community Forestry Development Guideline in Nepal (a country traditionally with a high level of gender inequality) requires a majority of the leadership positions of community forest user groups (CFUGs) to be occupied by women to ensure equal opportunity in community forest management decision-making.

Rule of law: The rule of law does not refer to law enforcement or to punishment alone, but it is often misunderstood to mean that. The rule of law means equal treatment - both protection and penalization - under the law for everyone in the same way, at all times. The rule of law provides the security of knowing how any person will be treated under statutory or customary law in any given situation (Moore et al., 2011).

In forestry, the rule of law means the law is fair for every affected stakeholder and treats everyone as equal irrespective of their status in society. For example, the law should not discriminate against any forest user regarding access to and use of forest products (e.g. harvesting of bamboo shoots). This also applies to the enforcement of the laws. For example, a village head should receive the same punishment for felling a tree in the forest illegally as would a person who is of lower socio-economic status.

Session 8: Forest tenure regimes

OBJECTIVES:

At the end of the session, the participants will be able to:

- Describe forest tenure regimes;
- Explain the rights and duties defined in various forest tenure regimes;
- Explain how local communities can benefit from clear rights and good governance.

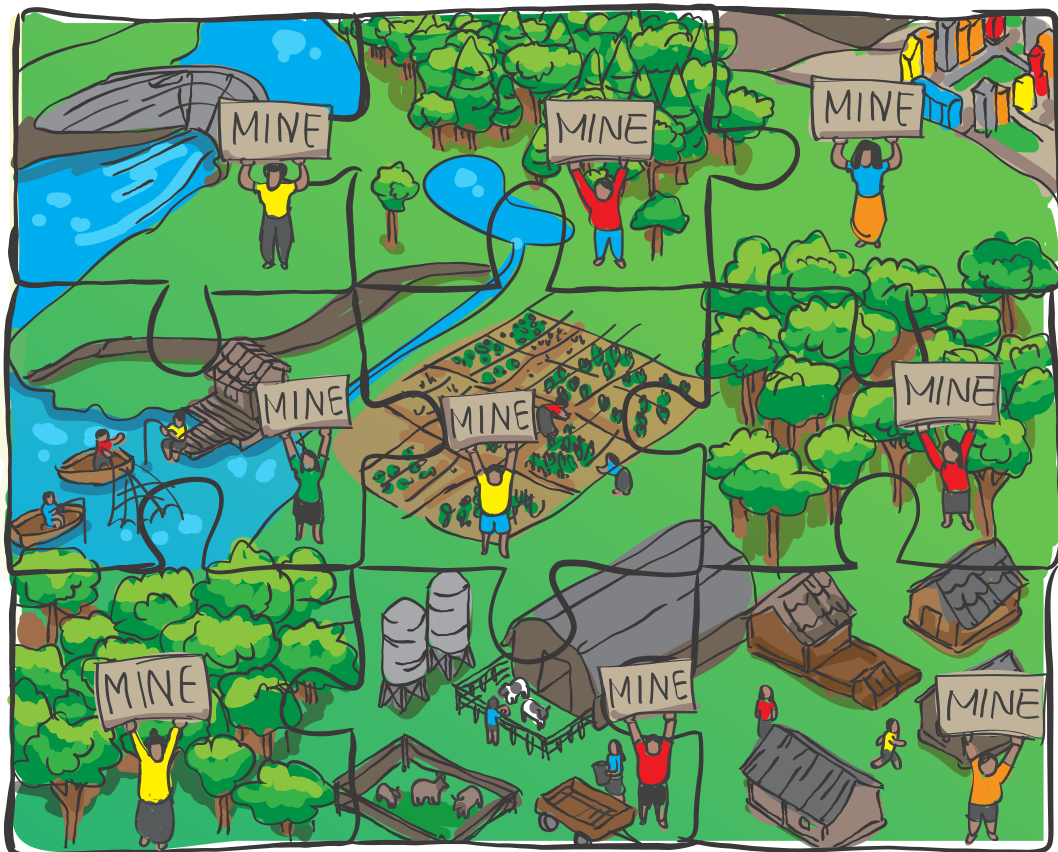
TIME: 90 minutes.

METHODS: Visualization, pair work, small group discussion, plenary discussion.

MATERIALS: Flip charts, markers, Post-it notes, color pencils or crayons for visualization exercise.

STEPS:

1. Introduce the objectives of the session.
2. Explain that we will now continue our exploration of the relationship between rights holders and duty bearers in terms of rights, roles and responsibilities over forest resources by looking at forest tenure regimes. A regime can be explained as systems of rights, rules, institutions and processes under which resources are held, used, managed and transacted.



3. Ask the participants to visualize/draw a forested landscape in their country that they know well on a flip chart. It can be either a formal jurisdictional area (e.g. subdistrict) or geographic one. They have 15 minutes for this exercise. In their picture, they should illustrate:
 - Who can access the resource;
 - Who can use the resources in it (e.g. timber, fuelwood, bamboo, wild fruit);
 - Who can participate in the management of the area;
 - Who makes decisions on how to manage the area and who implements them;
 - Who does the area belongs to;
 - What claims would one have over the area and what can they do with these claims.
4. Ask the participants to find a partner from a different country with whom to share their drawings and to ask questions about the pictures. Encourage a few volunteers to share their pictures in plenary. Ask what they found interesting in their partners' drawings. Highlight some of the interesting or distinct examples (based on the questions above) regarding different claims various stakeholders have on a landscape.
5. Introduce the definition of tenure:

"Tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to natural and other resources. Tenure arrangements determine who can use what resources for how long and under what conditions." FAO (2002)
6. Facilitate a quick discussion on some of the keywords in the definition and clarify any questions. Tell the participants that there are numerous tenure arrangements which fall in the spectrum between total control by the government (public lands) and full authority given to the citizens, individually or collectively (private lands).
7. Encourage the participants to provide examples from their own countries. Based on the examples, write three broad tenure regimes:
 - (i) public
 - (ii) common and
 - (iii) private.

Mention that the open access regime is another type of regime used for natural resources (e.g. air) but it is less relevant in the context of forestry. Clarify any questions they may have on the three regimes.
8. Divide the participants into three groups and assign each group to one tenure regime. Ask each group to list what they think are the rights and duties of various stakeholders (the government, individuals, collective user groups etc.) in each of the regimes. Give the groups 15 minutes to complete the task.
9. Each group then presents the results of their discussions. Facilitate any questions the participants may have. The trainer should also take note of in which regime there are clear rights and what are the effects from those rights.
10. In a plenary discussion, ask the participants the following questions:
 - Who defines the rights and duties under different tenure regimes?
 - Who formalizes the rights to land for local communities?

- Which tenure regime give local people the stronger rights? How does it do so?
 - How does tenure relate to RBA and governance (consider the principles)?
11. Conclude the session with these key learning points:
- The relationships between rights holders and duty bearers are different in each of the forest tenure regimes;
 - In many countries, there is a lack of clarity of tenure rights, especially when it comes to the law. This often results in barriers for forest communities to exercise their rights;
 - Clearer tenure rights (clear rights and duties) can address some of these gaps as it provides the conditions for local communities to exercise their rights and this can contribute to better governance;
 - Improving tenure rights (and human rights) is also a part of the state's obligations to numerous international legal agreements as discussed in previous sessions;
 - Currently there is no consensus on whether rights to natural resources, including forests, are human rights. However, the rights are critical for the realization of human rights.

Trainer's note:

There may be confusion in terms of categorization of the tenure regimes of many countries. For example, the state and a community may both have ownership and responsibility over a specific area. In this case, place them in the category closest to the classification. Another point that should be highlighted is customary and statutory sources of land rights. One is cultural and the other is legal. Ideally, they should match. When they do not it can be one of the main reasons of forest conflicts.

HANDOUT SESSION 8: FOREST TENURE REGIMES

Tenure is the relationship, whether legally or customarily defined, among people with respect to natural and other resources. Tenure arrangements determine who can use what resources for how long and under what conditions. The basic rules of tenure define how the rights to use, control and transfer are to be allocated within societies. Land tenure relationships are often defined through statutory or customary laws. They may be well defined in these systems or they may be ambiguous and open to misinterpretation and exploitation. Forest tenure may also have both spatial and temporal dimensions and can be differentially impacted by gender, ethnicity, class and political affiliation (USAID, 2013).

Tenure regimes are broadly categorized into four regimes: open access property, private property, public property and common property. Non-excludable resources, such as air, are considered open access property regimes and have neither defined owners nor any responsibility for maintenance. From the forest resources' perspective, open access property rarely exists and is usually ignored in the forestry context. The other regimes are briefly addressed below. They are presented in the general context but work well in forestry.

Privacy is the entitlement given to individuals or groups of individuals over excludable and subtractable goods. The privacy of a right refers to the clarity, security and especially the exclusivity of the right: a fully private right specifies clearly what the right holder is entitled to do. It is secure, so the right holder is protected exclusively from confiscation by others. Rights and duties of private ownership holders are:

- Individuals have the right to undertake only legitimate use of the resources;
- Others (called 'non-owners') have the duty to refrain from preventing legitimate use of the resource and the right to expect that only legitimate uses will occur.

When the ownership of the resource is with the government it is called public property. In other words, the government controls and manages the public property. The rights and duties associated with use of public property are:

- The government or its authorized agencies (duty bearers) can determine use/access rules;
- Individuals should observe use/access rules determined by the controlling/managing agency (to uphold agencies' accountability).

When ownership over common property is with co-owners this means the rights over the resource are controlled by an identifiable group of local people or local communities. The rights and duties of common property owners are:

- The management group (the 'owners') has the right to exclude non-members and non-members should abide by the exclusion;
- Individual members of the management group (the co-owners) have both rights and duties with respect to use rates and maintenance of the resource owned.

Tenure regimes in the context of forestry and relation to human rights

Tenure regimes describe how rights in a certain resource can be structured. Distribution of rights is an entitlement of ownership but it is contingent upon due propriety as well because the attributes suggest what humans can and cannot do with different kinds of goods. Forest resources have complex characteristics and share attributes with many other resource systems that make their governance and management difficult in a sustainable, efficient and equitable manner.

Forest products and services are mostly exhaustible which means consumption reduces them. Similarly, exclusion of people from use/withdrawal of forest products and services is not so easy (see Ostrom et al., 2002). The difficulty of such exclusion increases with the size of forest resources. This complexity affects the ownership of forest resources and accruing goods and services. However, one has to be able to distinguish goods and owners (goods are naturally given, rights are institutional inventions and owners of rights are entities that make different representational claims); confusing them endangers the resources' existence and complicates understanding of who they belong to. Therefore, the rights over forest resources is a highly debated matter but actors and stakeholders differ in opinion and have failed to come up with consensus on who the resources belong to.

No single tenure regime can ensure Sustainable Forest Management (SFM). A tenure regime's effectiveness depends upon the context (i.e. environmental, economic, social and political conditions). For example, open access only works well when there is no or little need to manage a resource at all (when the demand is too low and the resource is plentiful). In such cases, management efforts will not be worthwhile. On the other hand, public ownership may be a good option for resources of national or global importance; it is not feasible to manage them as private or common property because of the nature and size of the resource, investment and technology required, and so forth. Likewise, private ownership of property at a lesser scale may be a good option from an economic perspective to the extent that rights are:

- Clearly specified;
- Exclusive;
- Secure;
- An intact bundle (so the property rights holder can use the resource in the way she/he likes - even to sell or destroy it).

Common property is like a shared private property - privatizing the rights to something without dividing it up. If many individuals share the same property, there are temptations inside a common property regime to cheat on the community rules. But team efforts for efficient production may outweigh potential losses. A common property regime is suitable or desirable when the resource system is managed productively as an intact entity rather than being treated otherwise in an uncoordinated fashion. Factors favouring common property regimes for forest resources are:

- Indivisibility of forests;
- Uncertainty of productive zones;
- Productive efficiency through the internalization of externalities;
- Administrative efficiency.

Regarding the connection between tenure and human rights, there is currently no international consensus that tenure is a human right. In some cases, landownership is the reason why poverty and inequality exist. However, tenure rights, which provide access to land, fisheries and forests, can also be important for the realization of human rights in the context of providing a standard of living adequate for health and well-being, including provision of food and housing. Uncertain property rights are an issue for the poor in many countries and are likely to impact their enjoyment of human rights. Clear tenure arrangements should contribute to better governance as all stakeholders have a clear idea of their rights as well as their duties which they can execute accordingly.

If we consider governance principles, then multiple stakeholders, including local communities, need to be involved in deciding the process and drafting of legal instruments (including laws) to grant local communities the right to forest resources. If there are no legal instruments or there are gaps in them, implications include insecure livelihoods. Local communities need the support of duty bearers to exercise these rights even those secured in legal instruments. Activities to improve governance of tenure should therefore be consistent with states' existing obligations under international law. Furthermore, efficient empowerment of the poor and the marginalized to claim property rights, such as those related to access to land, is likely to lead to better living conditions and to more accountable governments and support from CSOs or other moral duty bearers (FAO, 2012).



Session 9: Bundle of rights

OBJECTIVES:

At the end of the session the participants will be able to:

- Explain the bundle of rights framework in relation to the property rights of rights holders;
- Use the bundle of rights framework to understand property rights issues when applying RBA.

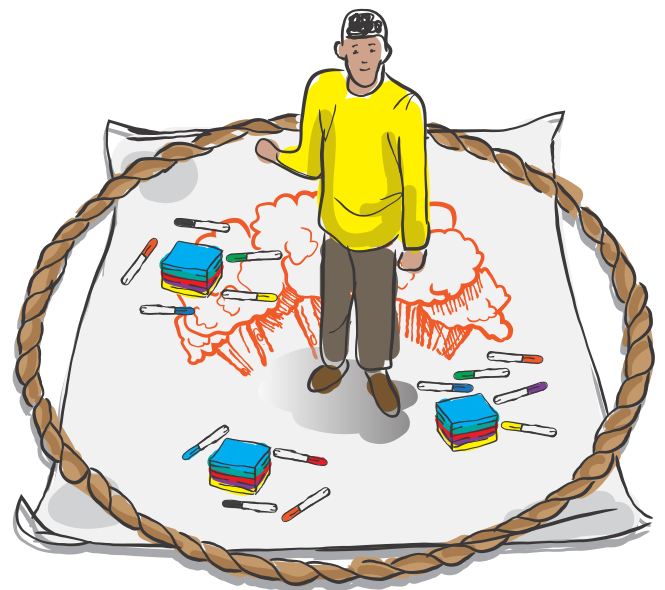
TIME: 90 minutes.

METHODS: Visualisation, small group discussion, gallery walk.

MATERIALS: Flip charts, markers, rope, Post-it notes, objects that can represent a forest landscape, pins.

STEPS:

1. Introduce the objectives of the session.
2. Explain that the last session provided a general understanding of tenure regimes. In this session we will further unpack tenure regimes using the concept of rights. The rights of local communities in terms of forests is a critical aspect when it comes to applying RBA.
3. Show the definition of property rights on a flip chart.
"Property rights are the capacity to call upon the collective to stand behind one's claim to certain benefits, defining owner's rights and duties in the use of resource."
4. Explain that 'property rights' is similar to the rights to resources discussed in the previous session but is used in the context of forestry. Ask the participants what they think about the definition. Emphasize key points regarding property rights.
5. Introduce the five rights in the bundle of rights framework: access, withdrawal, management, exclusion and alienation.
The bundle of rights is a framework to explain property rights.
6. Create a model of a forest on the training room floor. Use the available materials: flip chart paper as the area of the forest; rope as the forest boundary; marker pens as trees, blackboard dusters as settlements; pins as agricultural area etc. Use the model to explain the various rights under the bundle of rights: Place more marker pens to show a management right (e.g. plantations) or remove marker pens to show withdrawal rights (e.g. harvesting of resources for income). Check the understanding of the participants of the explanation.



