



Community Property Rights and Forests around the World

Organization of this Presentation

■ Describe:

- the context and argument for community ownership of forests
- emerging trend towards communities making claims on forests


■ Review:

- practical implications for government when communities do own forests
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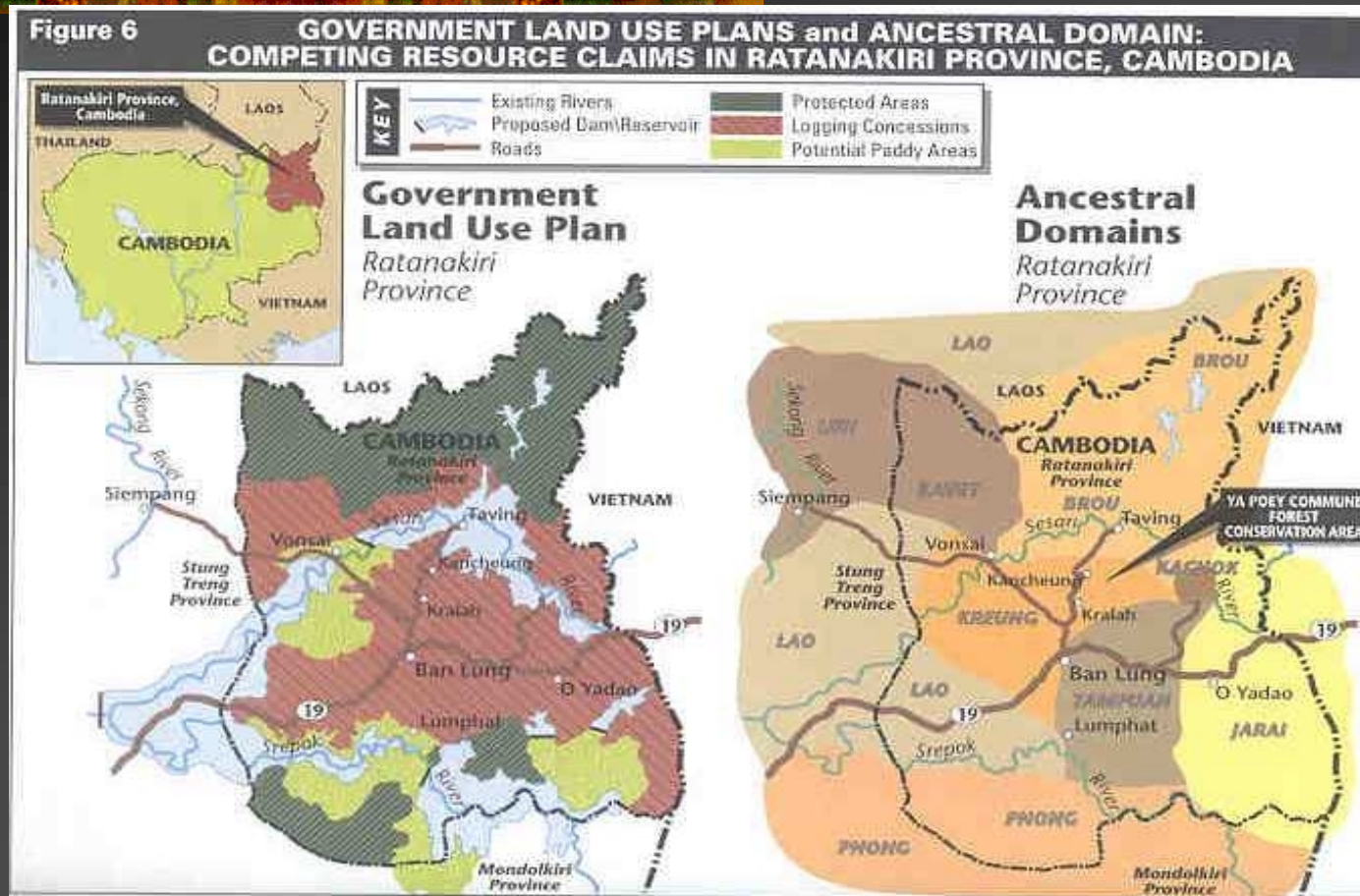
3 Big Issues Worldwide about Forest Property Rights

- The State as owner and manager of forests no longer accepted everywhere => a search for alternatives
- Among alternatives, should Government grant property rights in forests to communities as groups or to individuals –or both ?
- Local property rights turn out to be a necessary condition for success for better local mgt., but not sufficient → there is also a search for complementary policies to support the move to local property rights

