



Who Owns, Who Conserves and Why It Matters

Major shifts are underway in forest tenure and ownership worldwide, with dramatic implications for conservation and development. In this feature article, [Andy White](#), [Arvind Khare](#) and [Augusta Molnar](#) of Forest Trends review the tenure trends, assess the implications for conservation, and finally conclude with reflections on steps forward.

Introduction

When thinking about forest tenure and conservation, it is important to recall that there are somewhere between 1 and 1.5 billion of the world's poorest people living in and around forests. Recent studies indicate that about 80 per cent of the extreme poor – those living on less than one dollar a day – depend on forest resources for their livelihoods. These people, many of whom are Indigenous Peoples, have often had their human and property rights denied or worse, have been dispossessed of their ancestral lands. These groups are more effectively asserting their rights and democratizing societies are beginning to recognize the historical injustices that have been committed. As forests are the key assets for these peoples, security of forest resource rights is now recognized as a crucial element in enabling them to achieve their goals of cultural survival as well as social and economic development.

At the same time, new research indicates that many landscapes that the conservation community has traditionally thought of as wilderness areas are not in fact wild, but rather are the products of millennia of human intervention. The combination of this realization that nature is not wholly independent of man, the mounting resistance from resident forest communities to exclusionary conservation practices, the declining availability of funds for 'pure' protection, and the 'discovery' of traditional management practices of Indigenous Peoples, is leading conservation organizations to reconsider the role of communities in biodiversity protection and ecosystem maintenance. In parallel, there is widespread recognition that governments and public forest agencies in many countries have not been good stewards of public forests, as evidenced by the prevalence of 'paper parks', illegal logging and corruption.

Forest Ownership: Status and Trends

Among the many shifts and changes in forest tenure throughout the world, two new trends stand out. The first is the recognition of indigenous and other community-based rights, and the second is the devolution of administrative responsibility for public forest lands to communities. The term 'administrative responsibilities' refers here to the management of forest resources and the use of the economic benefits generated by these resources. Progress on these two

fronts has been uneven and has depended on the prevailing political, social and economic conditions in the countries concerned. The result is seen in the plethora of different tenure arrangements found across countries and communities.

Recognizing Community-Based Property Rights

Some countries have reformed land laws to recognize private community-based property rights of forest-dependent communities – often in response to demands by these communities for self-determination and cultural differentiation. In the case of Indigenous Peoples, it is worth remembering that their property rights are an integral part of their human rights and should not be conditioned by governments or anyone else. That is – the often heard concern “if we recognize their rights they may damage the forest” is misguided and another unfair burden and hurdle placed on indigenous and other communities.

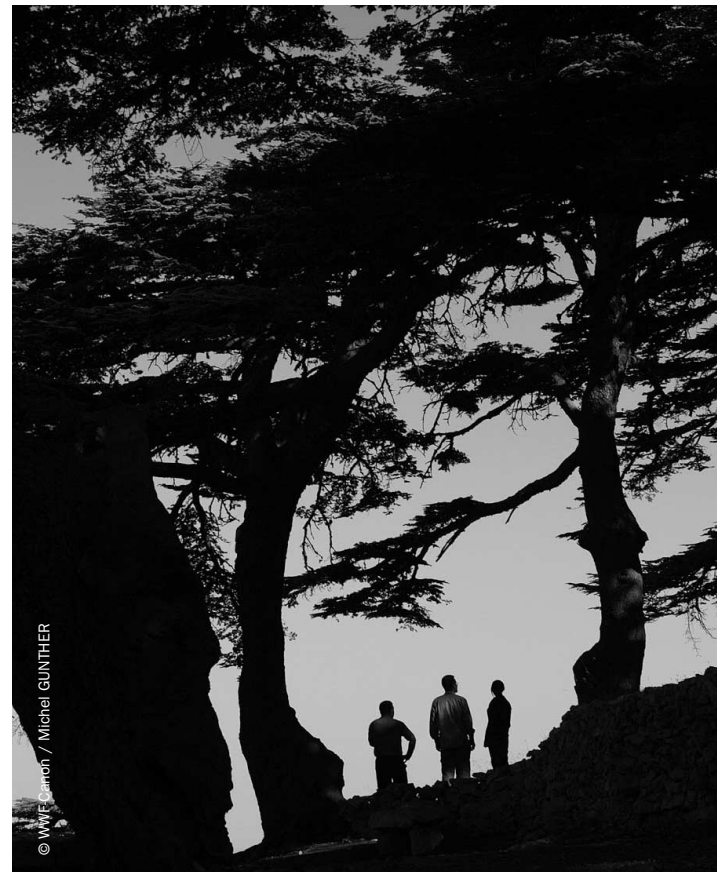
There are numerous examples of governments that have begun to recognize indigenous and other community land rights. In Colombia, for example, legal changes in 1995 allowed indigenous groups and Afro-Colombian communities to register their rights to territories that they have historically occupied. Titles to land have been granted to 404 communities, protecting them against government expropriation. In a similar move, the Philippine Supreme Court recently upheld the constitutionality of the Indigenous Peoples Rights Act of 1997, providing legal recognition of ancestral domain rights covering up to twenty per cent of the nation's total land mass, including well over a third of the previously public forest estate. And in Canada, a 1997 decision by the Supreme Court recognized the sovereign land rights of First Nations over land that they can document as traditional territory. Other important legal reforms have taken place in Bolivia, Peru, Australia and Brazil.

