

Governing Africa's Forests in a Globalized World

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Forest Governance and Decentralization in Africa: Linking Local, Regional and Global Dialogues

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INTRODUCTION

The decade of the 1990s saw the rebirth of democracy in some parts of Africa, and with it the initiation of different governance reform initiatives, notably processes of administrative and political decentralization. Many countries embarked on decentralization in response to demands for better management of natural resources, including forests, and for more equitable sharing of benefits derived from them. Forest governance reform and decentralization in countries in sub-Saharan Africa (SSA) have taken various forms and are proceeding at different paces and stages of implementation.

A host of organizations, initiatives and policy instruments suggest an ongoing commitment to the principles and strategies of democratic decentralization in Africa. Meetings of the African Union, the Partnership for Municipal Development, Africities, *Réseau Réussir la Decentralization*, Permanent Interstate Committee for Drought Control in the Sahel, Conference on Ecosystems of the Dense and Wet Forests of Central Africa and regional authorities such as *La Commission des Forêts d'Afrique Centrale* (COMIFAC); the Southern African Development Community (SADC); the East African Community (EAC) and the Economic Community of West African States (ECOWAS) continue to reaffirm commitment to improved governance and to actively address the challenges of decentralized natural resource management.

While these initiatives and accompanying reforms have created real opportunities, putting democratic decentralization into practice for more sustainable forest management, equitable distribution of benefits remains a major challenge. Gains are often undermined by the dearth of mechanisms to track progress and exchange lessons to inform action and by the absence of a framework to value and capitalize on forest resources under decentralized management. Inadequate technical competencies and

lack of funding and incentives constrain effective implementation on the ground. Protected area conservation and landscape management approaches premised on large-scale, state-managed, command-and-control practices, commonly employed in Africa, also often run counter to decentralized resource governance.

Increased trade, investment and financial flows into and out of Africa also add a layer of complexity to the implementation and effectiveness of decentralization and governance reforms. These issues and challenges are likely to take even greater significance in the context of current discussions on reducing emissions from deforestation and degradation (REDD) in the international climate change debate.

The Workshop on Forest Governance and Decentralization in Africa, held in Durban, South Africa, on 8–11 April 2008, was conceived as a means to extend the dialogue to the African continent, to take stock of challenges faced in implementing lessons and recommendations from previous workshops, and to synthesize Africa's unique experiences in forest governance and decentralization. The workshop brought together local and regional stakeholders, policy-makers and international experts with the overall objectives to:

- Distil and share lessons learned from experiences of African countries, including from regional initiatives, in their implementation of decentralization and broader governance reforms in the forest sector.
- Foster shared understanding of concepts and key trends and sharing of lessons and workable approaches, especially as they relate to poverty reduction and sustainable forest management, including forest conservation.
- Strengthen cooperation and enhance partnerships among countries and key stakeholders in addressing common challenges.
- Recommend approaches for strengthening policies, institutions and practices of decentralized forest governance systems to reduce the gap between theory and practice.

As an initiative in support of the United Nations Forum on Forests, the workshop also sought to identify the features of more promising systems of forest governance, and to support African decision-makers at diverse levels to better leverage governance transitions for the benefit of forest communities and society at large. This volume, derived from formal presentations by researchers and practitioners, field visits and group work, is a product of this exchange and of the ongoing reflection on how to bring social justice into the process of governing locally important resources that are, at the same time, of global interest.

ROOTS OF THE CONVERSATION

This book adds a new chapter in a body of experience and literature that tries to keep up with the fast-moving global policy changes related to decentralization and forests. Here we highlight some of the central discussions and related writings that have characterized the debates about decentralization and devolution.

Much of the earliest effort to document and share decentralization experience occurred in Asia. An important 1999 workshop in the Philippines served as a vehicle to start an international conversation on the topic, and, indeed, served as a spur for the ‘conversational thread’ of which this book forms a part. *Decentralization and Devolution of Forest Management in Asia and the Pacific* (Enters et al, 2000) reports the results of the Philippines workshop and broached many of the issues that have recurred in subsequent studies. At that stage, as today, real devolution or decentralization was hard to find. The group clarified the difference between the two concepts and developed a typology of approaches to decentralization and devolution. For these and later authors, decentralization referred to transferring power to lower levels in a government bureaucracy, whereas devolution encompassed broader transfers of power within and outside of government. They also identified some enabling factors to effective decentralization and devolution, such as trust among stakeholders, effective checks and balances, and monitoring of performance. A higher degree of scepticism regarding the ability of communities to manage forests sustainably is more apparent in the early dialogue than now.