7. Divide the participants into four groups and assign each group one tenure regime (community forest, national park/conservation area, private forest, government-managed production forest). Using the bundle of rights framework, ask the groups to identify the rights at least two stakeholders have within that regime. They should record their discussion on a flip chart (see Table 9.1). Give them 15 minutes.
8. Instruct the groups to do a 'gallery walk'. Groups will move clockwise from one 'station' to the next and can comment or ask questions about the other teams results using Post-its notes. The groups have five minutes at each station. Once they have completed the gallery walk they should be back at their own station.
9. Ask the groups to now imagine themselves as a local forest community that has a combination of rights. Assign the groups into:
 - Combination 1: Access and withdrawal
 - Combination 2: Access, withdrawal and management
 - Combination 3: Access, withdrawal, management, exclusion and alienation
10. Each group is free to decide what to do in their forest as long as it is consistent with the rights they possess in the tenure regime they have chosen. Consider what they will do based on these questions:
 - Resources: Do they harvest forest products? If yes, what kind of forest product(s)? What would their harvest level be? From which part of the forest do they harvest trees? What methods would they use for harvesting and extracting forest products?
 - Decision making processes: How do they make their decisions? Does having more or fewer rights from the bundle change their decision?
 - They should note their answers on a flip chart. Allow 15 minutes for this exercise.
11. Ask the groups to share the results of their discussions. Highlight the differences in answers. Ask these questions:
 - How can the bundle of rights framework be used to understand tenure rights in your own context?
 - Do the different rights help to explain the relationship between rights holders and duty bearers in the forestry context? What can we say about this relationship?
 - What is the implication of a combination of rights for the rights holder? How would this affect RBA?
 - How can we use the bundle of rights framework in relation to RBA?
12. Wrap up the session with these key learning points:
 - The bundle of rights framework is a useful tool to identify the rights local communities have. It helps us understand what the communities can and cannot do within these rights;
 - When applying RBA, the bundle of rights framework can:
 - Describe and summarize the rights - it helps in understanding the implications of having a combination of rights;
 - Show the relationship between the rights holders and duty bearers;
 - It can be the initial analysis of rights issues which is central in applying RBA;
 - Tenure rights can support the implementation of RBA. Clearer and stronger rights result in local communities becoming empowered and confident to develop, manage and benefit from their resources for their own well-being.

Trainer's note:

Participants may be confused about tenure regimes, bundle of rights and property rights.

- A tenure regime is used to indicate a whole set of people's relationships with the resources;
- Property rights deal with particular actions under the tenure regimes. In the forestry context we use the term property rights as it is important to consider the rights to both the land along with the trees/other resources on the land;
- The bundle of rights framework is a simple tool to unpack the property rights. It helps to understand what a local community can do on which area of land under what conditions.

EXERCISE 9.1: BUNDLE OF RIGHTS

Table 9.1. Tenure regime for a local community forest

Bundle of rights	Stakeholder 1 (local community)	Stakeholder 2 (government)	Stakeholder 3 (private sector)
Access			
Withdrawal			
Management			
Exclusion			
Alienation			

HANDOUT SESSION 9: BUNDLE OF RIGHTS

The collection of property rights is known as the bundle of rights. Schlager and Ostrom (1992) cited access, withdrawal, management, exclusion and alienation as the five elements of rights over property or resources in the bundle of rights.

It is a form of authority to perform the action of access, use or control of the resource on the property such as a forest area. However, this 'right' over the property may not necessarily be the full ownership or the sole authority of the resource.

Box 9.1. The bundle of rights

Access: The right to enter a defined physical property (e.g. to enter the forest).

Withdrawal: The right to obtain the products and services of a resource (e.g. collect fuelwood, harvest bamboo etc.).

Management: The right to regulate internal use patterns and transform the resource by making improvements (e.g. to construct fire lines, carry out tending operations in the forest etc.).

Exclusion: The right to determine who will have access rights and how these rights may be transferred.

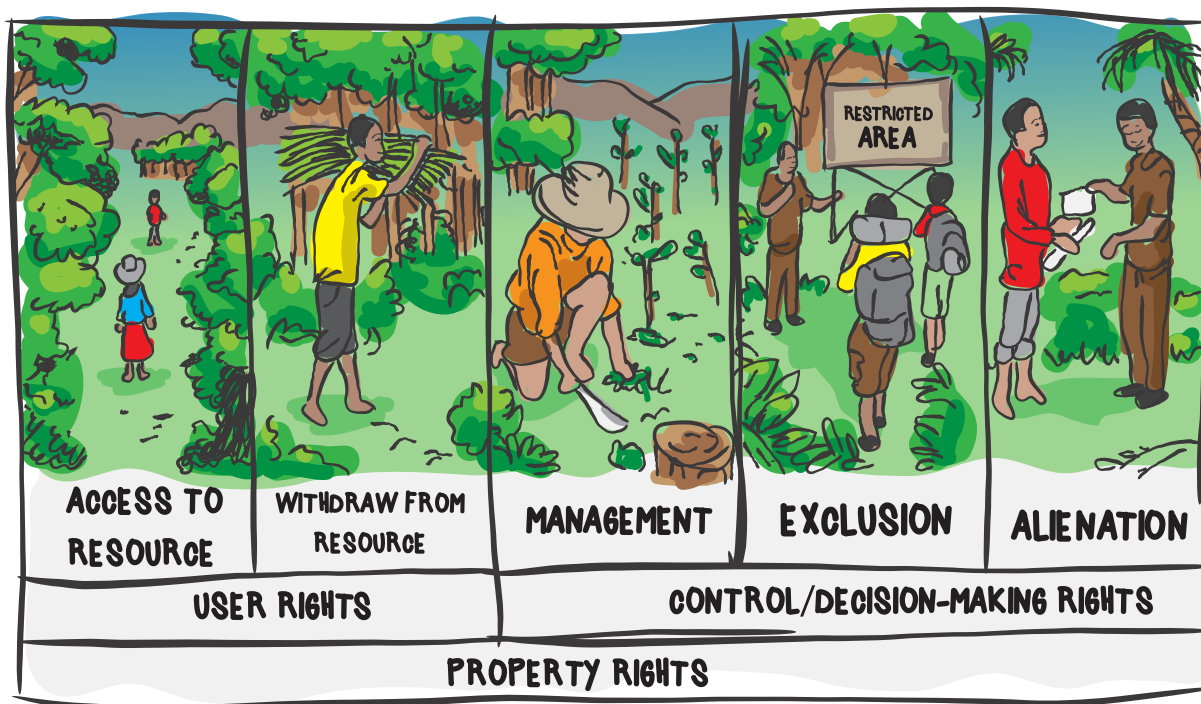
Alienation: The rights to sell or lease either or both of the above collective choice rights.

Source: Schlager and Ostrom (1992).

Access right is the most basic property right and is closely linked to exclusion rights - the right allowing denial of another party to access a particular resource, such as forest. Access rights appear to be simple but who holds the authority to decide who can access the resource complicates them. In forestry, access can be simply for enjoying the pristine environment or the right to harvest forest products (which would need additional rights).

Likewise, **withdrawal right** is also an extremely important right, especially for the local communities that depend on forests for livelihoods. The right indicates the right to benefit from the forest both for subsistence and/or commercial purposes. However, legal documents frequently differentiate between the right to harvest for subsistence and the right to harvest for commercial purposes and between the right to harvest timber and non-timber forest products (NTFPs). Withdrawal for commercial purposes and the harvest of NTFPs are forbidden in many countries. For example, the harvest of NTFPs from sustainable use zones is prohibited in community protected areas in Cambodia (see Table 9.2).

Figure 9.1. The application of property rights



Source: CAPRI (2010).

The concept of **management right** is broad as rights holders can regulate and make decisions about the forest and territories for the area for which they hold access and withdrawal rights. This right grants local communities, which manage their own forests, the right to regulate internal access, amount and patterns of resource withdrawal.

Exclusion right is sometimes considered as both a defensive and/or offensive tool. On the one hand, it enables the rights holders to protect their resources from external abuse but on the other hand, as an offensive tool a strong party can weaken or fully take away the access to the resources. The exclusion right has rarely been extended to underground resources such as natural gas, oil and minerals. Exclusion rights also depend on the ability to enforce them. Either the rights holders should be able to enforce them or they must receive support from more powerful and legitimate authorities to enforce them on their behalf in order to properly benefit from the right to exclude. For example, the Forest Act 1993 in Nepal has recognized this right for local communities that manage their forests and has empowered them with authority to take legal action if someone fails to respect their exclusion right.

Alienation right is the ultimate ownership resource. While this right is considered important for enabling local communities to seek financial resources to invest in the development of resources it could also abet the sale or disposal of their common property resources to other

stakeholders. As a result, this right is legally denied to local communities under most of the community forestry models in Asia (Table 9.2 for Cambodia). There are some exceptions. For example, Viet Nam allows rights holders to rent, transfer and mortgage their forest under community forestry management (RECOFTC, 2014).

Table 9.2. Overview of legal rights and forest tenure arrangements under the community forestry model in Cambodia

Rights	Social forestry models in Cambodia	
	Community-based forest management	Community-protected area
Access	Yes	Yes
Withdrawal	Timber and NTFPs for domestic use. Permits and royalties for commercial use	NTFPs from sustainable use zone. Commercial use of timber prohibited
Management	Yes	Yes
Exclusion	Yes	No
Alienation	No	No
Length of tenure	15 years-renewable; state can reclaim	15 years

RECOFTC (2014).

There is evidence that shows that when local communities have more rights this gives them more choices in forest management and encourages them to consider the sustainability of their resource management. For example, if a local community has long-term and clear tenure rights over a forest, which may include rights to sell the timber from planted trees, it is more likely to protect the plantation and wait until the trees reach commercial size. Similarly, rights to commercialize forest products will legalize the trade of forest products and allow access to premium markets and increase the return. Local communities also want to increase their investment in the development of forest and value addition of the forest products. Alienation rights gives space for partnership between the rights holders and the private sector. For example, a financial institution usually needs security when it invests. Alienation rights allow the forest owners to use their forests as collateral when they would like to borrow money to plant valuable timber species in their forest.

Many rights holders are able to manage their resources, yet the enjoyment of corresponding rights remains an ongoing challenge. Although rights are recognized by a country's constitution, there is immense difficulty in implementing them in practice due to constraints such as lack of implementing regulations and unhealthy power balances between the state, companies and rights holders. In many cases statutory instruments place restrictions on or criminalize customary use of resources. Local communities are consequently forced to abandon traditional practices from which they enjoyed the rights granted by these legal instruments. RBA in these situations is highly relevant as it assists in finding ways to empower local people and protect their rights.

Using the bundle of rights framework to understand tenure rights can be complicated. This is because land rights in many countries are complex, multifaceted and influenced by many historical, social, economic and political factors. Some of the common reasons are:

- There are differing provisions in the law, complex procedures or restrictions stipulated by other legal instruments for withdrawal for subsistence and commercial purposes (e.g. restrictions or complex procedures to harvest for commercial purposes [see Table 9.2]). These are all barriers to exercising rights;
- Many governments set an expiry date on the rights or put a limit on certain tenure rights. For example, the length of tenure is set as 15 years for community-protected areas but local communities are not able to harvest trees for five years in Cambodia (see Table 9.2);

- Property rights may be a legacy from previous political systems which denied rights for people in production forests, recognizing their rights in degraded forests only. Similarly, for different reasons including capacity and resource gaps, formalization of property rights over forests is often slow. For example, despite granting rights for local communities to 919 000 hectares over 30 years between 2001 and 2030 under community forestry in Myanmar, less than 15 percent of the target was met in the first 15 years (RECOFTC, 2013 and 2017).



Learning Block 4

Participatory rights analysis

Session 10: Mapping rights issues

OBJECTIVES:

At the end of this session, the participants will be able to:

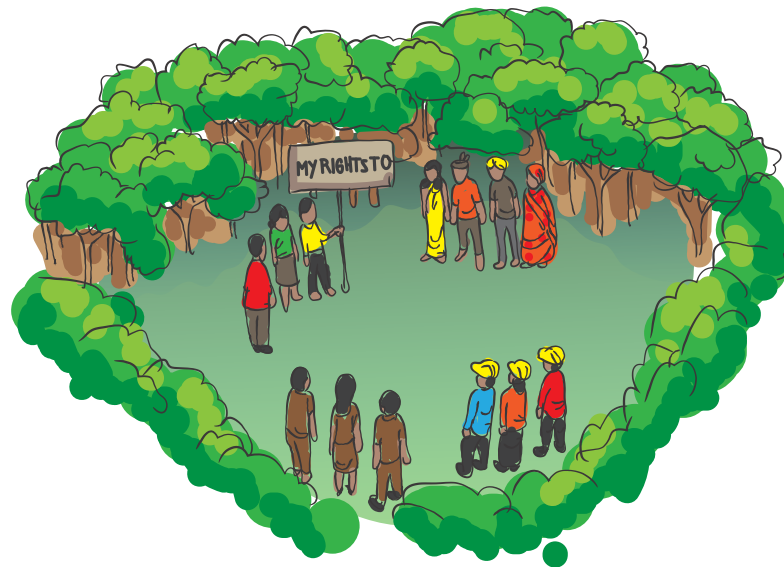
Identify the rights issues using the bundle of rights framework in a forestry context;

- Describe the challenges and opportunities for rights holders and duty bearers in fulfilling their roles and duties;
- Explain why mapping and analyzing rights issues is important when applying RBA.

TIME: 90 minutes.

METHODS: Case study analysis, small group discussion.

MATERIALS: Metacards, pins, markers, Post-it notes, flip charts, three case studies.



STEPS:

1. Introduce the objectives of the session.
2. Refer to the learning flow diagram and explain that we are now moving towards applying the concepts and theories we explored in the previous sessions. In essence RBA is the systematic application of participatory tools that provide a 'rights lens' when we plan activities or interventions. Using the tools systematically means that we are in essence doing a rights analysis.
3. The first step is to map rights issues using the bundle of rights framework. Remind participants of the previous session on bundle of rights and clarify any questions they may have.
4. Divide the participants into three groups and assign one case study to each group. Present rights issue matrix on a flip chart (see Table 10.1) to show how rights issues can be mapped using the bundle of rights framework.
5. The groups should discuss how they will map out the rights issues for four stakeholders (duty bearers and/or rights holders) based on the assigned case study. They should identify what rights each stakeholder has under each bundle of rights. They have 30 minutes to do this.

6. Once done, the groups present their discussion, starting with a brief context of the case study. They have seven minutes for their presentation. Encourage other groups to ask questions or clarify.
7. In plenary, ask these questions:
 - Was it easy or difficult to identify the rights issues in the case studies? Why?
 - What are the similarities and differences of rights issues in the cases?
 - What can you say about the rights holders in the cases? What about the duty bearers?
 - What are some of the key challenges and opportunities in respecting, protecting and fulfilling rights? What should the government agencies/authorities' obligations be towards respecting, protecting and fulfilling rights?
 - Can you relate these cases to your own countries' contexts?
 - Why do you think rights mapping is important? How can you use rights mapping when applying RBA?
8. Wrap up the session with the key learning points:
 - The bundle of rights framework provides a comprehensive understanding of who uses, manages and owns the forest; and what are the issues, challenges and opportunities in terms of these rights;
 - Mapping of rights issues focuses on the roles and responsibilities of rights holders and duty bearers. It analyses the roles and responsibilities are executed and how this may affect the rights of stakeholders;
 - This analysis is the foundation for all other analyses that are needed for RBA implementation. Further analysis is needed to get comprehensive understanding of how stakeholders interact with the resources. This will be explored in the next sessions.