Devolution of Forest Management to Communities

Some countries, including for example India and Nepal, have devolved limited rights to local communities to manage and benefit from forests that are still officially considered public land. This process is also underway in most of the African continent, with more complete transfer of rights present in Tanzania, Gambia and Cameroon. These arrangements known by terms such as ‘Joint Forest Management’ and ‘Co-management’ do not alter state ownership and can be revoked by the state at any time, making them a much weaker form of property rights than those provided by private community-based ownership. In Brazil, for example, where some 75 million hectares have been set aside for indigenous communities, these communities have no right to harvest their timber, even under sustainable management regimes. Some other countries are beginning to adjust traditional industrial logging concession arrangements to include indigenous and other local communities. In British Columbia, the provincial government recently agreed to allow Weyerhaeuser Limited to transfer its concession rights to a new business venture with a coalition of indigenous groups

as the lead partner. The coalition now has majority ownership of use rights to a portion of its ancestral homelands – but not to the land itself. The Guatemalan government has granted timber concessions to local communities rather than large industries, and the early experience is positive. In Lao PDR, the government has launched a similar participatory management pilot programme involving 60 villages through fifty-year management contracts.

Forest Trends made a preliminary attempt to collate these two trends in 2002 – work that was published as *Who Owns the World's Forests*. This study presented the official government perspective of ownership in 24 countries, representing 93 per cent of the world's remaining natural forests. Extrapolated to a global forest level, these data indicate that approximately 77 per cent of the world's forests is – according to national laws – owned and administered by governments, at least 4 per cent is reserved for communities, at least 7 per cent is owned by local communities, and approximately 12 per cent is owned by individuals. The data for developing countries show that the percentages of community reserves and ownership are even higher. There are at least 246 million hectares of forest officially owned by indigenous and other communities and at least 131 million hectares of public forest officially administered by indigenous and other communities in developing countries. In sum, community-owned and administered forest totals at least 377 million hectares, or at least 22 per cent of all forests in developing countries and three times as much forest as is owned by industry or individuals.





Yanomami hunter, Brazil.

Community Conservation and Land Tenure

While these changes have not yet altered the dominant position of governments in official forest ownership, the benefits from community ownership and management are already evident around the world. Communities are, and have been, important drivers of biodiversity protection and landscape conservation around the world.

Conservation Benefits

A new Forest Trends study entitled *Who Conserves the World's Forests: Community-Driven Strategies to Protect Forests and Respect Rights* documents the extent of community-driven conservation outside public protected area systems. Where the "Who Owns" analysis was based on official, national level tenure statistics, this analysis was based on biodiversity maps and case studies of demonstrated biodiversity protection in Asia, Africa and Latin America. It finds that there are at least 370 million hectares of community conserved 'forest landscapes'. These forest landscapes fall into four main categories, based on forest use intensity, cultural relationship, and the length of time that the human population has been managing that particular resource.

1. Intact natural forests conserved by organized indigenous and traditional communities in their ancestral territories. These communities own or administer these large, contiguous areas of natural habitat that are only lightly used. Their conservation value is often comparable to that of large public protected areas. The box on the Brazilian Amazon illustrates the comparative conservation values of indigenous reserves. There are at least 120 million hectares in this category.
2. Large patches of natural habitat interspersed with biodiversity-compatible land uses managed by long-settled communities as working landscape mosaics, such as the natural community forests of Mexico and the

The study also showed that the area owned and administered by communities doubled between 1985 and 2000. This trend looks likely to continue over the next several decades as major forested countries, including once highly centralized systems like Indonesia and Russia, are actively engaged in decentralization processes with strong demands from the local population for the recognition of their rights. Community owned or administered forest areas in developing countries are conservatively expected to at least double again to 700-800 million hectares by 2015. This contrasts with the 250-300 million hectares of forest currently in publicly-owned protected areas, most of which do not still retain their original ecology.

Indigenous and Government Conservation in the Brazilian Amazon

In a recent graduate research study with the Massachusetts-based Woods Hole Research Centre, Barbara Bamberger analyzed 80 indigenous reserves and 19 government protected reserves in the Brazilian Amazon. Comparing satellite imagery on changes in forest cover and population and data on the extractive pressures on both the indigenous lands and the state-declared protected areas, the study found no significant difference between the rate of deforestation or loss of forest cover in the two types of 'protected areas'. Despite the fact that the indigenous lands were located nearer the agricultural frontier, with more pressures from colonization, these lands were effectively protected from encroachment and destructive activities with no government support for protection. The study recommends more research into the dynamics of indigenous peoples' protection of the forests within their lands and a more balanced allocation of resources for biodiversity conservation – balancing government investment in assisting indigenous peoples to better conserve their lands from outside pressures with the higher per hectare costs of conserving the government-managed reserves. Indigenous lands account for five times as much area as that contained in government protected reserves in the study area.