Why there has been Disenchantment with State Ownership of Forests

- State ownership neglects the benefits that local tenure security can bring. In many countries, if state owns it, nobody does (Africa). If people do own it...
 - State ownership ignores existing local ownership claims to the forest. These claims are increasingly accepted as legitimate. 
 - Concession system vulnerable to corruption and abuse, often only a few benefit
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Competing Forest Claims in Cambodia



Burning Forest in Indonesia



Two Alternatives to Pure State Ownership/Management of Forests

- **Devolution or ‘Co-management’ = Gov’t grant communities use and access rights, often through a contract**
 - FD from policing role to extension role (ie, Nepal user group creation)
- **Outright Local Ownership of the Forest Asset (ex: DR, Bolivia)**
 - *Theory of local ownership is that when communities have “Security of tenure” they will invest more in the forest and have an incentive to manage it across generations*

Definition: security of tenure for Forests

- Security of tenure here means more than mere property title:
 - A belief that the forest belongs to you &
 - your belief is not contested in a threatening, immediate way by any party-- including the government
 - State legal and police power will enforce your claim to the forest in case someone else tries to take it away from you
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What are the concrete forms of security?

- In order of strength
 - Constitutional presumption of ownership (strongest form)
 - Legal 'title' that has the backing and support of the powers that be (note title can be group title, not just individual title)
 - long-term (100 year +) contracts
 - Weakest form of security is shorter-term leasing and contracting
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More openness to community claims that they own the forest

■ Changes in Ideas arising from field experiences:

- Thousands of + CF projects worldwide (CIFOR) in every country with significant forest resources over past 15 years =>
 - More effective voice of indigenous people in policy arena
- => Growing policy support in economic development and political worlds for restoration of ownership to tribal or indigenous peoples through group title rather than individual title

■ Market Factors also incite communities to make forestry claims

- Proliferation of protected areas have created scarcity and shown practical need –claim it via a sustainable use agenda
- Certified wood & carbon markets **require** clear property rights for entry

CF, Indigenous Rights: proliferating policy declarations

- Yunnan Initiative, July 2000 : “Local groups need to be assured secure access to the lands on which their knowledge and cosmovisions are based”
- IUCN International Working Group on Community Forestry: calls for ‘greater attention to community forestry’-- is influential advocate of concept worldwide.
- Santa Cruces Summit of the Americas in Bolivia
 - Called for re-evaluation of LA property rights situations to encourage greater local ownership and avoid excessive concentration of ownership as well as recognition of indigenous rights to traditionally held lands.






