Forests for People

Community Rights and Forest Tenure Reform

Edited by

Anne M. Larson, Deborah Barry, Ganga Ram Dahal and Carol J. Pierce Colfer
In Asia, Africa and Latin America, governments are granting new tenure rights to communities living in and around forests. An important shift in forest tenure has occurred since 1985, with at least 200 million hectares (ha) of forest recognized or legally transferred to communities and indigenous people (White and Martin, 2002). In a study of 25 of the 30 most-forested countries, Sunderlin et al (2008) found that 15 countries had experienced an increase in land designated for and/or owned by communities since 2002 alone. Today, then, 74.3 per cent of the global forest estate is owned and administered by governments; 2.3 per cent is owned by governments but designated for use by communities; 9.1 per cent is owned by communities and the remaining 14.2 per cent is owned by individuals and firms (Sunderlin et al, 2008). The percentage of forests in the hands of communities¹ in the developing world alone is much higher: 22 per cent in 2002 and 27 per cent in 2008 (Hatcher, personal communication, based on data from Sunderlin et al, 2008).

The change in forest tenure constitutes a kind of ‘forest reform’ (Pacheco et al, 2008a; Taylor et al, 2007), comparable to the widespread agrarian reforms of the mid-20th century. The current reforms are due to the growing recognition of rights and benefits belonging to people living in and around forests. They may originate as much ‘from above’ as ‘from below’, with forces driving and shaping reforms emerging from communities and social movements, international donors or the state.

This book explores the nature, goals and results of such reforms in practice. It is based on research at more than 30 sites in 10 countries that have all promoted, in some way, greater local rights to forests. The countries are in Asia (India, Nepal and the Philippines), Africa (Burkina Faso, Cameroon and Ghana) and Latin America (Bolivia, Brazil, Guatemala and Nicaragua). Less intensive research was also conducted in Lao People’s Democratic Republic (Lao-PDR) and work in Indonesia has already been well described in CIFOR
publications (Figure 1.1). Literature reviews were conducted in all three world regions to help ground the analysis of field research in historical and cultural contexts.

Forest tenure reforms range from the titling of vast territories to indigenous communities, to the granting of small land areas for forest regeneration or the right to a share in timber revenues. New statutory rights do not automatically result in rights in practice, however, nor do local rights necessarily lead to improvements in livelihoods or forest condition. To understand the meaning of new rights it is important to know what rights people held previously, particularly de facto, or customary, rights, since formal statutory rights may place new restrictions on communities. Because people held rights previously in most cases, it is often more appropriate to refer to the recognition or formalization of rights, rather than the transfer of rights.

In most countries, the research was undertaken specifically with local partners, sometimes the new rights holders themselves, who would be able to take advantage of the process and its results to promote community rights, effective forest management and livelihood opportunities. Preliminary research found that institutional weaknesses and policy distortions have limited the impacts of change. Hence the project was designed to generate information not only for academic analysis but also to promote empowerment and engage in effective policy dialogue with non-governmental organizations (NGOs), donors and governments.

To reflect our findings, this book takes an ambitious approach. Rather than present the results of our research through chapters on individual case studies, we address cross-cutting issues that we believe capture the essence of the reforms: the challenges they face and the opportunities they unlock. Each topic constitutes a central aspect of forest governance and builds not only on the case studies but also on the existing literature and the experience of each author.

Figure 1.1 Map of the research sites
This introduction places the research in context. It begins with a brief discussion of forest tenure reform in light of community rights and forest conservation and a short introduction to each region, leaving the main discussion of other governance issues to the chapters. The next section introduces the research project itself, including the goals, methods and models of tenure reform studied. This is followed by the definition of the concepts used in the study and in this book. The subsequent section introduces the chapters and the final section reminds us of the global context in which the tenure reform is playing out.

Why forest tenure reform?