Source: Bamberger, B. *Rainforest Protection: Are People-Free Parks Required for Protection?* Presentation to US Forest Service Conference, Washington D.C., January 2003.

agroforests of Sumatra. These uses include extraction, cropping, grazing, water management, and forest management. There are at least 100 million hectares in this category.

3. Forests in agricultural frontier zones, managed by recent settlers living in and around state and private lands. These settlers are extractivists, agriculturalists, and/or pastoralists, adapting their economic activities and conserving some forest area. There are at least 50 million hectares in this category.
4. Fragmented forests and agroforests in a process of restoration managed by long-settled communities practicing individual and community-based resource management in recognition of the benefits of ecosystem conservation. Examples include Orissa, India and upland Nepal that were once heavily degraded by intensive agriculture. While this category of forest landscape is mostly owned by the communities, in some cases it is formally in the public domain. There are at least 100 million hectares in this category.

Economic Benefits

There is increasing evidence to suggest that securing communities' forest rights enhances the economic flows not only to these communities but also to governments. Five years of technical assistance support in a Mexican forestry project enabled communities to bring 175,000 hectares under more sustainable forest management, set aside 13,000 new hectares of conservation areas, and create 1,300 permanent jobs while generating US \$1.2 million per year in new fiscal revenues for the federal government – the same amount as the original project annual investment made at the state level.

Overview of Forest Sector Investment in Developing Countries

Sources of Finance	SFM*	SFM	PAs**	PAs
	(early 1990s)	(early 2000)	(early 1990s)	(early 2000)
ODA	\$ 2b - \$ 2.2b	\$1b - \$ 1.2b	\$ 700m - \$ 770	\$ 350m - \$ 420m
Public Expenditure	NA	\$ 1.6b	NA	\$ 598m
Philanthropy	\$ 85.6m	\$ 150m	NA	NA
Communities	\$ 365m-\$730m	\$ 1.3b – \$ 2.6b	NA	NA

* Sustainable Forest Management b = billion

** Public Protected Areas m = million

Community Investment in Conservation

Local people are already investing in their natural resource base over the long term. Indeed, their investment in biodiversity conservation is a documented reality – the indigenous timber enterprises in Mexico invest twice as much in their forests as the government does in adjacent protected areas – US \$2 instead of US \$1 per hectare per year. Communities have also been documented as spending significant amounts of time, labour, and financial resources on forest management and conservation activities. In Mexico for example, community investments of volunteer labour, including forest monitoring and improved management practices, equals two to ten person years of employment per year in each village. This is comparable to investments made by the 5,000 still-functioning Van Panchayats in Uttar Pradesh, India, in which villagers volunteer for fire control, patrolling, management meetings, and resource monitoring activities. In the Brazilian Amazon, volunteer patrolling and encroachment protection by indigenous tribes in their 100 million hectares of high conservation value forest lands save the government hundreds of thousands of dollars every year in foregone expenditure. At a time when investment in the forest sector is declining, particularly for conservation, communities emerge as the largest investors in forests (see table).

Community investment in forests in developing countries is equivalent to or exceeds Overseas Development Assistance flows to the forest sector and public expenditure by the governments. Wise investment in on-going community conservation initiatives can greatly extend the scarce funds for conservation.

Looking Forward: Human Rights – Global Conservation

Indigenous and other local communities are already leading conservationists – whether measured by area or level of investment. Trends indicate that their role – in owning and administering the world's forests will only increase – possibly to some fifty per cent of global forest land within the next several decades. These trends pose a tremendous challenge and a tremendous opportunity – both for the livelihoods of these people and for conservation. Real, substantial and dramatically increased efforts to recognize the rights of local communities and reduce policy barriers that diminish their incentive to sustainably manage their forest assets are needed to strengthen their role as sound stewards of forest ecosystems. This is the new conservation agenda: one that first respects human and property rights and then enables conservation. As governments increasingly begin to deal with these contentious issues, conservation organizations need to not only respect these human rights – but be among the first to advocate for the recognition and respect of these rights. Once rights are recognized, conservation organizations will need to actively help these communities succeed in the sustainable use and protection of their forests. The gains from recent tenure reforms are still very fragile. In some countries the centralized public forest agencies are repositioning themselves to take control back from forest communities – reintroducing the tenure uncertainty that drives degradation. Conservation organizations should not be idle bystanders in this historic struggle. Actively supporting the respect for local rights today will help ensure global conservation tomorrow.

Contact: Andy White, awhite@forest-trends.org or visit www.forest-trends.org. This article is based on *Who Owns the World's Forests: Forest Tenure and Public Forests in Transition* by Andy White and Alejandra Martin and *Who Conserves the World's Forests? Community-Driven Strategies to Protect Forests and Respect Rights* by Augusta Molnar, Sara Scherr and Arvind Khare, published by Forest Trends in 2002 and 2004 respectively. Forest Trends is a Washington D.C.-based non-profit organization and a member of IUCN.