Certified Wood Market

- PriceWaterhouseCoopers estimates future 100-150% annual growth in US alone
 - Forest Stewardship Council Tenure conditions for certification
 - PRINCIPLE #2: TENURE AND USE RIGHTS AND RESPONSIBILITIES: “Long term tenure and use rights to the land and forest resources shall be clearly defined documented and legally established.
 - PRINCIPLE #3: INDIGENOUS PEOPLES RIGHTS: The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.
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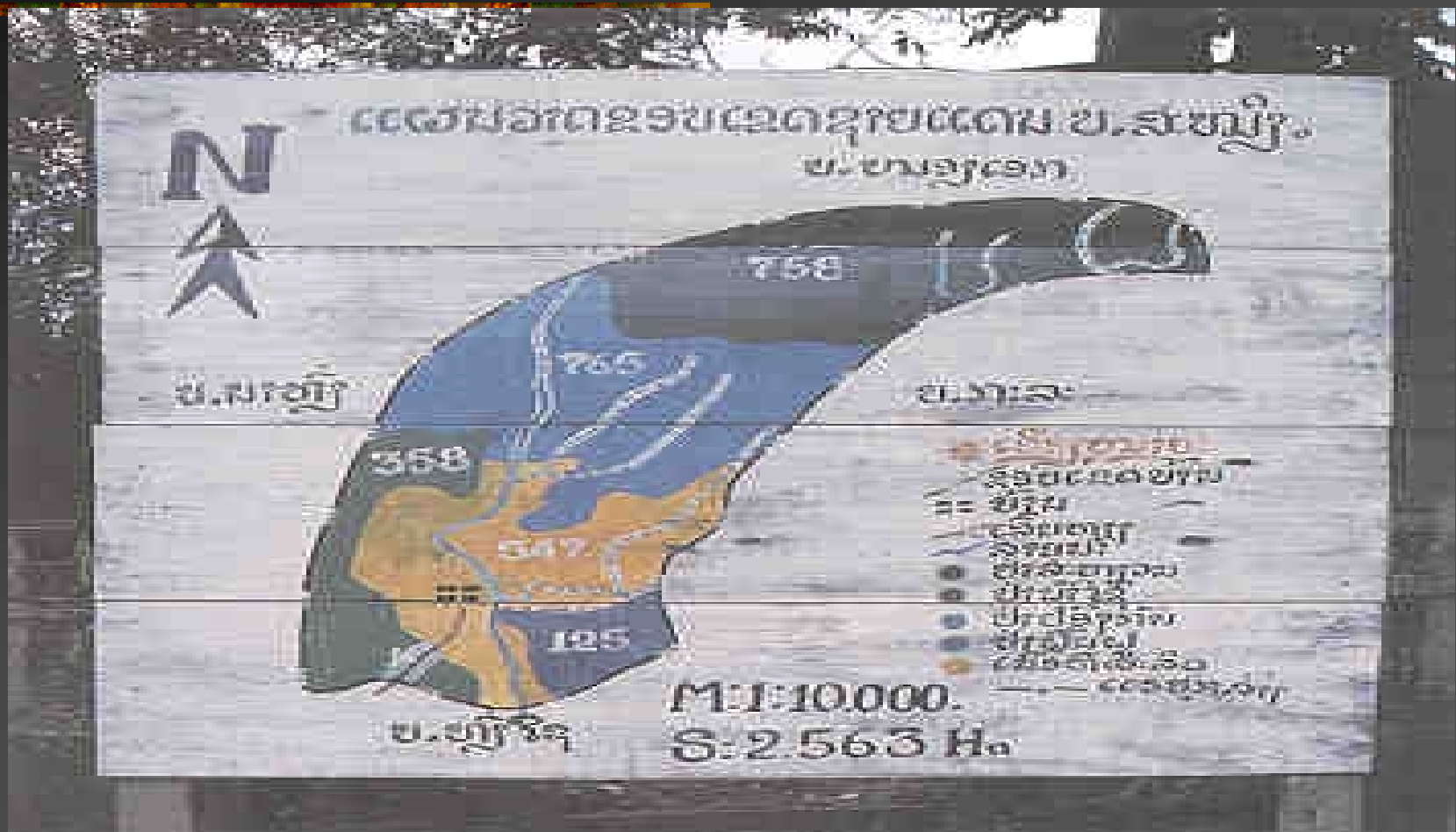
Countries (not all) where innovative property rights changes are taking place in forestry

- Co-management with strong community rights bordering on outright local ownership
 - Tanzania, Thailand, Philippines, Gambia, Bolivia, Brazil, Mexico,
 - Co-management with Gov't still dominating the relationship with communities
 - India, Canada, Peru, Costa Rica, Nepal
 - Countries with very recent experiments in co-management:
 - Laos, Guatemala, Vietnam, Dominican Republic
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Examples of How communities get management responsibility or ownership

- Village by-laws, Management plans, zoning 
- Group Title (ex: Scotland) 
- Certificate of Ancestral Domain or Stewardship Agreement (near title) (ex: Philippines) 
- Reforms of National Forestry legislation (ex: Nepal, Niger, Tanzania, Madagascar, Bolivia)
- Community licenses or concessions (ex: Indonesia-Lombok for mahogany & Krui-Sumatra for benzoin, Laos, Guatemala-Petan for timber)