The literature on forests and on conservation is replete with cases of rural communities whose livelihoods have been affected by state policies or the intrusion of outsiders into ‘their’ forests. These include state-authorized forest concessions (e.g. Anaya and Grossman, 2002), forest classification schemes that prohibit community use (e.g. Peluso, 1992), mining and petroleum concessions (e.g. Oyono, et al, 2006; Kimerling, 1991; Lynch and Harwell, 2002), evictions from, or severe limitations on their livelihood activities in, parks or protected areas (e.g. Dowie, 2005; Spierenburg et al, 2008; Cernea 1997, 2006; Brockington and Igoe, 2006) and colonization or invasions by farmers and ranchers (e.g. Schmink and Wood, 1984; Colfer et al, 1997; Fulcher, 1982; Baird and Shoemaker, 2005). In many cases, these forests, historically, had been used and managed by communities themselves.

Colonial policies justified the centralization of forests based on ‘scientific forestry’ principles (see Chapter 7). On the one hand, forests were seen as public goods and strategic resources that needed both protection and ‘rational use’ in order to provide both goods and income for the future. On the other, however, their exploitation often favoured elite interests over others. For example, in Ghana,

...before 1924, natives held [forest] concessions and sold wood upon the same basis as Europeans. But the competition became so keen...that in a 1924 administrative order, the government declared that a native could not cut and sell wood except for his own use without making a deposit with the government of twenty-five hundred francs – a prohibitive sum. (Buell, 1928, p256, cited in Larson and Ribot, 2007)

In addition, explicitly discriminatory policies have also sometimes been accompanied by corruption, rent seeking and the creation of patronage networks by government officials – patterns that continue to this day (Larson and Ribot, 2007; Sunderlin et al, 2008).

From purely a rights perspective, there is little room for doubt that many communities living in forests today deserve a better deal. Numerous grassroots organizations and movements around the world have spoken out to demand
rights to forests. Latin American indigenous movements, in particular, have sought, in some cases successfully, to regain traditional rights over their historic territories and forests. At the same time, research has begun to examine the effect of forests on vulnerability (e.g. Hobley, 2007) or their potential role in poverty alleviation (Sunderlin et al, 2005).

But what about forest conservation? Sayer et al (2008, p3) write, ‘The harsh reality for conservation is that, for most local people, conversion to agriculture or to industrial estate crops provides a faster route out of poverty than either local forest management or total protection.’ There is no guarantee that local people will conserve forests if they have more, or more secure, rights, though the central tenet – that secure rights permit longer-term horizons and greater interest in sustainability – appears to hold. In some cases, however, converting forests to other uses will bring greater livelihood benefits and may even be sustainable over the long term (Tacconi, 2007a). In others, more secure tenure rights have clearly improved forest management (Sayer et al, 2008).

What will work best for conservation depends on the causes of deforestation and degradation. In some cases the state itself promotes logging, clear-cutting and conversion to industrial crops, as in Indonesia, which has one of the highest rates of deforestation in the world (FAO, 2005). In other cases, multiple interests in forests and forestlands have led to invasion, colonization and conversion. Our research finds that where communities have demanded tenure rights, a common reason is outside encroachment on their land. In Latin America, there is substantial overlap between standing forest and indigenous communities (see www.raisg.socioambiental.org) and land invasions by external actors are a leading cause of deforestation (Geist and Lambin, 2002; Stocks et al, 2007).2 Securing community tenure rights – and, in particular, defending their exclusion right – could thus be essential for conservation.

The fear that forest conversion and degradation will continue apace under community tenure has served to justify not only state forest regulation but also sometimes heavy restrictions on forest use accompanying forest tenure reforms. As discussed in the next chapter, conservation interests continue to propose solutions that still sometimes remove people from protected areas, but many people believe that governments have failed to maintain forests and that conservation cannot work if local people don’t ‘buy in’.