Trainer's note:

The trainer can decide to use the case studies provided in this manual or those prepared by the participants. If using participants' case studies, the trainer may refer to the template provided (Appendix 1) to develop the cases for the training. This can be a pretraining assignment. The trainer can choose from the case studies the participants submit and assign case study holders as the resource persons for each group.

If using the case studies provided, be aware that the cases have some information gaps. The exercises using the case studies are not meant to be about extracting information. Some of the information gaps are intentional. The participants are encouraged to draw on their own experiences and apply it to the task. The case studies are based on actual situations but have been adapted and valid only in the training context.

Depending on the language and comprehension proficiency of the group, the trainer can decide to provide the case studies at the end of the previous day's training to allow participants to prepare prior to this session.

EXERCISE 10.1: Mapping rights issues Table

10.1. Mapping rights issues using the bundle of rights framework

Access				Walk in forest
Withdrawal		Extracting NTFPs under the management plan	Harvesting NTFPs	Extract water, NTFPs, cultivation
Management	Approving harvest of certain tree species	Overall land management plan	Improvement investment	Plant trees on own land
Exclusion	Licensing timber concessions		Exclude outsiders	Exclude others from planted fields
Alienation		Allocating pilot plots for cultivation		Transfer within the community
	The State	Cooperatives	User groups	Individuals

Table 10.1 is an example of a type of a community forest tenure system. The table shows property rights and/or duties that each stakeholder has. If sharing of rights is based on mutual agreement and fair benefit sharing, the system of forest governance will provide the ideal institution for the people's well-being as well as forest sustainability.

CASE STUDIES

Case study 1: Community rights at Mee Thway Phote village in Shan State, Myanmar

For a long time the forest cover in Myanmar shrank due to land grabbing, commercial timber harvesting (and the indirect effect of increasing road accessibility through road construction) and intensifying pressure on remaining forests for livelihood needs, especially fuelwood. The Forest Law (1992) and Forest Policy (1995) recognized these issues. In 1995 the Community Forestry Instruction (CFI) was issued to promote community forestry.

Mee Thway Phote village (MTP) in Shan State is located in a lush green area not far from Inle Lake. The village has 45 households and 204 inhabitants (101 men, 103 women). They mainly earn their income from agriculture. They cultivate maize, cabbage, onion and various fruits. Some crops are for subsistence use and others are sold at the local market. Not all of the villagers are landowners who benefit from these agricultural practices. Those who own land work in the fields but the landless are assigned by the community to extract fuelwood and other NTFPs from the forest. The landless obtain some financial benefits but get a substantially lower share than the landowners.

All villagers consider themselves community forest user group (CFUG) members. The main objective of their CFUG is to protect water resources, to conserve the forest area from illegal felling and other land encroachment, and to prevent soil erosion. CFUG formation has helped them to feel more secure as they now have a direction on how to use the land. Through improved internal governance, access to water has been secured for the moment; consequently soil quality has improved, erosion has decreased and the density of trees has increased. Yet, they are still facing inequity, illegal logging, particularly removal of medicinal plants, and diminishing plant variety. Thus community members are dubious about planting medicinal plants or other more expensive crops: on the one hand because of their limited capacity to protect the resources from outsiders, on the other because some of the CFUG members get a smaller share of the benefits and are naturally reluctant to participate.

MTP does not own its forest. Like other communities in the area, MTP's only option is to borrow or lease forested land from the Forest Department (FD). They need to prepare a management plan together with the FD and thereafter, if the plan is agreed upon, they will get a 30-year lease to withdraw and manage forest resources. The agreement also includes a compensation clause if state authorities want to use the land for other purposes. If the forest is not managed according to the plan the FD can declare the user rights void at any time.

The lease is not ideal for MTP. They are not allowed to transfer user rights to other people, including their families or to other agencies. This makes it difficult for the community to plan for the future. The uncertainty about how long they will possess the rights to use the land limits their vision for the area. At the moment MTP is not considering further development of its CF. Accordingly, they have not developed any CF enterprises, which could increase financial benefits, particularly for the landless.

The ability of MTP to use, manage and protect their forest is related to their relationship with internal and external stakeholders. MTP has developed several working groups including a women's group, a fire brigade, an electricity committee, a charity group and a CFUG committee. This has made their work more efficient and improved their relationships with some external stakeholders.

The most prominent stakeholders include the United Nation Development Programme (UNDP), the Resource Protection Centre (RPC) and the FD. The FD visits them regularly to inspect how they are managing their CF (based on the management plan) and provides legal support. The FD is aware of the illegal logging in the area and wants it to stop. However, the FD lacks financial and labour resources to provide the much needed support to the community.

UNDP mainly engages with the community through microfinance lessons to the women's group. The classes have helped the women to increase their participation in decision-making structures and improve the households' financial well-being. UNDP has not engaged with MTP on forest issues such as illegal logging. The NGO, the RPC, engages with MTP and neighboring local communities and the FD mainly to provide technical support for resource management of the area. The RPC either has no mandate or has not shown any interest in negotiating with authorities to provide solutions on legal issues related to the forests. One way MTP can get some legal support and information on forest use restrictions is from the central government. However, MTP has never attempted to make such contact. They are uncertain about how to conduct a dialogue with central authorities. MTP also has limited engagement with a local school that provides some basic education, including awareness on property rights.

MTP has limited communication with the neighbouring communities. Two neighbouring villages obtained their CF certificates before MTP and have managed to get control over some of the customary land previously used by MTP. Some communities living by the lake have encroached into MTP's forest at night to collect fuelwood. So MTP is wary about its neighbours and has no plan to initiate any dialogue with them. Furthermore, there are still many uncertainties about boundaries in the area, and this affects the relationships among the communities and has an impact on their ability to efficiently improve the quality of their forests.

Clearly, stakeholders in the region have different interests. However, due to the limited capacity of the local authorities, there have been only a few stakeholder meetings organized to provide a platform to discuss and understand these interests. No strategy has been developed on how activities among various actors could be streamlined to help MTP address its issues. There has yet to be a meeting between MTP, UNDP, the RPC and local authority representatives.

Ongoing jurisdiction between the FD and the Agriculture Department over land and forest has also made it difficult for communities like MTP. MTP is unsure of which agencies they should engage with for what purpose. The community is often unaware of how national policies can impact them at the local level. On several occasions community members have expressed that they are uncertain about how to claim or protect their rights, particularly with regards to the issue of outsiders encroaching and taking away resources from their forests. The situation is exacerbated by the fact that many local agencies are themselves not clear about the boundaries and claims of customary lands in that area.

Source: Tint et al. (2001).

Case study 2: Forest management rights in Baan Huay Sapan Samakkee CF in Kanchanaburi, Thailand

Since the 1940s deforestation has been a major issue in the Kanchanaburi area in western Thailand. In the 1970s many factories were built in the area, such as sugar refineries and tapioca starch plants; this encouraged local people to convert forest lands to grow sugar cane and cassava. Consequently, the forest became significantly degraded in quality and quantity. Another issue included conflicting landownership. Due to private landownerships, the local communities in the area were unable to use the communal forest as grazing land for their cattle. Communities in the area started to feel the effects of unregulated logging, construction and setting up of plantations on their livelihood activities. These developments led some local communities to decide to manage their forests as best they could to protect available resources. Today, due to a number of the earlier initiatives and strong relationships among the communities in the area, and improved and increasing support from government agencies, forested areas have been somewhat restored.

Four local communities belong to Baan Huay Sapan Samakkee (BHSS) CF, located in Phanom Thuan District of Kanchanaburi Province. This CFUG has 2,460 members and manages 380 hectares of forests from which they benefit in numerous ways. CFUG members collect forest resources on a daily basis, including a variety of mushrooms, flowers and herbs. Some harvested resources are for subsistence use and some for commercial purposes. To increase benefits from the forest, BHSS CF has established various enterprises that are related to NTFP production, packaging, marketing and ecotourism. Many of the CFUG members are self-employed. For instance, via ecotourism activities visitors pay visiting fees, buy local products and hire local people as resource persons and guides. In particular, poor and marginalized members have benefited from these enterprises. However, gender issues have not been addressed much and women still have heavy workloads, particularly when it comes to collecting various forest products whilst taking care of the household needs.

While anyone, irrespective of their origin, can enter the BHSS CF, only registered members are allowed to withdraw and manage forest resources. Following an agreement with the Royal Forest Department (RFD), who has the authority to formalize CFUGs, BHSS CF can even construct buildings inside the forest boundary or carry out other activities that might change the forest landscape as long as they improve forest management from an ecological perspective.

Yet, despite reaping the many benefits from the rights to manage their forests, BHSS CF does not own the land. This situation is a consequence of some longstanding unresolved rights issues. One issue has been the difficulty in ensuring that resources are maintained sustainably. The BHSS CF still lacks the right to exclude others from taking advantage of its forest resources. Furthermore, there are very complicated procedures when it comes to transferring land to other CFUG members. They also have a problem to claim compensation should the state authorities want to reclaim the land. Although the CFUG members do not expect to have their land taken from them in the near future, they have expressed uncertainty about how long they can lease the land. The CFUG is also uncertain about their rights to new species of plants in the forest areas. These combined issues have led to the CFUG members being hesitant about encouraging their children to work on the CF as it is risky as their rights are unclear.

CFUG formation has helped the four communities to establish several user groups leading to more efficient use of forest resources. The CFUG committee has regular and mostly positive discussions with the RFD and the subdistrict government office. It also engages with NGOs such as the Resource Protection Centre (RPC), the Rights For All Agency (RFAA) and locally-based stakeholders such as two schools, a temple and a few companies, including a packaging company which is a subsidiary of a big commercial bank (SCB). The CFUG also engages in different CFUG networks to maintain good relationships with other neighbouring CFUGs and to share lessons learned. On several occasions it has participated within a provincial CFUG volunteer network.

The CFUG representatives have met many of the stakeholders during meetings on how to increase the sustainability of resource management in that area. The monastery and the schools have mostly tried to play a role in making forest users have shared values on how important forests are for health and livelihoods. The RFAA has attempted to support the CFUG in increasing awareness of rights and in establishing new communication platforms. The companies have been interested in future selection of crops, how they can engage in their trade and what the user agreement between BHSS CF and the RFD entails. The RFD's key objective has been to maintain a good relationship with BHSS and other CFUGs in the hope of making boundary issues transparent. However, the RFD has so far lacked available funds to participate in on-the-ground events, such as patrolling and monitoring. For BHSS CF, the key objective of their participation in multistakeholder activities is to get more financial support and gain skills on how to increase the variety of plants in their forests.

The multistakeholder meetings are structured to allow its members to speak freely. Leadership of this platform tends to be provided by the RFD. The decision-making structure is based on a consensus-style approach, and dominated by national policy agendas. In this regard, BHSS CF representatives have had difficulties in achieving their own agenda points. The companies to some extent compete with each other and at some meetings time is spent on market-related discussions that BHSS CF members find difficult to understand. The representatives from the temple and the schools are mostly observers at the meetings and have little impact on influencing the decisions made.

Case study 3: Forest management rights through networking by the Nepane community in Nepal

The Nepane CFUG is located in Sindhupalchok, a central northern district of Nepal. It is one of more than 19 000 CFUGs in the country. The CFUG Nepane CFUG comprises 146 households who collectively manage 91 hectares of forest. The CFUG was registered in 1995 with the District Forest Office (DFO), a government forest agency at the district level, which approved its forest management operational plan.

The CFUG members have been using the forest for numerous purposes. They practise subsistence agriculture, including crop production and raising livestock. They collect livestock fodder and fuelwood for cooking and heating purposes from the forest. Similarly, the forest is the only source of timber for the community for construction and repair of houses as well as manufacturing of furniture for domestic use. In addition, the entire community is dependent on the forest for drinking water. Moreover, the community believes that the forest houses a benign deity who protects them from evil. The villagers gather in the forest many times every year for spiritual purposes.

The Forest Act (1993) and Forest Regulation (1995) allow communities, such as Nepane, to practise community forestry and grant rights to access, manage and harvest forest products sustainably. Also, the community can exclude outsiders from using its forest. However, ownership of the forest rests with the government, communities are not allowed to sell or use the land as collateral. The communities also need to have a valid management plan, usually of five-to ten-year periods, prepared by them and approved by the DFO.

While the CFUG has received substantive help and guidance from the government and its local representative, engagement between the CFUG and the government for exercising rights is not always easy. The DFO often hesitates to approve the forest management plans prepared by local communities as they question the quality and processes involved. On the other hand, local communities feel they do not get enough support from the DFO as mandated by the 1995 Forest Regulation and suggested by the 2008 Community Forestry Development Guideline. Exercising their rights to commercialize forest products, particularly timber is also inhibited for the communities. Although the right is recognized by law, there are many obstacles in realizing the rights in reality.

The laws focus on the subsistence needs of local communities from the community forests and so is quite limiting. For example, the lengthy process of obtaining harvesting and transportation permits is too costly for small-scale community-based operations with limited reserves of valuable timber. Contrary to the national policies, many of the provincial forest officers perceive that the main objective of CF is for forest and biodiversity conservation. So they tend to restrict harvesting by using their discretionary power in approving plans and issuing permits. The local community members have reported that some officers use this as opportunities to demand a graft from local communities or buyers. The Nepane CFUG feels that it does not have the capacity to fulfil all commercial demands for their timber and the buyers do not see the value in purchasing small amounts of timber from the CF.

The inability to optimally commercialize forest products is attributable to limited forest development in Nepane. As the forest fulfils subsistence needs only, the CFUG does not invest much time or resources in it. This has caused the dwindling interest of youth who are more interested in tangible economic benefits such as employment elsewhere. Also, unable to generate needed resources by themselves, the CFUG has to rely on the government for regular management of the community forest. That also gives the government officers space to exert their influence in CFUG decision-making.

Another challenge is the differing access to resources among the CFUG members such as uneven spending power (for purchasing forest products), unbalanced physical labour available for forest management operations due to outmigration of youth, varying household needs for forest products and so forth. For example, the wealthier members in the CFUG have multiple sources of energy such as gasoline, electricity and biogas in addition to fuelwood whereas the poor are totally reliant on fuelwood, making them more dependent on the community forest than others. This is further complicated by the weak ability of the poor and women, who are more dependent on the forest, to speak at decision-making forums, e.g. general assemblies. This sometimes causes the more forest-dependent villagers to receive fewer benefits as they do not speak up and their leaders fail to represent them at these forums..

The Nepane CFUG uses different approaches to ensure the forest management rights of the CFUG members are respected, protected and fulfilled. The CFUGs have bonded in the Federation of Community Forest Users Nepal (FECOFUN), which has representation from local, district to national levels, to obtain help from other local communities and stakeholders. The CFUG gets help from other local communities under the leadership of the FECOFUN district chapter if a problem arises from a decision by or activity of the Sindhupalchok DFO. In these cases they conduct dialogue with the DFO to claim their rights granted by the law; the approach has been effective in most instances. When the dialogues failed, they ramped up their campaigns, which have included raising their voice at district-level multistakeholder platforms that comprise representatives of political parties, journalists, forest product traders and CSOs in addition to those from the DFO and FECOFUN. If needed, the central committee of FECOFUN takes the issue to the national level for discussion with the government and other organizations.

While local communities from Nepane are actively engaged in community forestry they feel that the granted rights are not adequate for equitable benefits and that many rights-related decisions are made by the government alone. Also, there are concerns that not all the CFUG members have equal opportunity to exercise their forest management rights due to their differing capacities. Therefore, the local community plans to continue to work with the government, NGOs and private sector actors along with FECOFUN and nearby communities to extend and secure their rights related to forest management.

Source: Adapted from RECOFTC, 2016. Capacity development needs assessment of community forestry in Nepal. An unpublished study conducted by RECOFTC.