Laos Village Forest Mgt. Plan



Scottish Group Title



Philippines Ancestral Domain



Peten Forest-Guatemala Concession in Buffer Zone of Protected Area



A note: what we mean by property rights

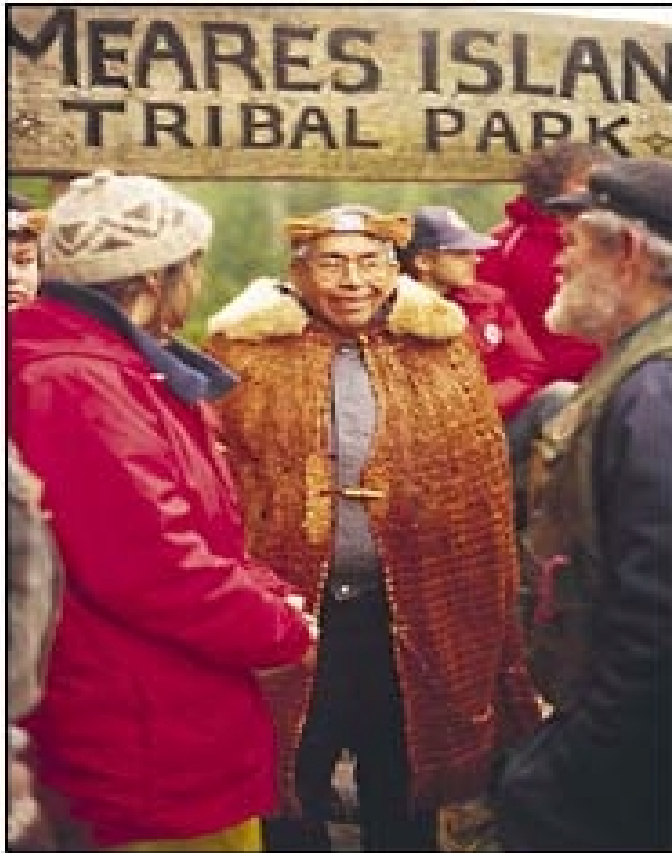
- Not always individual title—which on the ground tends to be no better than group title
 - There is great variation on what ownership or title actually means
 - Is it the right to the land or the timber, minerals, animals or all of the above?
 - Is it the right to buy? Sell? Rent? Accumulate?
 - What are restrictions on ownership, if any? (despotic dominion notion rare even in NYC)
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What are success factors in Community rights in forests?

- Sovereignty: clear boundaries and effective defense system
- Governance: clear, self-enforcing rules about use (Mexican ejidos are a case in point)
- Reflects local culture and legitimacy
- Link to markets key neglected variable:



Meares Island Tribal Park- Canada



Examples of Market Links

- Certified Wood Market Growing
- Also Non-timber forest products can work (although harder)

Shamir



irish love



What are typical problems that occur when supporting community rights in forests?

- Co-management contracts conditioned on overly complex management plans (Mexico)
 - lack of will to change perverse incentives
 - Paternalistic or incompetent technical assistance to communities
 - Too high hopes: if wider market or corruption is pushing for conversion of forests to other uses, community forestry can't stop it (PNG)
 - Co-management arrangements that undermine traditional management systems or access to forests (a common complaint heard in the Indian literature)
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What is role of Government in supporting community rights?

- **Varies widely from place to place and over time but practical issues are:**
 - **Recognition of ownership**
 - **Boundary enforcement & Dispute resolution**
 - **Credit facilities? Management plans**
 - **How to Policing illegal loggers (s.j.n.)**
 - **Business support services (can be private sector or gov't assisted or both)**
 - **Example: Amazonian Center for Sustainable Forest Enterprise in Brazil or B.C. Renewal**
 - **Incentives for little guy rather than big corp.**

Amazon Center for Sustainable Forest Enterprise



Summary 1:

- Security of tenure matters a lot to making communities take responsibility for forests, best seen as a necessary, not sufficient condition for good outcomes for forest rehabilitation/management
 - Sufficient conditions may be a policy regime for forests that recognizes them as long-term assets for communities rather than only as sources of foreign exchange or timber supplies--
 - Across the world no one tenure regime best for communities: State needs to allow for tenure diversity that best fits local conditions
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Summary and Conclusions-2

- Devolution/Co-management no longer the exciting change it once was: group title often accepted/fought for, 'avant garde' here are indigenous peoples claims-
 - *Old Model*: State claims ownership of all forests, polices communities
 - *Dominant Model*: State still claims forests, but Forestry Staff work like extension workers to get communities to share burden of management.
 - *Emerging Model*: community ownership claims accepted, state and private consultants help communities learn forest business
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Good sources on community forestry and tenure issues

- *Professor Dan Bromley's home page for tenure/property rights issues with downloadable papers:*
www.aae.wisc.edu/bromley
- www.forestandcommunities.org for extensive database of case studies of community forestry
- *FAO legal text database (not always current, but worldwide:*
<http://faolex.fao.org/faolex/index.html>
- www.mekonginfo.org for excellent downloadable archive and database on cases and publications for South Asia.
- www.sustainablebusiness.com for resources on the problems and successes of eco-friendly businesses
- *Professor Elinor Ostrom's paper on Self Governance and Forestry at CIFOR* www.cifor.org/publication/Occpaper.html

First Nations “Indian”Community of Pictou Landing in Novia Scotia-Canada