The use of land and forest resources has played out differently in the three main regions of the developing world and set the stage for reforms under different sets of parameters. For example, population densities in Asia contrast with the vast expanses of forest per household of the lowland forests of the Amazon. The nature of colonialism was different in Latin America and ended far longer ago. Ongoing wars and population movements mark present-day Africa. At the same time, the historical centralization of forests – and denial of community rights – is common to all, as are ongoing deforestation and forest degradation. Remote forests have remained largely under customary practices and are somewhat protected from outside pressure. All three regions are experimenting with granting new forest tenure rights to local communities and each will be considered briefly in turn.
In Asia, the failures of centralized ownership and management of forests led to a rethinking of forest management and tenure policies in many countries as early as the 1970s. China, Nepal, Thailand and the Philippines banned timber exports; several countries placed heavy regulations on industrial concessions (Adhikari, 2007). At times, timber concessions were cancelled or not renewed, sometimes causing a shift to plantation forestry, as in Indonesia. The emphasis on wood production shifted to plantations and in several countries up to 90 per cent of raw material is now supplied from trees outside natural forests (Enters et al, 2003).

Policy-makers in India and Nepal observed that denying local communities access and management rights to forests worked as a disincentive, exacerbating forest degradation, conflicts and poverty. India, Nepal and the Philippines led Asia in introducing policies aimed at formally involving local communities in forest management; other countries (e.g. Laos) followed. Policies in Bhutan, Cambodia, China, Sri Lanka, Thailand and Vietnam are still in their formative stages (Gilmour et al, 2004) but have emphasized the recovery of degraded forests. Countries with ample forest resources demonstrate patterns different from those with either seriously degraded or less valuable forests. In particular, Asian governments have been less likely to recognize local rights if the country has rich forest resources.

In Africa, statutory forest tenure is characterized by almost exclusive public administration: 98 per cent of forests are under the formal control and management of government authority (see Figure 1.2). Even in ‘state-owned’ forests, however, customary authorities, law and practices (as in

![Figure 1.2 Forest tenure distribution among three world regions, 2008](image-url)

Source: RRI (2009)
Asia) play a significant role in local governance and resource access. Forest policies, specifically, have been reformed in the vast majority of countries since 1990, and in a single decade, ‘more than 30 countries launched at least one significant ground initiative towards community participation in local forest management’ (Alden Wily, 2004). Nevertheless, governments generally retain most of the decision-making power for forest management either through exclusive control of forests or by granting only non-commercial user rights to satisfy the needs of local people for forest products. Forestry sector reforms have been driven primarily by decentralization policies (see Chapter 2), as well as some community forestry initiatives.

Of the three regions, Latin America has the smallest portion of land under government ownership and management (33 per cent) and the largest in the hands of private individuals and firms (34 per cent). The area owned by communities, 25 per cent, is similar to Asia, and an additional 8 per cent is public land designated for community use (see Figure 1.2). In this region, Mexico is at the forefront of community forestry. Agrarian policies dating to the Mexican revolution and granting land rights in subsequent waves over much of the 20th century laid the foundation for community rights to forests, and ‘a vigorous community forestry sector emerged beginning in the 1970s’ (Bray et al, 2006). A community forestry pilot project, known as the Plan Piloto Forestal, was launched in Quintana Roo in the early 1980s (Salas, 1995) and by the 1990s community forestry was widespread in other parts of Mexico as well (Bray et al, 2005).

In most of Latin America, recent changes in tenure were the result of grassroots struggles. Indigenous peoples have sought the recognition of their ancestral domains, as have numerous non-indigenous populations, such as rubber tappers in Brazil. These groups have historically lived in and maintained forests despite both state intervention and pressures from competing land claimants: sometimes poor, landless peasants, and sometimes wealthier, agro-industrial or logging interests. Reforms in Latin America are more likely to involve the demarcation and titling of large indigenous territories, with large expanses of land for relatively few people (Stocks, 2005).

**Research sites**

Our research project emerged from interest in understanding the tenure changes that were taking place around the globe, with the goal of catalysing efforts to advance local control and management of forests. This involved promoting research and action across multiple scales, as well as various adaptations of the methods and choice of research sites across countries based on the different types of reforms and on the more action- and policy-oriented goals. Scoping allowed us to scout out the most appropriate locations for both research and action goals, as well as to find experienced and knowledgeable partners.