Session 11: Problem tree analysis

OBJECTIVES:

At the end of the session the participants will be able to:

- Use the problem tree tool to identify root causes and effects of rights issues in forestry;
- Explain how the problem tree tool can complement the rights analysis.

TIME: 90 minutes.

METHODS: Small group work, case study, presentations.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes, problem tree analysis flip chart.

STEPS:

1. Introduce the objectives of the session.
2. Ask the participants to stay in the same groups as the previous session and recall their identification of different rights issues. Ask the groups to choose a rights issue they consider as most fundamental and critical to a rights holder.
3. Show the problem tree diagram. Ask the participants why they think this tool can be useful in terms of a rights analysis.
4. Describe 'the tree': the bark represents the right itself and the related core problem (issue); the roots represent the causes of the core problem (the more causes identified the better); the branches are effects of the problems on the rights issue and relevant stakeholders.
5. Using the same case studies from previous session, ask the groups to brainstorm some of the causes and effects of the issue they have chosen. They then create their own problem tree. Allow 30 minutes for this exercise.
6. The groups share their results in a five-minute presentation and the trainer facilitates any questions the participants may have.
7. After the presentation ask the following questions:
 - Was it easy or difficult to use the tool? Why?
 - Which was easier to identify: cause or effects? Why?
 - Which causes and effects were the hardest to identify? Which were the easiest?
 - Which causes do you think are more easily addressed? Which are more difficult? Why?
 - How is the problem tree tool useful for analyzing rights?

8. Conclude the session with these key learning points:
- Once there is a rights issue (a problem), you need to know why it has happened and what violations may have occurred because of it. The problem tree analysis helps you understand this and how the stakeholders are being impacted by it;
 - Rights violations are likely to have a several root causes. The causes can be an individual rights issue which the state is obliged to address or that may be part of the international community's responsibility;
 - The identification of the causes and effects of a rights issue can lead towards finding entry points for applying RBA. You will be able to identify who (stakeholder) should do what (ability to make a contribution) to solve the rights issue.

Figure 11.1. Problem tree on encroachment in a protected area

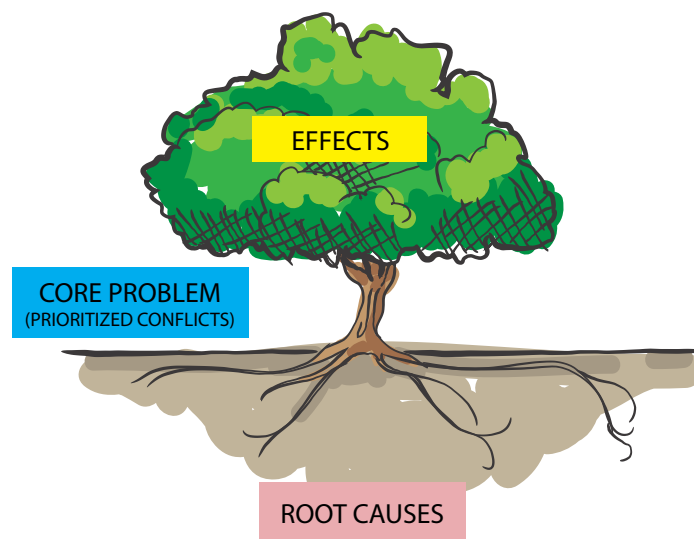
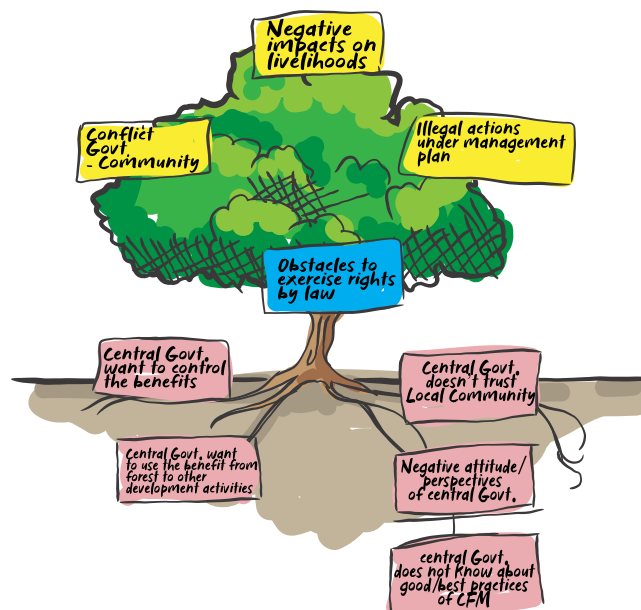


Figure 11.2. Problem tree on the barriers in laws regarding forest-based livelihoods



Trainer's note:

This and the other tools in this manual should not be new to the participants. However, remind them that in this training, these participatory tools are used with a 'rights lens', i.e. we consider what is happening in the forestry context based on how it affects the rights of the rights holder and the responsibility of the duty bearer to address the rights issue.

Some of the participants may be confused about cause and effect. Remind them that effect can be identified by asking "what happened when...?" while causes can be answered by asking "why did this happen?". Remind the participants to probe and keep asking 'why' when they identify a root cause so that they delve into the core situation and real issues and problems. To introduce the tool the trainer can refer to Figures 11.1 and 11.2.

For national-level training the participants could be grouped according to similar landscapes and/or regions.

HANDOUT SESSION 11: PROBLEM TREE ANALYSIS

The first step in RBA analysis (this was explained in Session 10) is to understand exactly what is it you want to address. What is the rights issue? Who are impacted and in what way? Once the issues and related stakeholders are known, it is necessary to understand the problems and stakeholders in more detail. It is also important to consider the ideal situation for the affected stakeholder and identify the relevant national legal and policy instruments that relate to that particular issue and may provide solutions to the issue. One of the most important aspects of RBA is the link between the problems of the individual rights holder to the obligations of the states at the national level and the international community's responsibilities at the global level (Kirkemann Boesen and Martin, 2007). The problem tree analysis is a useful tool to systematically find root causes and effects and how they are linked.

Problem tree analysis is a participatory tool and has three components: the trunk, roots and branches. The trunk represents the main problem. The roots represent the causes of the core problem while the branches represent its effects. The tool helps to collect important information for successful project planning. It is also helpful to:

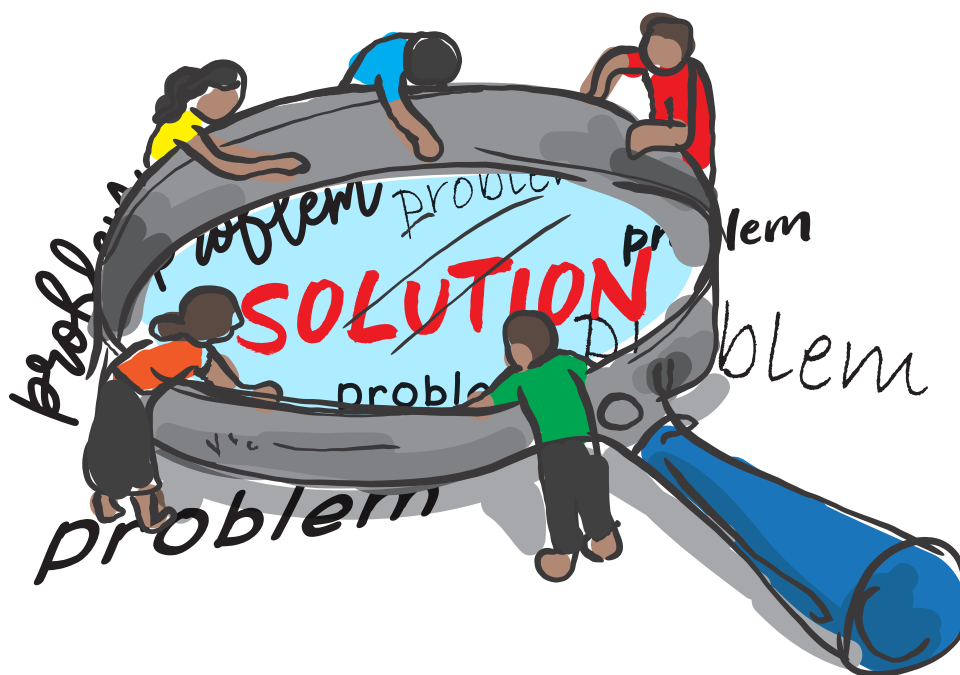
- Understand the subject of the analysis;
- Identify problems faced by target groups and beneficiaries;
- Visualize problems in the form of a diagram, the problem tree;
- Help to analyze and clarify cause-effect relationships.

Guiding questions for the analysis of root causes can include:

- Do laws and policies adequately address the identified problem? Do they help to address general forest-related problems such as deforestation and forest degradation, inequality, poverty, rights to own land for CFUGs, etc.?
- Is there awareness of and willingness to solve the problem at the national level and is action being taken? Are the authorities aware of rights issues that forest-dependent people are being exposed to and are they able to solve them?
- Are relevant state agencies and services available and accessible to the vulnerable group (e.g. women, ethnic minorities, the poor)? If forest-dependent people need a service such as extending their management rights or getting input on what crops they are allowed to plant, would they know where to get the information?
- How long would a response from relevant authorities take?
- Is sufficient information (e.g. information on property rights and how to access them) accessible to the vulnerable group? Can they access the information? Do all individuals have the same ability to extract this information? How do cultural or customary laws and practices and social norms (such as to own forests, utilize forest products, transfer ownership) relate to the problem? In forested settings local people are often bound to various traditional practices that directly or indirectly impact their resource management. Do these practices support empowerment of the most marginalized, such as when women are those who collect NTFPs? Do traditional practices such as shifting cultivation in nomadic cultures support or contradict national laws?

- Can you see elements of passive or active discrimination, and what are the implications to the rights issue you are trying to address?
- Is there a gender dimension to the problem such as who collects the resource and what is the impact of this on the household, who makes decisions in the household and what impact does this have?

Source: Kirkemann Boesen and Martin (2007).



Session 12: Stakeholder mapping

OBJECTIVES:

At the end of this session, the participants will be able to:

- Identify key stakeholders involved in rights issues;
- Explain the roles and relationships of the duty bearers and rights holders what it means to rights;
- Explain how RBA stakeholder mapping can complement the rights analysis.

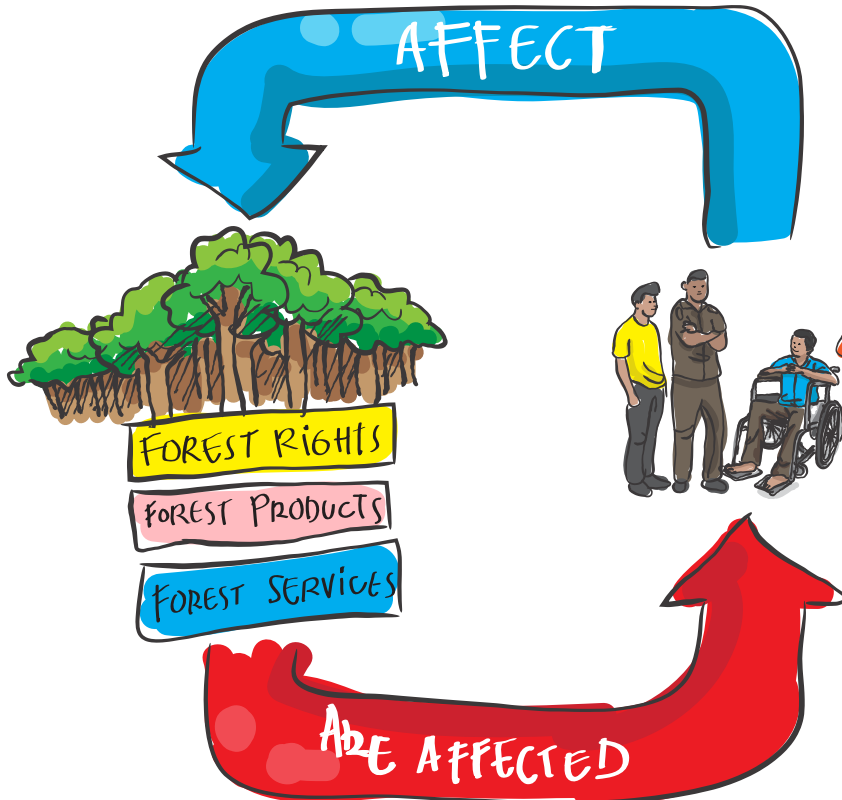
TIME: 60 minutes.

METHODS: Brainstorming, small group discussion, case study, plenary discussion.

MATERIALS: Flip charts, markers, metacards and Post-it notes.

STEPS:

1. Introduce the objectives of the session.
2. The participants will remain in the same groups. Inform them that we will continue to explore the various stakeholders and their stakes in the landscapes in the case studies.



3. Facilitate a quick brainstorming on the meaning of 'stakeholder'. Record the responses on a flip chart. Share the following definition and allow for comments.
 - (A stakeholder is any actor who HOLDS a STAKE (or an interest) in something. When we talk about rights in the forestry context, then these are the people who have a stake in the rights issues that affect forest governance. They can be influenced by or have an influence on the issues, both in a positive or negative way.) Continue the brainstorming exercise on what a 'stake' is in the forestry context by asking the participants to consider examples from their own countries.
4. Based on the case studies, ask the group to analyze stakeholders by drawing a creative stakeholders' map. The groups can use different colours, shapes, lines etc. to picture the stakeholders and their relationships. The following questions can guide them but they should also explore their own ideas when drawing the map:
 - Who are the stakeholders? Who are duty bearers and rights holders?
 - What are their roles and responsibilities?
 - What is the relationship among the stakeholders (e.g. type of relationship: official, informal, strong, weak, cooperative, supportive, partnerships, conflicts, adversary, competitive etc.)?
 - Who has power in this situation, and who has not?
 - How does the rights issue affect the different stakeholders?
 - How do the power relations affect the relationships of stakeholders in your own contexts? What are some examples?
5. Allow 20 minutes for this exercise. It is important that groups have enough of time to discuss and analyze these relationships. Remind the participants what they learned about duty bearers and rights holders in the earlier session.

6. Ask the groups to present a general description of their stakeholder maps and allow for questions or clarifications. Once done ask for some volunteers to share what they thought were interesting points from the presentations.
7. Ask the following questions:
 - Was it difficult to identify the stakeholders? Is it difficult to look at it from a rights perspective? Why do you think this makes it more difficult?
 - What can we say about the roles and interests of the different stakeholders? What are the impacts to the rights holders of the way the duty bearers performed their obligations?
 - How do relationships among the stakeholders affect rights?
 - How does the power that is held by one stakeholder affect rights of others?
 - How does rights mapping help when conducting a rights analysis and applying RBA?
8. Summarize the session with the key learning points:
 - Stakeholder analyses can be carried out for many reasons. A central issue in RBA is that it seeks to identify who is responsible and has the duty/obligation to address a identified rights issue;
 - Identifying all stakeholders and their roles and relationships can be a complex process. Stakeholder mapping is a helpful tool because it provides a systematic process to produce a visual representation of all the actors and their connections and relationships;
 - Using stakeholder mapping with a 'rights lens' clarifies the characteristics, interests and expectations of individuals or groups who have a stake or interest in a project or programme. It provides information on 'who else is out there';
 - RBA may require new and non-conventional alliances or collaborations to address some of the rights issues inherent in the project; a stakeholder map can show where these can best be formed.

Trainer's note:

The role of the stakeholders will be continue to be discussed in sessions on institutions, stakeholder capacity and programme implementation. Discussions about the power and capacity of stakeholders will also be discussed in-depth later.