The central analysis took place in ‘research sites’, usually multiple villages, where a change in tenure or resource rights had occurred, or was about to take place. Sites were chosen not only to explore tenure changes but also based
on apparent opportunity to deepen rights or affect policy decisions. In Latin America, the research sites tended to be large areas of 1 million to 2 million ha because reforms were based in specific regions around large territories. In Africa and Asia, the sites were much smaller but still involved multiple villages or communities organized around a specific forest.

The research involved scaling both downwards and upwards from each site. At the more local scale, it was aimed at examining socially and economically differentiated access to forest resources, institutional processes and mechanisms for sharing benefits within and among communities under tenure reform. In addition to providing the basis for collecting specific data, our work was aimed at informing strategies and processes for enhancing the rights and livelihood security of vulnerable groups, as well as increasing institutional capacities and leadership skills within grassroots organizations, federations and movements. This was intended to enable these actors better to represent and articulate the interests and priorities of their local constituencies, especially vulnerable groups within them, and to engage effectively with decentralized structures and policy-making processes.

At the larger sub-national and national scale, action-focused research built on more general findings to inform dialogues between governments and civil society organizations and to identify constraints and opportunities for linking pro-poor forest management to decentralized, as well as central government, planning processes.

We chose the sites and research communities that would provide the best understanding of tenure reforms in each national context with the resources at hand. Hence, depending on the nature of the reform, our field sites were typical cases or particularly interesting or exceptional experiences. Within a single country, the sites chosen may represent different types of reform, types of forest, forest classifications or types of market engagement. These cases were then analysed in relation to research into the broader regional and national context. We considered contextualization a critical feature of our approach. The cases in this book, then, sometimes refer to national policies, sometimes to a particular model of change and sometimes to the experience of a particular community. Table 1.1 lists the countries, regions and sub-regions and the ‘communities’ (defined below) studied, as well as a brief description of the model of forest tenure reform.

Some aspects of the research methods also varied from country to country and even from site to site. In almost all cases, partner organizations were identified to spearhead the research and methods at the site scale ranged from more participatory to more conventional, depending on available capacities. In all cases, lead researchers at the country or sub-country regional scale – almost always developing country nationals and always with extensive experience in the regions studied – were charged with oversight of the site-level research, guaranteeing effective analysis of the findings in light of the particular research context.

All the research was carried out using the same set of central questions, theoretical and background readings, hypotheses and definitions of terms. In
### Table 1.1 Research sites and tenure models studied

<table>
<thead>
<tr>
<th>Country</th>
<th>Region</th>
<th>Community</th>
<th>Tenure model</th>
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<tbody>
<tr>
<td>Bolivia</td>
<td>Guarayos</td>
<td>Santa María de Yotau</td>
<td>Communities within indigenous territory being demarcated and titled</td>
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<td>Cururú</td>
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<td></td>
<td>Northern Amazon (Pando)</td>
<td>Turi Carretera</td>
<td>Agro-extractive communities being demarcated and titled</td>
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<td>San Jorge</td>
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<td>Brazil</td>
<td>Porto de Moz</td>
<td>Turu</td>
<td>Agro-extractive communities bordering agro-extractive reserve (RESEX)</td>
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<td>Trans-Amazon</td>
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<td>Pontal</td>
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<td>Guatemala</td>
<td>Petén</td>
<td>Carmelita</td>
<td>25-year community forest concession (community living inside concession)</td>
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<td>Arbol Verde</td>
<td>25-year community forest concession (members from several communities living outside concession)</td>
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<td>Highlands</td>
<td>Chancol</td>
<td>Highland communal forests (multiple community, single title, community owned)</td>
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<td>Mogotillos</td>
<td>Highland communal forests (local government owned)</td>
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<td>Nicaragua</td>
<td>RAAN</td>
<td>Tasba Raya</td>
<td>Indigenous territories being demarcated and titled</td>
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<td>Layasiksa</td>
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<td>Burkina Faso</td>
<td>Goada Forest</td>
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<td>Local association: management for regeneration</td>
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<td>Nakambé</td>
<td>Concession: fuel wood management (classified forest, central government domain)</td>
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<td>To</td>
<td>Concession: fuel wood management (non-classified forest, local government domain)</td>
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<td>Comoé-Léraba</td>
<td>Concession: forest and wildlife reserve</td>
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<td>Cameroon</td>
<td>Lomie/Dja</td>
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<td>Community forests</td>
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<td>Mount Cameroon</td>
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<td>South Cameroon</td>
<td>UDEFCO</td>
<td>Forest revenue sharing (logging concession to company)</td>
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<td>Kienké–Sud</td>
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In the end, we have collected and analysed a wealth of multiscalar information obtained through diverse entities and methods and covering a broad range of types of reform in multiple contexts.
Themes and concepts