HANDOUT SESSION 12: STAKEHOLDER MAPPING

In RBA, stakeholder mapping and analysis is meant to capture the characteristics, interests and expectations of especially the direct stakeholders in the project. It aims to identify who should address a given problem in terms of rights and obligations. It can be used to explore who may oppose and who may support your RBA interventions. By applying RBA, a sense of involved rights holders and corresponding moral or legal duty bearers will develop and the different limitations and reasons they are facing towards applying it can be addressed (Kirkemann Boesen and Martin 2007).

There are a number of different types of actors involved when rights issues are mapped out. Some are legal stakeholders such as the government; others include moral duty bearers such as NGOs, international cooperation agencies, universities, research institutes and CSOs. Actors could also include individuals at society or community levels. Stakeholder mapping is a useful tool to ensure that all stakeholders are captured when considering a specific rights problem.

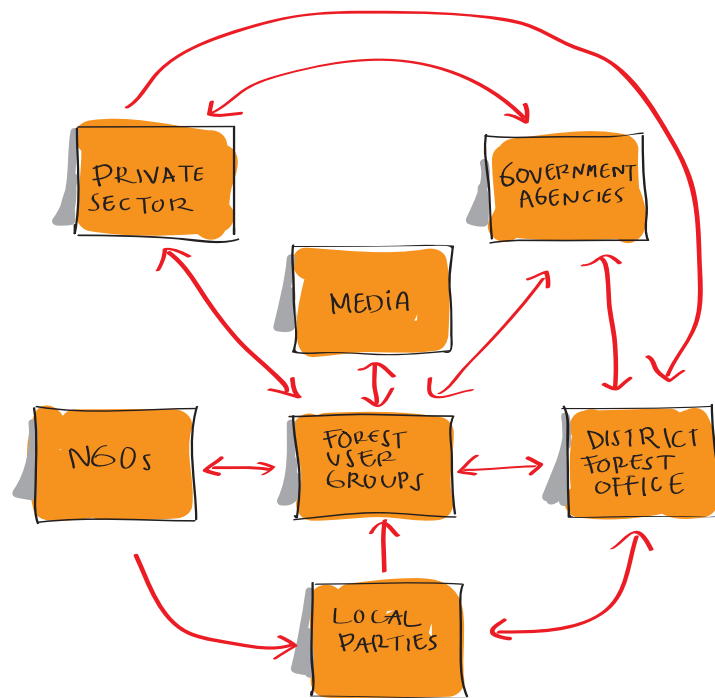
Because of the intersect between the social and the environmental, stakeholders in a CF context at the landscape level can be numerous. For example, in a CF the stakeholders range from the national government to provincial level agencies and local community members. Policy-makers and parliament members are stakeholders due to their role in forestry and community development policy-making. Similarly, the forestry ministry and its subordinates down to the local-level implementing forest offices provide services to the local communities. In addition, local government and other government bodies also bear responsibility to support local communities, for instance by developing relevant mechanisms and platforms that enable these communities to exercise their rights. The local community members, especially women and the forest-dependent poor also have a major interest in the CF implementation and management. Another set of stakeholders which includes CSOs, CF networks, universities and academic and vocational institutes, also have an interest.

Stakeholder mapping gives a visual image of the stakeholders involved. Stakeholder maps can be tailored to show the relationships, roles and duties of each stakeholder, and many other aspects, depending on objectives of using the tool. They can be used to capture both internal and external relationships. In RBA it is important that we find out who the marginalized are within groups. For instance, CFUGs can be broken down into women, the elderly or other members. Do they all get the same benefits? Are all of them provided with platforms to express their ideas equally?

Figure 12.1 shows a stakeholders' map done during a training event

In the map, various stakeholders who are engaged in one way or another are identified. These include national departments and local user groups, international organizations and individuals. The bigger the map shows that many stakeholders will impact the outcome for the most vulnerable groups and individuals in terms of their rights.

Figure 12.1. Stakeholder map



When drawing your maps, relationships can be represented by arrows with different characteristics. The following common practice can be changed and adapted. Be creative and add other symbols or types of arrows.

- Arrows can be of different colours; this can show different types of services or actions involved in the relationship;
- Arrows can have different directions; this shows who is providing (what) for whom;
- Arrows can be intermittent or straight; a straight line can represent a formal relationship (through regular meetings and activities or through formal partnership contracts), intermittent lines can show informal relationships (irregular meetings, some collaboration but no formal/official agreement is in place);
- Arrows can have a zigzag shape, indicating emerging, increasing or existing conflict between two or more stakeholders.

For the scope of this training, the stakeholders' map contains:

1. Identification of stakeholders.
2. Brief description of their roles and responsibilities in terms of duty bearers and rights holders.
3. Illustration of the relationships among them.

To apply RBA in a project, sometimes new and unconventional alliances are needed to address some of the rights issues inherent in the project area. For example, local community groups may work with the media to highlight a particular rights issue or with the private sector to develop their capacity to address that issue.

When identifying the rights holders it is important to consider:

- What are their assets and capacities?
- How are they organized? (e.g. who are the members within CFUGs)
- What is their formal or informal governance structure?
- What are their main activities to generate income?
- How do they communicate with each other?
- Are there internal power structures and how do they affect power?

When identifying duty bearers:

- Are they legal (governmental) or moral duty bearers (non-governmental)? This can be complex. For example, a governmental stakeholder can be a moral actor. a department in a water management unit does not have legal authority in forest management. Yet it has a stake and thereby becomes a moral duty bearer;
- Are they to be found at community, national or international levels and how do they interact with rights holders?
- What are their obligations in relation to the specific problem? (e.g. ensuring equitable and sustainable withdrawal of forest resources or increasing the role of women in CFUG decision-making);
- Do they meet their obligations (to respect, protect and fulfil rights)?
- What is their position regarding the problem/issue? Is it an organizational priority to deal with the rights issue? Are they bound or 'involuntary' duty bearers? For example, companies become stakeholders when they set up operations and have to engage with communities. In this engagement they will impact local stakeholders whether they intend to or not. Are they willing to support various empowerment activities for the communities?

Session 13: Institutional mapping

OBJECTIVES:

At the end of this session, the participants will be able to:

- Explain what institutional arrangements are in a forestry context;
- Map out existing institutional arrangements that address rights issues among stakeholders;
- Explain how mapping out various institutional arrangements can help when it comes to applying RBA.

TIME: 60 minutes.

METHODS: Group work case study, plenary discussion.

MATERIALS: Flip charts, markers, metacards, Post-it notes.

STEPS:

1. Introduce the objectives of the session.
2. The participants should remain in the previous groups. Ask them what they understand by the word 'institution' and then the phrase 'institutional arrangements'.
3. Introduce the definition of institutional arrangements on a flip chart.



“Institutional arrangements are the policies, systems, and processes that organizations use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfill their mandate.” (UN-GGIM, 2017)

4. Ask the groups to refer to their case studies and stakeholder maps. Ask them to identify the relevant institutional arrangements in their cases. They have 20 minutes to do so. Provide the groups with these guiding questions:
 - How were roles of the stakeholders decided? (mandate, policies, regulations, national plans, power and influence, cultural norms, gender, social context, etc.);
 - How do stakeholders plan and implement their activities? (systems in place for planning, operational procedures, monitoring and evaluation, etc.);
 - How did the stakeholders develop collaborative relationships? (meetings, multistakeholder processes, coordination and communication, trust, etc.);
 - How are decisions made and implemented in these collaborations? (meetings, multistakeholder processes, consensus, majority votes, etc.).
5. The groups do not need to present their maps. However, the trainers should reflect with the following questions:
 - How did you feel about the exercise? Why?
 - Which were easier to identify (e.g. rules, systems or processes)? Why?
 - Did you consider both formal and informal institutions? If informal, was it easier to identify or more difficult? Why?
 - What are the implications of formal and informal institutions on the roles of rights holders and duty bearers?
 - Why are institutional arrangements important when applying RBA?
6. Summarize the main answers and conclude the session by emphasizing that:
 - Institutional arrangements allow duty bearers to fulfil their roles and responsibilities (mandates) in respecting, protecting and fulfilling rights;
 - Overlaying a stakeholder map with the relevant institutions helps us to analyze and understand existing interactions and arrangements of the stakeholders, including the distribution of power and influence and existing collaborations and conflicts;
 - Institutional mapping adds another layer of information and helps towards the identification of possible solutions to the rights issue and whose responsibility it is to implement these solutions.

Trainer's note:

The identification of institutions can sometimes become superficial and be dominated by official/legal institutions. Ensure the groups also consider customary or non-formal institutions as well.

There may be substantial overlap between the discussions of the previous session and this one but use this as a learning point for the participants. Stakeholder and institutional mappings should not be two separate processes but be integrated into the overall process of rights analysis.

HANDOUT SESSION 13: INSTITUTIONAL MAPPING

Institutions are broadly defined as systems and procedures of rules, both formal and informal, and practices. They can be considered as a cluster of rights, rules and decision-making procedures that determine social practices, assign roles to actors or stakeholders and govern interactions among them (McFadden et al., 2010). Institutions are commonly defined as the 'rules of the game' in any social structure. Uphoff (1986) defines institutions as the "complexes of norms and behaviours that persist over time by serving collectively valued purposes. In accordance with this definition, laws and unwritten social norms in a community for instance can be called institutions." In forestry contexts institutional settings can be impacted by legal regulations and laws or various traditional uses of management practices. They can also refer to factors that have no direct link such as religion and culture.

The terms institutions and organization are often used interchangeably, which can cause confusion. Organizations are a complex of people and/or groups that, according to commonly agreed rules and procedures, strive to realize one or more pre-set objective. In accordance with the definition, ministries, companies and NGOs are organizations. Aid organizations are active at global, regional, national and local levels (Tacso, 2016).

In RBA analysis, institutional mapping is relevant to understand existing interactions and arrangements of stakeholders, including their distribution of power and influence. It can be considered as a part of stakeholder mapping and engagement that focuses on the key actors. In reality, stakeholder and institutional mappings should not be two separate processes but integrated into the same analytical framework (Tacso, 2016).

Institutional arrangements allow different stakeholders to work together effectively and achieve their mandates. There are many definitions that can be used for institutional arrangements. UNDP defines institutional arrangements as follows:

"Institutional arrangements are the policies, systems, and processes that organizations use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfill their mandate." UN-GGIM (2017)

Box 13.1: Institutional setting for implementation of community forestry in Myanmar
Community forestry is promoted by many countries as an approach to fulfilling local communities' rights over customarily owned forest and securing livelihoods as well as conserving forests through peoples' participation. In Myanmar, community forestry is supported by a policy and legal framework which defines the process, roles and responsibilities for stakeholders, both to claim and recognize, protect and fulfil local communities' rights.

The Myanmar Forest Policy (1995) recognizes that forest management can help to enhance social and economic prosperity. Similarly, the 1992 Forest Law and 1995 Forest Rules authorize and mandate the Director-General of the Forest Department with the responsibility to formally recognize local community ownership of fuelwood plantations. The 1995 Community Forestry Instruction (revised in 2016) facilitates community forestry implementation by detailing how local communities through CFUGs and management committees can claim their rights and how the forest officials (the duty bearers) should respond to the local communities. For example, the instruction mandates the Township Forest Officer as well as the District Forest Officer to support the community forestry process. The Forestry Master Plan 2001 further promotes the programme by making the establishment of community forests an integral part of the strategy to achieve SFM and sustainably supply forest products; it targets 0.919 million hectares of forests under community forestry. Utilizing space provided in the policy and regulatory framework, NGOs and donors as moral duty bearers are also supporting both the rights holders (local communities) to claim their rights and the duty bearers (the government agencies) to recognize, fulfil and protect the rights of local communities. The local communities are empowered in the process while the government agencies have greater capacity and resources to support local communities.

The information in Table 13.1 is taken from the Institutional Arrangements for National Adaptation Planning and Implementation - 2014 Thematic Report, United Nations Climate Change Secretariat 2014 (pp.14-15). The table identifies the stakeholders involved in the national plan, the existing policies and regulations influencing it, the processes involved and the systems in place for achieving development of the plan.

The matrix does not look at arrangements between separate stakeholders. Here it simply lists overall institutional arrangements that in one way or the other will impact the various stakeholders. In real life not all stakeholders will play by the same rules and participate in the same processes or systems. This matrix is relational; if new stakeholders are included this means that their rules, processes and systems have to be included as well. In this regard a mapping like this would support in identifying key arrangements that will decide overall patterns of interaction among stakeholders. The more stakeholders identified, the more accurate to real settings the analysis will become to support application of RBA in projects.

Table 13.1. Indonesian National Action Plan for Climate Change Adaptation (RAN-API)

Stakeholders involved	Institutional arrangements		
	Rules of the game	Processes	Systems
State Ministry for National Development Planning/ Ministry of Environment (MOE) Agency for Meteorology, Climatology and Geophysics (BMKG) 20 central ministries (agencies) 30 provincial governments NGOs Universities Japan International Cooperation Agency (JICA)	Indonesia's national development framework Policies regulating central and regional planning Relevant human rights frameworks Religions and traditions	Core group meetings with central ministries (agencies) Approximately 30 provincial governments, universities and NGOs Meetings with Bogor Agricultural University and Bandung Institute of Technology and young researchers Public consultation to increase participation of other stakeholders (such as the private sector and NGOs) Dissemination processes to regional authorities	Funding mechanisms: state budget, regional budget, private investments M&E plan Stakeholder engagement strategy

Session 14: Power mapping

OBJECTIVES:

At the end of this session, the participants will be able to:

- Explain various forms of power and how they relate to RBA;
- Assess the power dynamics and their effects among stakeholders;
- Explain how power mapping can assist in applying RBA in a forestry context.

TIME: 90 minutes.

METHODS: Group work, role play, carousel presentation.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes.

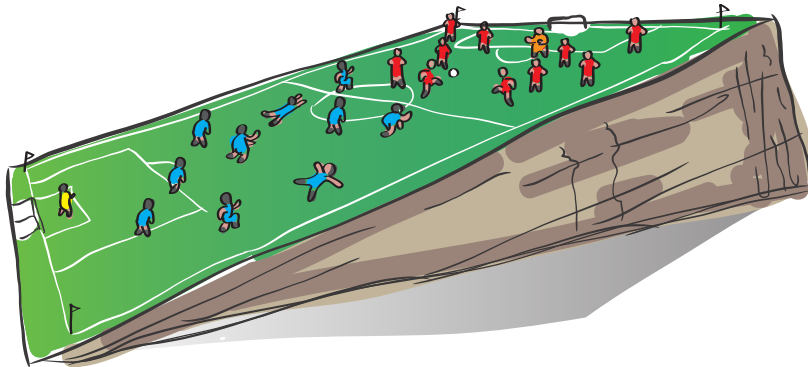
STEPS:

1. Introduce the objectives of the session.
2. The next step in applying RBA is to understand how power relations among institutional stakeholders are crucial for RBA.
3. Explain that even though participatory processes have been promoted for almost 20 years, there are still many barriers for community voices to be heard and respected. One reason is the dynamic nature of power relations among stakeholders and how this influences the way decisions are made and implemented.



4. Divide the participants into groups and ask them to discuss what power means to them: the nature of power (what power looks like), how it affects situations, whether it can be positive or negative, etc. Give the groups five to seven minutes to discuss and then ask them to share their discussion in plenary.

5. Explain that there are four ways that power can be expressed. Share the four expressions of power have been written on metacards while explaining each one: power over, power to, power within and power with (see handout).
6. Ask the participants based on their own experience in forestry which expression of power they find is most common and why. Discuss the differences of power and how these differences may be subtle yet complex.
7. Explain that we will do an exercise to understand the different expressions of power that were discussed and also the dimensions of power and its sources. The participants will explore the three aspects of power (personal power, social power and positional power) through an activity called The Power Game. Be sure not to mention the type of power we are exploring to the participants so they will not have any preconceived ideas going into the exercise.
8. Ask the participants to divide into two teams with equal numbers of participants.