The research questions were organized around five themes: tenure change, local organization, the role of regulations, engagement with markets and outcomes for livelihoods, forests and equity. These can be summarized as follows:

- What is the effect of tenure change on community rights to access and decision-making regarding forests?
- How do the regulatory framework, markets and local organization affect these rights in practice?
- What are the interactions among these variables or spheres?
- What is the effect of each on outcomes?

Understanding the tenure change and its effects on existing rights and practices were taken as the points of departure. Local organization, regulations and markets were primarily conceived as mediating variables that would permit or inhibit better outcomes. Outcomes were measured based on a combination of variables summarized as livelihoods, forest condition and equity (see Chapter 9). This section presents our understanding of the terms used throughout the research and this book.

Tenure rights are conceived of as a bundle of rights, ranging from access and use rights to management, exclusion and alienation (see Schlager and Ostrom, 1992). Access refers simply to the right to enter the area. Use, or withdrawal, rights refers to the right to obtain resources, such as timber, firewood or other forest products, and remove them from the forest. Management refers to ‘the right to regulate internal use patterns or transform the resource’ (Agrawal and Ostrom, 2001, p489), which could include tree planting, timber management or conversion to agriculture. Exclusion is the right to decide who can use the resource and who is prevented from doing so. Alienation is usually understood as the sale or lease of the land, which also includes the sale of these other rights. The last three rights are seen as decision-making rights and are therefore, particularly significant for tenure reforms.

Resource tenure consists of the social relations and institutions governing access to and use of land and natural resources (von Benda-Beckman et al, 2006). Forest tenure, then, is concerned about who owns forestland and who uses, manages and makes decisions about forest resources. Forest tenure determines who is allowed to use which resources, in what way, for how long and under what conditions, as well as who is entitled to transfer rights to others and how. Different elements of the bundle of rights may be shared or divided in a number of ways and among stakeholders; in addition, trees themselves may be subject to multiple tenure rights (Fortmann, 1987).

The bundle is also likely to include a combination of rights that are defined by statutory law (de jure) and rights that are defined locally, through de facto or customary institutions. A de jure right concerns a set of rules established and protected by the state (e.g. registered land titles, concession contracts, the forestry law and regulations). De facto rights are patterns of interaction
established outside the formal realm of law. They include customary rights, a set of codified community rules and regulations inherited from ancestors and accepted, reinterpreted and enforced by the community, and which may or may not be recognized by the state.

Tenure reform is the legal reform of tenure rights (Pulhin and Dizon, 2003). Forest tenure reform is different from land reform: the latter entails redistribution of landholding and changes in the agrarian structure, whereas the former is a change of one or more rights regarding forest resource and forest land management (Bruce, 1998). Forest tenure reform usually involves granting rights to people already living in or near forests and using forest resources (see Chapter 2).

Property here refers to real estate, whereas tenure refers to the way rights are administered, though property and tenure are often used interchangeably. Property is usually classified as either private or state. Communal tenure systems and common property exist on either state or privately owned (communal) lands. Most of the world’s forests are formally state owned; forest tenure reforms usually give forests to collectives under communal tenure regimes as communal property. Within a communal land area, there may be both common and individual properties and decisions may be made individually or collectively, but the holder of the right is still the collective. To work through this web of definitions and relations, we adopted the ‘tenure box’ from Meinzen-Dick (2006), which enables one to tease out the bundle of rights on the one hand and the rights holders on the other (see Chapter 3).

Tenure security is the degree to which an individual or group believes its relationship to land or other resources is safe, rather than in jeopardy (Poffenberger, 1990). We do not assume that any particular configuration of rights, such as a land title, constitutes security (Ellsworth, 2002).

The community was the basic unit of analysis across all sites. Community does not necessarily refer to a group of people who live in a single village but rather is defined as those who share a common interest or purpose in a particular forest and share common resources. Hence the resident-based community (or village) may overlap with the community of interest or be a subset of it, or vice versa. There may also be local ‘communities’ embedded in larger communities.

Community forestry is understood broadly as a common property resource management approach with characteristics and institutional innovations devised by local people (Chapagain et al, 1999) to organize and exercise their rights for the use and management of a forest area for the supply of forest products. Though it sometimes refers to a type of project promoted by the state or donors, it does not refer only to such projects.

Content of chapters

Through the comparison of selected cases, the chapters explore the nature of forest reform, the extent and meaning of rights transferred or recognized, the role of authority and of citizens’ networks in forest governance, opportunities
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and obstacles associated with government regulations and markets for forest products, and the outcomes for livelihoods, forest condition and equity. The ten chapters, including this introduction, are organized into five sections.

Chapter 2, by Deborah Barry, Anne Larson and Carol Colfer, completes Part I of this book by exploring the nature, origins and important global processes shaping forest tenure reforms. These reforms, initiated more aggressively since the mid-1980s, appear sufficiently widespread to constitute a global trend. Although the findings are grounded in the case studies and countries studied, a step back to the broader continental and global scale provides insights into the larger forces shaping the reforms and allows for their preliminary characterization.

The authors find this trend significantly different from previous agrarian reforms, when forests and cleared lands were transferred to peasant farmers for agricultural purposes. Rather, these new reforms are being driven and shaped by local claims for tenure rights recognition, the global concern for biodiversity conservation and the promotion of democratic decentralization. They aim to accomplish three goals: addressing claims to historic rights, improving local well-being and achieving forest conservation. The chapter argues that policymakers need to understand better the nature of this tenure reform and radically adjust their goals, institutions and regulations for the implementation of what could become one of the most important global efforts to thwart growing rural poverty and mitigate the effects of climate change.

Part II analyses two issues in the process of transferring or recognizing community tenure rights: the nature of management rights devolved or withheld and the interface of statutory and customary rights. Chapter 3, by Peter Cronkleton, Deborah Barry, Juan Pulhin and Sushil Saigal, draws on case studies from Guatemala, Bolivia, the Philippines and India to examine the issue of management rights. The authors present these four cases of reform using the tenure box, mentioned above, to examine the type and characteristics of rights devolved and how this influences community forestry models and the benefits received by community-level participants.

The devolution of forest tenure rights to local stakeholders around the world has produced a variety of community forestry models. Some kind of co-management is usually involved such that the state maintains ownership and control over forest resources, either authorizing use of state lands or requiring forest users on non-state property to operate under government supervision and its norms. These arrangements recognize some existing resource uses embedded in local livelihoods and customary practice but also introduce new rules and techniques and restrict certain previous behaviours. Such arrangements are mainly, at least ostensibly, intended to promote greater sustainability and equitable use, but they can also introduce disincentives and distortions and severely limit local decision-making power. This not only attenuates tenure rights but may also undermine previously effective local management institutions and reduce livelihood benefits.

Recognition of tenure rights for communities already living in forests almost always encounters existing de facto or customary arrangements. Chapter
4, by Emmanuel Marfo, Carol Colfer, Bocar Kante and Silvel Elías, analyses the interface between statutory and customary land laws and rights. The authors use experiences in four countries with strong traditions of customary rights – Ghana, Indonesia, Burkina Faso and Guatemala – to examine the extent, models and forms of acceptance or recognition of customary systems by formal law under the forest reforms. Security of tenure is fundamental to good governance and poverty alleviation, but secure tenure is bedevilled by overlapping legalities that impose multiple, simultaneous systems of rights, each with its own source of legitimacy. Disregard for this complexity creates unexpected outcomes and can fuel conflict.