9. Give the participants the first set of the 'personal power' cards that describe a power dimension. Ask the teams to discuss among themselves for three minutes where each person should stand in terms of who is the most powerful. Be sure to state which end of the line is the most powerful and which end is the least powerful, so that there is no confusion. Give the groups two to three minutes to arrange themselves.
10. After they have formed the line, ask and or two participants why he or she is standing there and relate their position to the other people in the line. If you are surprised by the position that a person has taken, ask the group why they chose that position. Be sure to highlight the difference and similarities of both the lines as this a key learning point for the session.
11. Hand out the next set of 'social power' cards. The trainers should decide which participants should receive a card that changes their previous power status, all the time observing where they are standing in the line. Again, give them three minutes to discuss and re-arrange themselves. Explore their reasons for the position in the line. The trainer can also ask the specific participants how they feel about their position, and whether they decided to place themselves in that position of it was

- a group decision. Again this is an important learning point for this exercise.
12. Repeat the exercise, giving out the third set of 'positional power' cards. This time, ask how their position has changed since the first round. Deliberately give those lower down the power ladder on the previous round a high positional power card so the power shifts and the move can be easily seen.
 13. After completing the third round using the positional power cards, reflect on the exercise with the following questions:
 - How did you feel doing this exercise?
 - What happened in each step of the exercise and why?
 - Who had very different ranks of power between the start and the finish of the exercise and why?
 - Who had a similar power ranking through all three rounds and stayed in the same place throughout the exercise?
 - How did you personally decide on your power status? How did others make you change your position?
 - How did different gender roles affect your decision on power relations?
 - What do you think were the different dimensions of power in each of the three rounds of cards?
 - Which card influenced your position the most and why?
 - How does this exercise relate to the expressions of power that were discussed earlier (power over, power to, power within and power with)? How do they relate to rights?
 14. After completing the reflection, revisit the definition given at the start of the session and emphasize that this exercise shows that power is not static (it changes) and depends on a number of conditions. Emphasize that although this reality makes power complex, it is important to not make any assumptions about power. For RBA, power is considered in terms of the rights, roles and responsibilities of duty bearers. Doing a power mapping exercise is then useful here.
 15. Ask the participants to return to the groups in which they discussed the case studies. Based on their new insights about power, ask them to map out and describe the power relations amongst various stakeholders in their respective case studies. Think about stakeholders and institutions and their power to influence activities, strategies and policies. Give them 20 minutes.
 16. After they have mapped out the power relations, consider where rights violations can occur due to power imbalances or abuses. In order to level the playing field, consider what are some interventions where RBA can be considered to address some of the power imbalances they have seen in the cases.
 17. Organize a carousel presentation.

18. Bring the groups back to plenary and ask the following questions:
- Was it easy or difficult to analyze power? Why? Did the groups have similar or different strategies for the same stakeholder? What influenced their strategies?
 - Which strategies did you like and which may need some adjusting? State why you suggested the change.
 - How can power analysis help you in terms of applying RBA in your own context?
 - How can addressing power imbalances improve rights conditions in your area of work?



19. Wrap up the session with the following key points:
- Power is constantly changing (power to, power over, power within and power with, personal power, social power, positional power), depending on the relationships in a group or among stakeholders. Understanding this dynamic nature of power can help us to understand rights issues better;
 - Given that stakeholders often have divided and different interests, mandates and scope of formal or informal power, it is important that they are clearly mapped out so that this can add another layer of information that can help in planning for more advanced RBA strategies for forest projects.

Trainer's note:

During the power game ensure that you do not give extra details, fabricate a story based on the power card roles or provide any information about the roles. This will make the exercise contrived and the participants will be influenced by these references and be less willing to express themselves.

RBA entry points/interventions refer to the best and most logical activity a stakeholder should consider given a particular rights issue and its related root causes. Being aware of the power relations (and differentials) amongst stakeholders helps in choosing the best activity to optimize analysis of a rights issue and impact (support rights holders and increase the accountability of duty bearers).

A carousel presentation is where one member stays behind in their group while the other members of the groups will walk in a clockwise manner to visit the 'stations' and look at the results of the discussion and ask questions of clarification and provide comments. After five minutes, the trainer asks the groups to move to the next station.

HANDOUT SESSION 14: POWER MAPPING

“Power is the ability of humans to achieve a change they want. It is dynamic, relational and multidimensional.”

Groups and individuals can express power in different ways. Because power is constantly changing and dynamic depending on relationships in a group or among stakeholders, it is necessary to understand the different expressions of power:

‘Power over’ refers to the ability of relatively powerful actors to affect the actions and thoughts of those who are relatively powerless. It is often seen as the domination or control of one person, group or institution over another. This is the most recognized expression of power.

‘Power to’ refers to the individual ability to act, to exercise agency and to realize the potential of rights, citizenship or voice.

‘Power within’ refers to gaining sense of self-identity, confidence and awareness, which is a precondition for action. By enhancing the power within, individuals develop their capacities to imagine and raise aspirations about change.

‘Power with’ refers to the synergy that can emerge through partnerships and collaboration with others or through processes of collective action and alliance-building. It is the ability to take collective action by acting together. It helps to build bridges across different interests, experiences and knowledge.

The dynamics of power (who has power over others, who can build power with, who can exercise their power to, who can feel powerful within or not) is defined within each context and each relationship. For example, a small farmer living in poverty is vulnerable to the power and sometimes violence of vast estate owners and multinational agribusinesses. Yet, at the same time this farmer may have established an authoritarian and violent relationship with the female members of his family, especially (though not necessarily) if he is immersed in a patriarchal and male-dominated culture with specific norms and practices that endorse, condone or leave these violent behaviours unchecked.

Historically, access to resources, rights and decision-making has been monopolized by a few people in forest-dependent communities. This concentration of power has contributed to marginalization and human rights violations. It is crucial to reverse this pattern and bring previously excluded groups and individuals into policy processes. Different players need to be aware and understand the power structure when they want to run an activity that affect rights of a certain group of people or to influence a policy change. In this case, it is especially crucial either to consolidate the different mandates/roles or bridge the gap of power amongst institutions.

For example, in Nepal, CF supports local communities’ rights to continue customary practices and access to forests for their forest product needs. However, CFUGs have said that preparation of forest management plans is complex and too technical, which is beyond their technical

capacity. The lengthy process makes providing timely and adequate support for over 19 000 local communities a challenge for local forest agencies who are formally managing their forests. As a result around one-third of local communities are without forest management plans. As the plans is a key document that allows communities to manage their forest this essentially means that the communities have been prevented from exercising these rights. This also gives government forest officials disproportionate power by possessing technical capacity the local communities do not have.

Filer and Sekhran (1998) classify four types of power:

- Positional power: The capacity to secure the sympathy and support of other stakeholders, on the assumption of some common interest;
- Bargaining power: The capacity to extract resources or concessions from other stakeholders, by some combination of force and persuasion;
- Executive power: Capacity to meet the needs and demands of other stakeholders thus increasing one's authority over them;
- Managerial power: Capacity to control the productive activities of other stakeholders, and thus determine the quantity and quality of their outputs.

Sources of power may include:

- Having useful personal contacts;
- Earning or otherwise gaining money;
- Possessing scientific knowledge;
- Holding an important job or position;
- Embedded cultural implications of different gender and familial norms;
- Owning land;
- Controlling equipment or vehicles;
- Having authority to provide loans, allocate budgets or hire and fire employees;
- Securing international or political support.

Power mapping helps us to create a map of stakeholders we can network with and influence. It is a useful tool to support stakeholder mapping because often stakeholders are divided according to different interests, diverse mandates and even scope of power. Thus, the power of each group can be analyzed to help us identify the direction of any policy influencing or RBA initiatives.

These are the steps that can be used for power mapping:

- Identify a particular issue or a problem: This can be an issue that you want to solve or achieve or an institution that you want to influence. What/who is your target? What/who do you want to influence?
- Map the influence of your targets: Start to list or think about who might help you to achieve your target. The purpose is to help identify easier ways to access individuals or institutions that could help you make the change/solve your problems by tapping into existing relationships among people. It will be useful not to limit yourself and think broadly about all the people/institutions/associations that have connections with your target. These can even include any individual who is outside the system but can influence a decision. In mapping your targets, you have to be creative,

- strategic and thorough;
- Determine their scope of power: Review your list of targets and identify their influence related to the issue that you want to solve. You can draw a circle to symbolize their influence or use any other methods that fit your interest. After you have listed all the targets you will also realize that there are stakeholders who are connected with one and another. You can draw a line to connect them or put them closer or in a group;
 - Target priority relationships: It is time to analyze your map and focus on the stakeholders who have the most connections or are most significant to your target. Focus on this power and start thinking of a strategy to approach them. There is a possibility that your map will grow and more names will be identified;
 - Develop a plan: The map is a basic foundation to create a plan of action on what is next, how to do it and who the key actors are.

Session 15: Assessing capacity

OBJECTIVES:

At the end of this session, the participants will be able to:

- Identify and analyze capacities and the gaps of duty bearers using the capacity matrix;
- Elaborate on causes of capacity gaps of relevant institutions in executing their roles as duty bearers in a forestry context.

TIME: 90 minutes.

METHODS: Small group discussion.

MATERIALS: Flip charts, markers and Post-it notes, capacity matrix on a flip chart.

STEPS:

1. Introduce the objectives of the session.
2. Explain to the participants that they will continue working on the case study from the previous session to identify the capacity gaps of duty bearers.
3. Based on the rights issues identified in previous sessions, ask groups to complete the capacity matrix on a flip chart. Provide Exercise 15.1 which contains the instructions for the exercise.
4. Once the task is completed ask the groups to present their results. Each group has five minutes to present.
5. In plenary, help the participants to reflect on using the capacity matrix as a tool and their findings by asking the following questions:
 - How did you feel about this tool? Was it difficult or easy to use? Why?
 - How did you rank duty bearers?
 - Why are some duty bearers more important than others?
 - Why are there differences between what duty bearers need do and what they actually do?
 - Do you think the capacity matrix can be useful in your work? Why ?
6. Conclude the session by reviewing the key main points:
 - The capacity matrix tool helps in analyzing the roles of the duty bearer and rights holders, how much they are able to fulfil their roles and some of the reasons for the gaps in the capacity to fulfil their roles;
 - Knowing what the capacity gaps are informs the capacity development programmes that need to be established if RBA is to be applied in programme/project planning and implementation.

**Trainer's note:**

Encourage the participants to explore and use their own experiences if the information to fill out the capacity gaps is missing in the case studies.

There is no handout for this session.

EXERCISE 15.1: CAPACITY ASSESSMENT

Working groups are required to complete the following tasks, corresponding to each column of the capacity matrix:

- Identify and prioritize duty bearers involved in specific rights issues;
- Describe what they should do (ideal situation);
- Describe what they do (actual situation);
- Provide reasons for any possible difference between 'should do' and 'do';
- Present the capacity gaps that needs to be addressed.

The capacity matrix is tool that supports stakeholder analyses. It is recommended that you first complete the key issues' column; then proceed to the stakeholder column.

Note that when referring to capacity gaps, you need to consider not only the capacities (or competencies) of people among the stakeholders but also the capacities of the stakeholders as organizations. For instance, you might indicate among the capacity gaps that government officials may lack knowledge about RBA. This is a capacity gap among the individuals working at the ministries. It can be translated into a capacity gap for the ministries as organizations. For example a capacity gaps could be the organization may not have included the requirement of knowledge of RBA in the job descriptions or terms of reference of its staff.

Table 15.1. Capacity assessment matrix

Key issues	Duty bearers	Should do	Do	Why?	Capacity gap
	Discuss their importance and rank them	Write here what each duty bearer is supposed to do to help rights holders exercise their rights	What happens in reality?	Provide what you think are the reasons for any differences between 'should do' and 'do'	Formulate the capacity gaps by asking 'why'
Issue 1	Duty bearer A	Example	Example	Example	Example
Issue 2	Duty bearer B	Example	Example	Example	Example



Learning Block 5

Better forest governance by applying RBA

Session 16: Objective tree

OBJECTIVES:

At the end of the session the participants will be able to:

- Develop programme/project objectives based on data from an RBA analysis;
- Identify possible interventions that can result in desired RBA results.

TIME: 90 minutes.

METHODS: Group exercise, plenary presentation and discussion.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes.

STEPS:

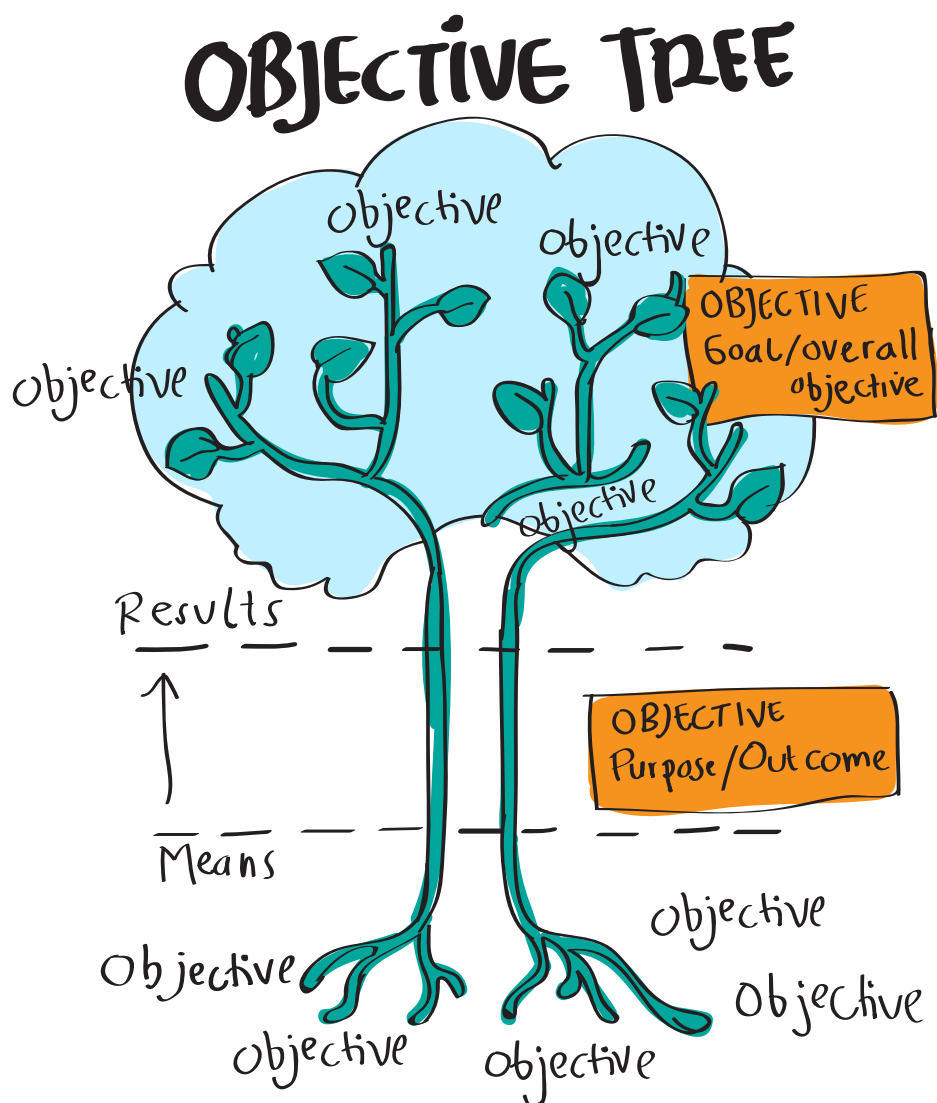
1. Introduce the objectives of the session.
2. Inform the participants now that we have an in-depth understanding of the rights issue(s), we can now explore the ways to plan and implement RBA and that can contribute towards better forestry governance.
3. Ask participants to remain in their previous groups, and introduce the 'objective tree'.
4. Explain that we will now go step by step to develop a programme plan. We start by 'flipping' the problem tree into an objective tree. The core rights issue (the trunk) in the problem tree can be transformed into desired RBA results (the leaves). Allow ten minutes for this step.
5. Ask the groups to now think about the possible interventions/actions (the roots) needed to produce the desired RBA results. Allow another ten minutes for this.
6. Once the objective tree is complete, ask the groups to discuss and identify the strategic intervention that they think is the most feasible. What would be some of the impacts from this intervention in terms of addressing the rights issues?
7. After they have finished, facilitate a discussion and ask:
 - What was the reason for choosing the intervention? What influenced you?
 - Why was this intervention the most feasible?
 - Was it easy to identify programme objectives using the problem tree? Why?
8. Conclude the session with these points:
 - The previous sessions including this one provided us with concrete information/ data that can help to make decisions on the most feasible interventions if we are to apply a RBA approach;
 - By identifying feasible interventions, a RBA programme can be developed, implemented and monitored.