In almost all the cases studied in this book, tenure rights are defined by both statutory and customary laws. However, there is debate as to whether one legal system should be considered superior, whether there should be a sharing of legitimacy between legal systems, or whether legal pluralism should allow for different tenure systems to coexist simultaneously. Among the options is a shift from legal pluralism to legal integration, combining the strengths of both customary and statutory laws. To make such an endeavour possible, it is important to document how statutory and customary laws within specific socio-political settings have coexisted and played out. The chapter examines, in each of the four countries, the extent to which statutory law has accommodated (recognized) or subverted customary systems of tenure and how it has done so, through different models of recognition.

Part III turns to two aspects of ‘local’ forest governance institutions: local ‘authorities’ and social movements. Chapter 5, by Anne Larson, Peter Cronkleton, Juan Pulhin and Emmanuel Marfo, explores the configuration of authority relations in forest tenure reforms in three indigenous territories (in Nicaragua, Bolivia and the Philippines) and in Ghana. When rights are granted or formalized to a ‘community’, a new or existing institution is often designated to represent this collective. That institution is then likely to shape the exercise of the new rights on the ground, based on its nature (whether it is representative or accountable, for example) and domain (the powers it holds). This can be particularly problematic for indigenous territories that did not previously have a common governance structure.

Chapter 5 looks specifically at how the recognition of community rights by central governments tends to lead to political contestation over authority. The politics of authority takes different forms in the four cases examined and the findings suggest that this issue should receive much greater attention in reforms. These contestations often lead to conflict and the breakdown or manipulation of authority relations, but they may also allow new configurations of effective, representative and accountable authority to emerge.

Chapter 6, by Naya Paudel, Iliana Monterroso and Peter Cronkleton, examines the central role of a fairly new kind of social movement that has so far received little attention in the literature: networks of community members and organizations that scale up for collective action to defend rights and expand opportunities for community forest management. Three such organizations are discussed: the Federation of Community Forest Users, Nepal (FECOFUN), the
Association of Forest Communities of Petén (ACOFOP) in Guatemala and the Brazil Nut Producers’ Cooperative (COINACAPA) of Bolivia.

The chapter synthesizes the conditions for the emergence and evolution of these organizations, their institutional dynamics and strategies of resource mobilization, as well as their effects on resource tenure and livelihoods. The first two organizations have played a central role in obtaining, defending and deepening the rights of their members, while the last emerged primarily to improve members’ market position and incomes. The chapter argues that networks have increased local agency in the tenure reform process, improved the institutional and technical capacity of communities and greatly enhanced the abilities of communities to influence public opinion, policy and the regulatory framework governing their forest rights.

Part IV turns to a discussion of regulations affecting reforms and both timber and non-timber product markets. Even where substantial new and secure rights have been granted, government regulations – and associated transaction costs – may prevent community access to forest products and markets and thus doom the livelihoods potential of reforms. Chapter 7, by Juan Pulhin, Anne Larson and Pablo Pacheco, reviews cases involving three kinds of regulations. First, governments often limit the kind of forests available for communities, giving them wasteland or degraded forests for tree planting or protection, rather than high-value forests that could generate significant income, and reserve the best areas for the state (which in turn grants them in concession to industry). The second type addresses limitations on resource use in conservation areas. The third set of rules refers specifically to forestry regulations, such as permits for logging.

The authors draw on experiences in India, Brazil, Nepal, the Philippines, Guatemala and Cameroon. Though some rules are surely needed to conserve forests, regulations are often unrealistic and unenforceable and/or an incentive for graft and corruption. The power of self-perpetuating bureaucracies may need to be broken to create new regulatory frameworks that are more responsive to people and relevant to diverse local realities.

Communities engage with markets both formally and informally, and Chapter 8, by Pablo Pacheco and Naya Paudel, explores the associated challenges and opportunities. Forms of market engagement are shaped both by community capacities and by the degree of development of the markets themselves. The authors take issue with extreme views that markets are either a panacea for communities or simply a way for outside actors to extract economic rents. The cases examined include two community logging enterprises (in Nicaragua and Bolivia); two communities engaged in the sale of non-timber forest products (Bolivia and Nepal); two situations in which smallholders make individual rather than collective decisions, particularly for timber sales, and often operate outside the law (from Bolivia and Brazil); and one case in which communities log for timber but are allowed to sell only to their members (Nepal).

Each market is different, and the regulatory framework within which communities operate affects the cost–benefit analysis of their marketing choices. The different market conditions suggest broad room for policy action:
tenure reforms should not only focus on building community capacities for market engagement but should also address specific market conditions under which communities and smallholders operate.

Part V presents the conclusions. In Chapter 9, Ganga Ram Dahal, Anne Larson and Pablo Pacheco discuss the outcomes of reforms by examining changes in livelihoods (including income), forest condition and equity across the sites. Though numerous dynamic processes affect outcomes, this chapter attempts to isolate the effects of tenure reforms, based on the assumption that tenure rights and security shape the decisions that local people make regarding forest use and management. Hence the first task is to determine the extent to which rights have actually increased and are secure, then to assess outcomes.

The chapter finds that most of the reforms resulted in some improvement in livelihoods. These may be quite small or counterbalanced with (sometimes temporary) hardships suffered by certain actors, such as seasonal pastoralists or poorer members of the community. Much larger income gains are associated with larger and higher-quality forests and community logging enterprises, but these benefits are not always possible in the small forests often granted to communities in Asia; nor are they necessarily better, because of the ways in which these projects are sometimes implemented.

Forest conditions most clearly improved when the reform specifically involved tree planting or improving degraded forests, and some cases with little noted change showed much less degradation than nearby forests in the same region. Declines in forest conditions appeared mainly where there were competing demands on forests, such as proximity to colonization areas and other large-scale dynamics beyond the control of the communities, suggesting the need for effective governance at larger scales as well. With regard to trade-offs between livelihoods and forest condition, several cases demonstrated livelihood improvements without declines in forest condition.

Positive outcomes in equity appear to depend on specific, dedicated efforts to address sources of inequity.

In Chapter 10, Anne Larson, Deborah Barry and Ganga Ram Dahal conclude the book by returning to the important findings and discussing cross-cutting issues and concerns raised by the research. These issues are discussed in light of emerging global challenges and opportunities regarding community rights and the future of forests, particularly global climate change. The authors close with a reflection on the future of forest tenure reforms.

**Moving forward**

Despite the enormous differences in the historic processes of defining land and forest resource rights in the countries studied, we have come to an initial understanding of the particular characteristics of incipient forest tenure reform. Greater clarity on the nature of forest tenure, how it is being shaped and how it could be promoted more consciously is essential for the success of any attempt at conserving the world’s forests and improving the lives of its poorest peoples.
This task is of greater importance at a time when the forests of the world, particularly developing countries’ tropical and dry forests, have become an important arena of global debates and plans to ward off the imminent perils of a rapidly changing global climate. The issue of rights to forest resources underlies the entire host of decisions being made in relation to forests. Mitigation schemes referred to as reducing emissions from deforestation and forest degradation (REDD), together with emerging markets for forest carbon credits (capture and storage of carbon), are introducing yet another dimension of rights: who will own the carbon? Adding a ‘layer’ of international rights to carbon on the existing web of forest tenure rights will require taking a closer and harder look at current trends, if people living in forests are, on one hand to avoid harm and, on the other, to benefit from proposed solutions. A reading of the changes in forest tenure from a rights perspective, including the perception of local forest dwellers, is paramount for working through the emerging contradictions and tensions.

In this light we now turn to the next chapter, which analyses some of the most important global processes motivating and shaping tenure changes, often with conflicting goals and inappropriate or overlapping institutions for their implementation. Understanding the forces defining this process of transition in forest tenure can help elucidate the nature of the challenge we face for bringing about just, coherent and workable change.

Notes
1. Either as owners, or lands that they have been granted the rights to manage.
2. The more common dynamic in Latin America that involves conversion of forest to pasture should not be confused with the debates regarding shifting cultivation (e.g. Angelsen, 1995).