HANDOUT SESSION 16: OBJECTIVE TREE

An objective tree is a graphic tool that is used by many development practitioners to display a hierarchy of expected results. The development of an objective tree needs the transformation of problem tree analysis into a vision of outcomes and impacts where the roots are the means or interventions. This shows how to address the issue and what it would take to achieve that vision (USAID, 2017).

The problem analysis provides the basis for using the objective tree tool. The objective tree is used to confirm options of how to address rights, and what the outputs should be achieved if RBA is applied. The tool is particularly useful when a problem tree analysis tool has already been used to systematically reverse the core issues to potential solutions. It is a helpful tool in RBA analysis and used in preparation for planning and implementation of an RBA approach.

Figure 16.1. Turning a problem tree into an objective tree



Source: USAID (2017).

Session 17: Applying RBA in forestry programmes

OBJECTIVES:

At the end of this session, the participants will be able to:

- Identify the steps in planning and applying RBA for forestry programmes;
- Explain factors that influence applying RBA in forestry programmes;
- Appreciate how applying RBA can result in better forest governance.

TIME: 60 minutes.

METHODS: Small group discussion.

MATERIALS: Flip charts, markers, metacards and Post-it notes.

STEPS:

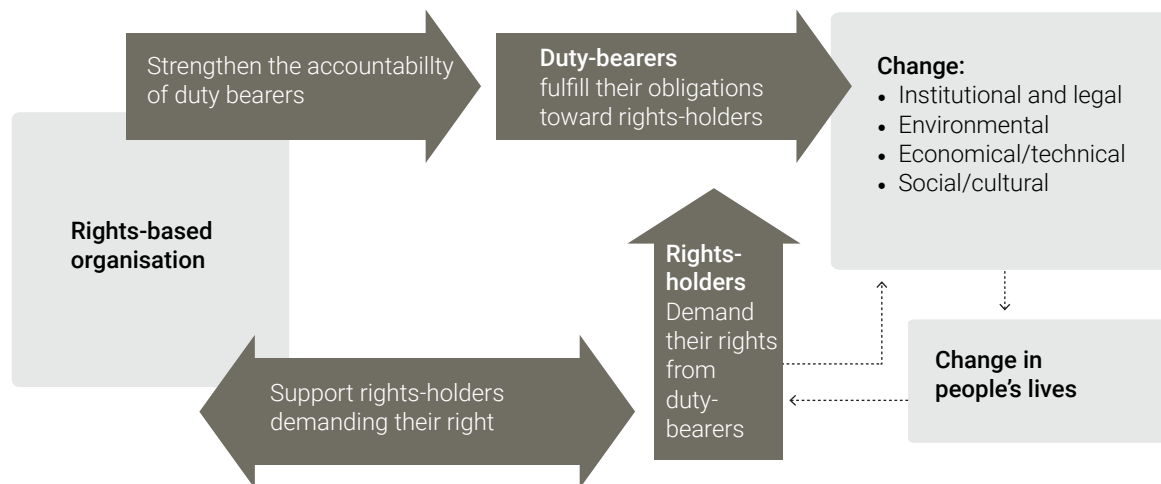
1. Introduce the objective of the session.
2. Ask the participants what they think are some factors that we need to consider when planning and implementing an RBA programme in a forestry context. Brainstorm some ideas and note them down on a flip chart. Share the five factors that need to be considered when implementing an RBA programme (see handout).
3. Present Figure 17.2 on the four phases of programme planning and implementation for RBA (see handout). Explain each phase and ask the participants to give examples of forestry-related activities for each phase. They should consider some of the points they discussed earlier.
4. Ask the participants to return to the groups they were assigned to for the case studies. Each group is to draw the programme planning diagram. Discuss and note on a flip chart some of the factors/questions (this is called check-listing) they need to consider if they need to plan and implement an RBA programme to address a specific rights issue in the case study.
5. The trainer can do one of the phases with the groups as an example (analysis phase). They have to use their 'rights lenses' to consider the points to address. For the analysis phase, some questions that could be asked include:
 - How do we ensure that the systemic root causes of rights violation or discrimination are captured?
 - How do we ensure all the marginalized groups (including women and youth) are represented when getting information?
 - How do we know the mandate, roles and responsibilities of rights holders and duty bearers?
 - How do we obtain comprehensive mapping of all institutions and the power they yield that may impact on rights?
6. After 30 minutes, ask one group to present one of the phases. The other groups can add any additional points that were not presented. Facilitate any discussion for clarification or comments among the groups.
7. Ask these questions:
 - Was it easy to identify points to consider from a rights angle? Why?

- Why do you think we do a check-listing when we design forestry activities or a programme?
 - Is the situation in the case study very different or similar to your own country?
 - Do you think with such a planning process that you could now design a programme that considers rights issues?
 - Which phase may be the biggest challenge for implementation in your own countries? Why? How would you overcome these challenges?
 - How do you think RBA could help you with planning and implementation in your own work context?
8. Spend a few minutes to talk about M&E, highlighting its role in the context of RBA (see handout).
 9. Present the key learning points for the session:
 - In RBA, the rights perspective forms the basis for any programme planning and implementation. This means considering whose rights have been violated, what is the effect on the rights holders as a result and who has the responsibility to address these violations, i.e. to respect, protect and fulfil these rights;
 - A systematic process ensures the likelihood of a better planning process. A check-listing method helps practitioners see if a proposed activity or project has been planned and implemented using a rights lens;
 - RBA programme planning should also be able to identify the entry points in existing and new forestry programmes/processes to apply RBA. The overall aim should be that the rights of the rights holders are respected, protected and fulfilled and that forestry outcomes are based on good governance principles;
 - RBA gives the forestry sector and the duty bearers an opportunity to fulfil their obligations to secure the rights of local communities and in that process contribute to better forest governance in general;
 - M&E is crucial to the action plan as RBA is a long-term approach that targets behavioural change: at the individual, organizational and/or institutional levels, it is important that it is continuously tracked to see if changes happen (they need to be followed up on). These changes apply to both the status of rights (that they are respected, protected and fulfilled) as well as RBA's impact on forest governance.

HANDOUT SESSION 17: APPLYING RBA IN FORESTRY

The process and impact of applying RBA are described by Figure 17.1.

Figure 17.1. Process and impact of applying RBA



Based on Kirkemann Boesen and Martin (2007).

Figure 17.1 shows 'the whole' picture of RBA. Through an 'RBA lens', successful outcomes mean that structural and long-lasting changes in society will improve the living conditions of local people and in that process empower them in decision-making. With financial and social stability local communities are more likely have the confidence to claim their rights.

If a project applies RBA, this program cycle is meant to drive itself and contribute to broader development goals such as poverty reduction, reduction of rights-related issues and an increase in democratic processes. In the forestry context, improved rights and empowerment for local people can be linked to improved livelihoods and SFM. If the end goal of the intervention is better governance of forests, then applying RBA interventions can only assist in achieving that goal.

Kirkemann Boesen and Martin (2007) indicated the following **key focus areas** of RBA:

Focus on how to improve the settings for the **most vulnerable groups**, including issues of gender and discrimination:

- Activities must target/place vulnerable, disadvantaged or excluded groups at the centre of their operation;
- Attention should be given to structural and indirect forms of vulnerability and discrimination, power structures or cultural practices;
- Strategies should highlight not only what is being done, but also what is not being done and those who are excluded.

Focus on the **root causes of rights** violations:

- In RBA we talk in terms of society's obligation to respond to the rights of individuals;
- Development approaches must be comprehensive and consider the full range of rights. This will form the basis for setting priorities;
- Activities should expand people's choices and their capabilities to exercise their rights.

Focus on the **relationship between rights holders and duty bearers**:

- Activities should take the recommendations of international human rights bodies into consideration;
- Rights holders' ability to claim their rights should be a key target;
- Duty bearers' ability to fulfil their obligations towards rights holders should be a key target;
- RBA activities should use or target laws and policies to demand accountability from duty bearers and make it possible for ordinary people to claim their rights.

Focus on **empowerment**:

- Activities must include local people, stakeholders and partners when deciding strategies and goals;
- Participation should not only be seen as a tool, but also as a goal for development;
- Accountability is not only a concern for the outcome of development, but also for the process by which it is achieved and for the organizations implementing it;
- Development should promote platforms and networks for mobilization and support people's ability to take part in governance and claim their rights individually and in groups.

In summary, there are a few fundamental aspects that must be considered when planning and implementing the RBA approach. These include:

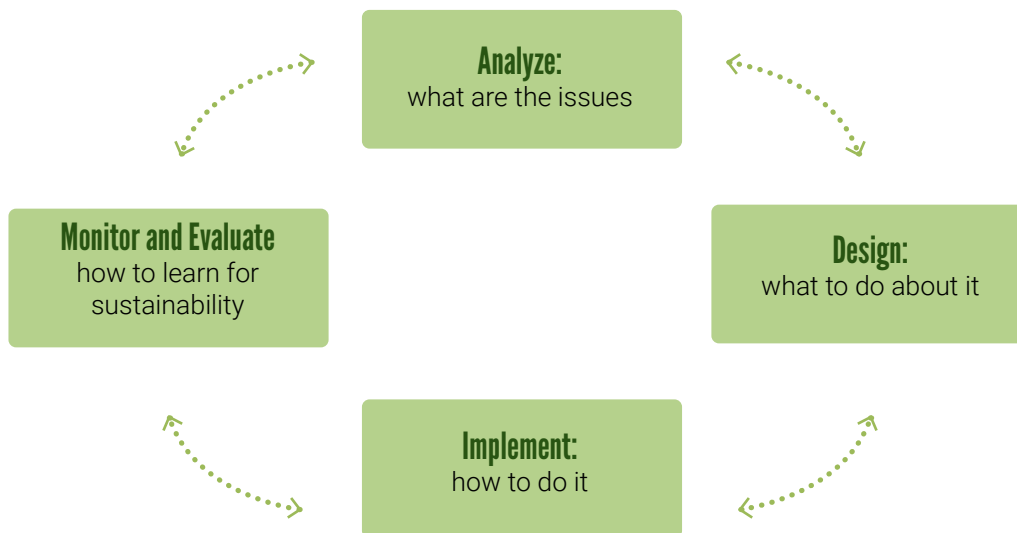
- Understanding what the rights issues are;
- Identifying the root causes of rights violations;
- Identifying the relationship between rights holders and duty bearers;
- Creating enabling conditions to empower the most vulnerable rights holders to claim their rights.

Key steps of RBA application

There are four key phases for the application of RBA (Figure 17.2):

1. Analyzing the context: What issues, actors, problems and solutions to focus on.
2. Designing a project, programme or work plan: How to deal with the issue.
3. Implementing a project: How to carry out the prescribed activities.
4. M&E: How effective has the RBA interventions been, how to learn from them and how to have a sustainable impact.

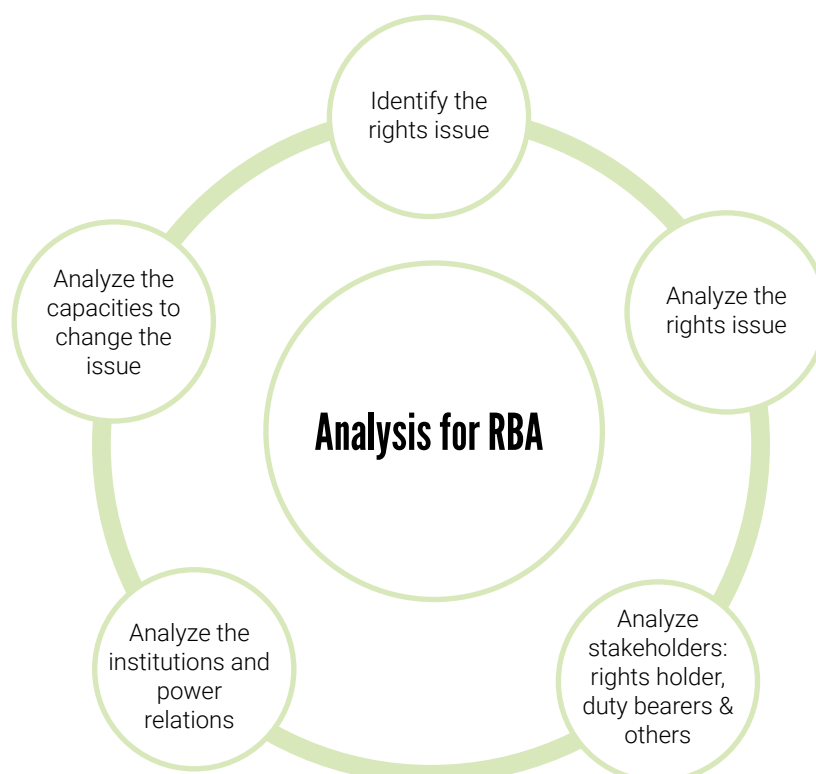
Figure 17.2. The four key phases for applying RBA



Phase 1 provides the data and information about the rights case. The steps and tools for this phase have been explored in the previous learning block. They include (Figure 17.3):

- Identify the problem: what is/are the right issues?
- Analyze the problem: what is/are the root causes of this/these issues?
- Stakeholder, institutional and power analysis:
- Capacity analysis: What are they doing now and what do they need to do or do differently? What capacity do they need to address a rights violation?

Figure 17.3. The analysis phase of RBA



M&E of RBA initiatives

M&E for RBA is quite distinct from other development approaches. RBA activities and objectives often include elements that are concerned with behavioural change related to human rights principles. Therefore, we have to continuously ensure that project processes are accountable, participatory and non-discriminatory to related stakeholders (particularly rights holders). It is important that rights continue to be respected and protected even after a project has ended.

When planning and implementing M&E systems, some key questions that one should consider include:

- In what ways has the project/ programme contributed to changes in people's lives ?
- Who has the responsibility to ensure the changes are sustainable?
- Which rights are being better fulfilled?
- Which rights are no longer being violated?

Project activities could also analyze 'human rights harm'. Part of the M&E process is then to monitor activities that attempt to improve human rights for one group of rights holders but may result in violation of others' human rights. Participatory monitoring is especially important for RBA. It should be done regularly and ideally include feedback or complaint mechanisms. Rights holders should always be made aware of goals, outcomes and implementation standards of the project.

When rights-based projects are successful they should be able to change the power relations between rights holders and duty bearers. Tensions should be monitored to avoid psychological damage or physical violence and to ensure the success of the process. The results of the initiatives can be measured in terms of the rights holders' improvement related to the human rights issues. The documentation of unfulfilled rights can be the pressure needed for duty bearers to comply with human rights standards. The changes that should be monitored should be linked to project interventions. Some changes might focus on the duty bearers' behaviour to apply obligations (respect, protect and fulfil rights) and others on rights holders' enjoyment of human rights. It is often important to monitor both levels.

Monitoring, therefore, is not only a way to ensure that rights are protected but also a way to promote human rights. M&E can be considered a key factor in RBA implementation.

Key general questions for RBA M&E consider the following:

Changes in policies and practices

- Are duty bearers more accountable for the fulfillment, protection and respect of the rights of the target groups?
- Are policies developed and implemented? Do the attitudes of the duty bearers take into account the best interests and rights of the target groups?

Changes in participation

- Can the target group claim their rights and are they supported when they do so? Do spaces and opportunities exist which allow for participation?

Changes in equal treatment and non-discrimination

- Do policies, programmes and community services reach the most vulnerable groups?

Changes in CSO capacity to support human rights

- Do networks, coalitions and/or movements add value to the work of their participants?
- Do they mobilize greater forces for human rights change?
- Are processes of advocacy being strengthened?

Source: Kirkemann Boesen and Martin (2007).

Session 18: Applying RBA based on roles and responsibilities

OBJECTIVES:

At the end of this session the participants will be able to:

- Appreciate the importance of rights analysis in identifying goals and roles in applying RBA;
- Define the roles and responsibilities of various stakeholders when applying RBA;
- Identify strategies and activities stakeholders could develop to apply RBA within existing or new forestry projects.

TIME: 90 minutes.

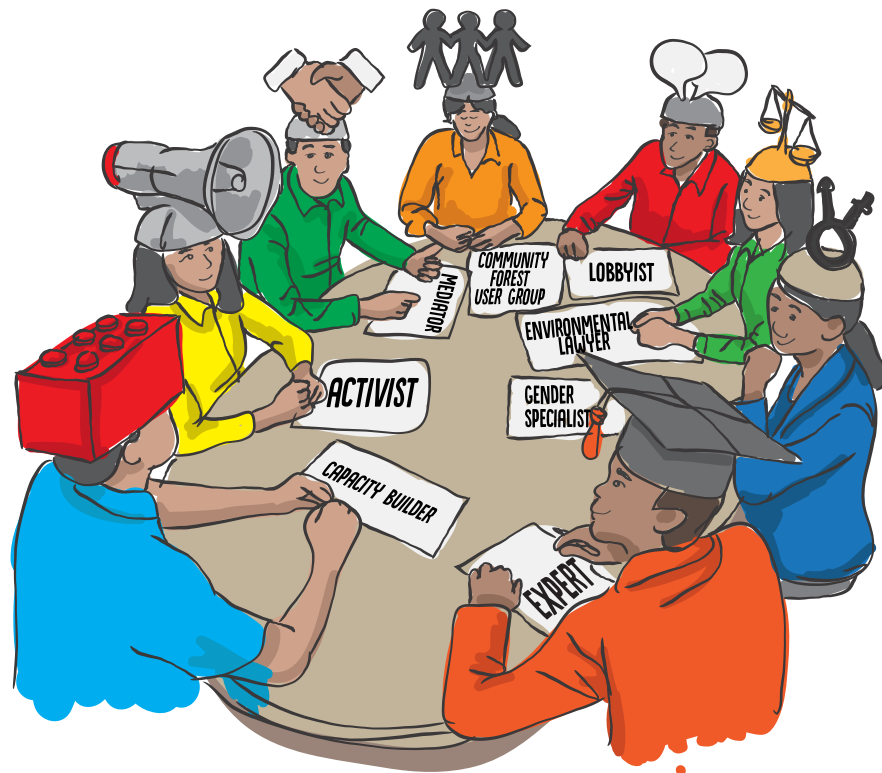
METHODS: Picture collage, plenary discussion.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes, old newspapers/old magazines, glue, scissors.

STEPS:

1. Introduce the objectives of the session.
2. In the previous session we discussed some of the planning considerations for applying RBA. In this session we consider the roles of the various stakeholders in operationalizing strategies that can improve a rights condition in a forestry context.
3. Ask the participants what they think can influence a strategy to address rights issues, e.g. overall goal to be achieved, organizational mandate, relationships among the parties involved, history of the issue, as well as the technical and non-technical capacity of the stakeholders which may be at odds with the role to be played etc.
4. The overall rights goal to be achieved will influence the roles and the results of the project. Facilitate a short discussion on potential roles within a forestry context (e.g. technical expert, capacity developer, lobbyist, mediator, activist, community facilitator, CFUG, environmental lawyer etc.).
5. Go back to the case studies. Ask the group to choose at least one role to play. They should think about the rights goal to be achieved. The goal should improve forest governance in some way. Then think about the strategies, activities and finally who needs to carry out these activities. The objective tree they worked on in the earlier session should inform their discussion.
6. Provide the groups with old magazines and newspapers, scissors and glue. They should use pictures in the magazines to show and illustrate what their goal, strategies, activities and roles are.
7. Once done, allow the participants to do a three-minute 'elevator pitch' (synopsis) to 'sell' their strategies. Ask which strategy they liked the best and why.

8. At the end of the exercise ask these questions:
 1. Was it difficult to identify the rights goal? Why?
 2. Were the strategies easy to identify? Were they new strategies or part of existing strategies? What informed the reason for choosing the strategy and activities? Did you consider partnerships with other stakeholders to fulfil their strategies?
 3. How did the information from the rights analysis help towards identifying strategies and roles?
 4. What are some of the challenges in performing the roles of respecting, protecting and fulfilling rights? Do you feel that the traditional roles needed to be adapted or changed so that rights issues can be addressed? What influenced this?
 5. Are there any lessons that can be drawn from this exercise for your own context?
9. Conclude with the following key ideas:
 - Stakeholders usually have more than one goal in any situation, so they may play several different roles and spearhead several strategies.;
 - The goal, strategy and activities, and role of the stakeholder, will be informed by problem analysis, stakeholder mapping, and power and capacity assessment etc.



HANDOUT SESSION 18: APPLYING RBA BASED ON ROLES AND RESPONSIBILITIES

When all the RBA analysis steps are carried out, which is when the core problems, the rights issues to be addressed and the target groups (the most vulnerable groups and other relevant rights holders and duty bearers) have been identified, it is time to start developing a strategy. In RBA, projects should always have a focus on solving root issues and include both rights holders and duty bearers. A strategy can be explained as a set of activities directed towards the achievement of a concrete objective. In choosing a strategy some aspects that need to be considered are:

- Human resources: Who can lead the activity? Who is responsible in conducting each activity? Will they have enough support in performing the activity?
- Financial resources: Does your institution have enough funds to conduct the activity? If not, can you access other sources of funds? Is there a chance of fostering partnership with other institutions?
- Timeline: Do the proposed activities match with your working timeline? Do you need a short- or long-term result?
- Links and contacts: Having identified the organizational partners, will they join the activities and show commitment throughout them?

Choosing a strategy also depends on the platform of the policy, partner or target institution in terms of influence. This kind of information will help to inform the selection of the most effective strategy. Figure 18.1 shows the most common strategies that are being used in this regard.

Figure 18.1. The most frequent strategies and actions for carrying out a proposal



Source: CIPPEC, based on Weaving Global Networks (2006).

The main objectives are basically to deliver a policy 'message'. It is important to gather information and deliver it to those who have strong influence and are able to contribute to policy changes. Thus, communication is a crucial part of influencing an effective policy process as it helps to:

- Prepare the ground: disseminating the purpose/scope of the policy analysis/process, to elicit reactions through its consultative processes;
- Keep the story updated: propagating results as they arise, the main issue identified, the main findings and recommendations on each issue, decision, etc.;
- Keep people informed about the 'next steps' at each stage;
- Rehearse the networking needed for shared actions towards SFM.

Source: Mayer and Bass (2004).

When defining strategies to influence a policy, many actors might need to be considered and included. Their roles will depend on the target of the project and their relationships with each other as well as their views and rules in the respective organization regarding the particular issue to be solved (Table 18.1).

Table 18.1. Potential actors for defining strategies to influence a policy

Role	Information/entry point/actions
Expert informer	Provides technical advice and information to policy-makers when the analysis points at their knowledge gap as part of the problem.
Mediator	Participates in the policy-making process and serves as an effective mediator of competing interest.
Capacity developer	Provides support to third parties participating in a policy-making process who will influence the policy-makers.
Lobbyist	Enters the policy process as a full participant and makes direct approaches to influence policy, either alone or in a coalition.

Source: Sprechmann and Pelton (2001).

Within each of these potential stakeholder roles, a wide variety of approaches can be adopted, including whether to use 'public' approaches (e.g. using the media) or 'private' ones, such as face-to-face meetings. That being said, RBA projects and activities undertaken by CSOs typically add dimensions to development within three main areas:

- capacity development;
- strengthening of governance structures, state and civil society dialogue and mechanisms for rights holder and duty bearer interaction;
- practical actions to minimize violations.

The role of stakeholders is usually defined by their general key objectives (research, communication, lobbying etc.). However, the relative power and capacity of stakeholders within a particular rights context might vary. In a best-case scenario, all stakeholders accept the most logical role for them to play for the collective good (to support the participation of stakeholders and accountability of the duty bearers). And most stakeholders may play more than one role. For instance, the Ministry of Forest (in any country) is generally mandated with not only achieving certain levels of forest cover and conserving biodiversity but also mandated to ensure respecting, fulfilling and protecting customary rights of local communities over their forests (e.g. by demarcating and formalizing their customary forests) and meeting their forest product and livelihood needs. Similarly, an NGO (a moral duty bearer) might want to contribute to achieving both gender equality and SFM through a forest governance improvement project.

Yet, in reality not all stakeholders might be in support of rights-based activities or in agreement with the roles that other stakeholders might have suggested for them to play. This is one reason why empowerment of the most exposed (the rights holders) to push for the changes they want is key to a successful RBA project.

Session 19: Action planning for RBA

OBJECTIVE:

At the end of this session the participants will be able to:

- Apply the knowledge and skills from the training in their own work context;
- Develop an action plan to apply RBA in programme planning and implementation that results in better forest governance.

TIME: 90 minutes.

METHODS: Group exercise, plenary presentation and discussion.

MATERIALS: Metacards, pins, markers, flip charts, Post-it notes.

STEPS:

1. Introduce the objectives of the session.
2. Inform the participants that at this juncture they will bring together all the concepts and processes (rights analysis) they have explored in previous sessions towards designing an action plan that can apply RBA.
3. Participants can choose to work individually, or in groups from the same organization or in country groups.
4. Present Figure 19.1 for action planning (Exercise 19.1). The table is just an initial step. Ask the participants why they think that this is an initial step. Highlight how they used the analysis tools, and how, if it were a real situation, they would have required input from all stakeholders. Getting buy-in from stakeholders who are impacted by the activities ensures sustainability of the plan.
5. Remind the participants that they should also consider potential partners in their own landscape, which landscape actors would need to be engaged, resources and time, which platforms to be set up or engage etc.
6. The trainer can also provide a list of guiding questions (see handout) so that participants keep in mind some of the key principles related to RBA. Allow 30 minutes for this exercise.
7. After they finish ask the participants to pair up and share their results. Encourage them to provide critical feedback to their colleagues. After they have done so, ask for volunteers to share their action plans.
8. Ask the following questions:
 - How did you feel doing this exercise?
 - How realistic is the action plan that you have developed? Would you use it in a real context? Why?
 - How would you monitor this action plan? How would you know it is working?
9. Close the session by saying that:
 - Action planning in RBA should reflect and be built on all steps of RBA analysis;
 - This means that it is essential that all stakeholders should participate in project planning.

Trainer's note:

This is an important part of the training but is usually glossed over as it is the last day of the course and the participants may be less than focused. The trainer might want to dedicate more time to explore the opportunities and challenges of the developed action plans. This could also be of interest to the participants. An extended discussion around action plans might determine how much the participants have learned and what they aim to do.

EXERCISE 19.1: ACTION PLANNING

Figure 19.1. Action planning

A hand-drawn table titled "RBA ACTION PLAN" with five columns: WHO, WHAT, WHEN, HOW, and HOW TO FOLLOW UP. The table is drawn with green lines and has two red circular markers at the top corners. The text is written in blue and red ink.

RBA ACTION PLAN				
WHO	WHAT	WHEN	HOW	HOW TO FOLLOW UP

HANDOUT SESSION 19: ACTION PLANNING FOR RBA

Action planning in RBA should reflect and be built on all steps of RBA analysis which includes consideration of the targeted rights issues, related root causes and relevant stakeholders with consideration of their relationships, power and capacity regarding the targeted rights issues. An action plan should also take into consideration M&E (to make sure targets are followed by all stakeholders).

When developing objectives and activities in RBA, the project design should preferably:

- Focus on both duty bearers and rights holders and promote their awareness and capacity, and their interrelations;
- Focus on linkages between micro and macro levels and different sectors;
- Ensure focus on and inclusion of the most vulnerable;
- Ensure ownership and meaningful participation;
- Include complaint, resolution and redress mechanisms.

All stakeholders should participate in project planning. The objectives should reflect changes in the lives of vulnerable groups and within identified duty bearers in relation to the identified problem. Objectives should, as much as possible, relate either directly to rights or to elements of human rights' standards or principles such as increased participation, accountability or empowerment.

When developing project objectives, the following questions are useful:

- Do the objectives relate to human rights' law and/or to human rights' principles?
- Are the objectives clear on the particular rights holders to be addressed?
- Do the objectives point towards changes for both rights holders and duty bearers?
- Are the problems raised in the context analysis the most relevant for the targeted rights holders?
- Do they reflect the priorities voiced by the vulnerable groups themselves?
- Do the objectives relate to the prioritized root causes, including any policy and legislative changes needed?

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Appendix

Session 10 provided three case studies. The template 'Selection of your own case' is a resource for the trainer to help participants to develop their own cases to be used in the training. The trainer can share the questions in the template as a part of a pretraining assignment for the participants once they have registered for the training. The instructions and the questions can be adapted accordingly to the target audience.

Developing a case study

Choose a local community you are very familiar with that has been involved in using/managing forests, which you think faces some hardships. Write an essay of not more than 1 500 words that provides answers to the following questions:

- Where is the forest located?
- How many people are using the forest?
- Why is the forest important for the local community?
- Are there any groups or individuals who are more dependent than others on the forest?
- What forest products and services does the local community receive from the forest?
- Do they use forest products for themselves or do they sell them at the market?
- What kind of activities are they allowed to do inside the forest? What is the procedure they need to follow for these activities?
- Does the government support them in harvesting these forest products and services? If yes, is there any law or legal instrument to legalize the way they use the forest?
- Are there any particular environmental, legal or social complications the local community faces in the management of the forest? How are local people impacted?
- Are there any agencies (governmental, companies, NGOs, other communities etc.) that influence them in how they use the forest?
- If yes, do these agencies speak to each other? Are some more powerful than others?
- What is the community's ability to speak to these different agencies and actors?
- What role do these agencies play in the environmental, legal or social complications mentioned (if any)? Are these agencies helpful or unhelpful to the community? If agencies are unhelpful, what is preventing the community from finding a collaborative solution? If they are helpful, in what way are these agencies supporting the community?



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RECOFTC holds a unique and important place in the world of forestry. It is the only international not-for-profit organization that specializes in capacity development for community forestry. RECOFTC engages in strategic networks and effective partnerships with governments, nongovernmental organizations, civil society, the private sector, local people and research and educational institutes throughout the Asia-Pacific region and beyond. With over 30 years of international experience and a dynamic approach to capacity development – involving research and analysis, demonstration sites and training products – RECOFTC delivers innovative solutions for people and forests.

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