Their work was followed by in-depth studies of three Asian countries – China, India, and Indonesia (Edmunds and Wollenberg 2003). These authors looked at the issue more broadly, focusing on devolution rather than decentralization. One of the interesting and surprising findings coming out of Edmunds and Wollenberg’s work was the degree to which decentralization actually resulted in a *decrease* in local people’s rights to resources that they had considered their own (see Contreras, 2003; Sarin et al, 2003). This restriction in rights occurred through increased involvement of, and management by, government in people’s daily affairs – activities that once followed local norms and went largely unnoticed by government.

The topic of devolution was also taken up in southern Africa in a project comparing 14 case studies in 8 countries (Shackleton et al, 2001). These cases focused on the following topics:

- the degree to which laws and policy devolved decision-making and benefit flows to local communities;
- the power and legitimacy of local community institutions and their networks (with non-governmental organizations (NGOs), donors, the private sector and local government); and
- internal relationships and differentiations within local communities.

As with subsequent studies, these authors found large differences among cases in terms of the impacts of devolution policies, with some very positive results and others unlikely to result in good long-term resource management.

During the early 2000s, two global workshops of significance took place. The first, the *Workshop on Decentralization and the Environment*, took place in Bellagio, Italy, in 2002 with the goal of consolidating findings from research on decentralization and natural resources globally (Ribot and Larson, 2005). The workshop assessed the extent to which central governments have actually decentralized, the relations between the decentralized entities and local people, and the effects on people and

their environment (Larson and Ribot, 2005). As with the other experiences summarized here, significant problems emerged during implementation, with concepts more difficult to implement than anticipated and aspirations not fully met by realities on the ground.

The second global conference on the subject was the *Interlaken Workshop on Decentralization, Federal Systems of Forestry and National Forest Programmes*, which took place in April 2004. This workshop was designed to provide an update on previous workshops, offer an opportunity for sharing international experiences, and feed directly into discussions at the United Nations Forum on Forests. The Interlaken workshop, with funding and encouragement from Swiss and Indonesian governments, was also global in scope, bringing together some 160 people from 51 countries and addressing the following 6 themes (Blaser et al, 2005):

- 1 allocation of roles and responsibilities and coordination across levels and sectors;
- 2 maintenance of ecosystem functions, sustaining forest productivity, and application of knowledge and technology;
- 3 regulatory frameworks, policies and equitable benefit-sharing;
- 4 financial incentives, and promotion of investment and private-sector partnerships;
- 5 participation, conflict and multi-stakeholder processes; and
- 6 capacity-building, information and technical support.

One inescapable conclusion coming out of all these meetings was the uniqueness of each site and the importance of the historical and socio-political context in determining the outcome of decentralization experiments. Presentations from researchers and practitioners, group work and field trips to Swiss forests enabled the generation of a set of principles considered important for effective and equitable implementation of decentralization policies (see Box 1.1).

Given the large variation globally, the Interlaken organizers determined to address decentralization on a regional basis. They wanted to see if clearer patterns and lessons could emerge from country groupings that were geographically closer. The continuing policy attention to decentralization also meant that there remained a need to understand how this governance experiment was evolving over time. Thus, a follow-on international workshop for the Asia-Pacific region was held in Indonesia. In the *Yogyakarta Workshop on Forest Governance and Decentralization in Asia and the Pacific*, organized under the auspices of the Asia Forest Partnership, a specific attempt was made to ensure that areas that were inadequately addressed and/or identified in earlier workshops were given attention (Colfer et al, 2008). Attempts were made to accommodate the interests of different partners. The Asia Forest Partnership, for example, stressed illegal logging, forest fires and forest rehabilitation as central concerns needing attention, while the Indonesian government was interested in exploring differing roles, responsibilities and rights in decentralization, and the financial implications of such changes – based on their own serious challenges in these realms. The controversial topics of equity, corruption, land tenure and land-use planning were brought in by the Center for International Forestry Research (CIFOR). Box 1.2 reproduces the Asian/Pacific concerns for comparison with the findings from Africa.

Box 1.1 Principles and guidelines for implementation of decentralization derived from the Interlaken workshop

- Establish a clear legal and policy framework with a clear allocation of roles, responsibilities and resources, as well as clarity and consistency regarding strategy and implementation.
- Decentralization of powers and responsibilities to districts and municipalities should not proceed arbitrarily, but according to a clear set of rules and conditions.
- Decentralization requires accountability at all levels and corresponding multiple accountability mechanisms; elections alone are insufficient.
- Decentralization should recognize, work with and strengthen representative democratic institutions at all levels.
- Decentralization in the forest sector should not be implemented in isolation from a general national forestry strategy such as national forest programmes.
- Decentralized forest management should be based not only on controls, but also incentives; rules that cannot be enforced should not be made.
- Decentralization and the implementation of national forest programmes should include monitoring and evaluation with clear, specific variables and indicators.
- Rights and responsibilities must be accompanied by adequate resources and capacity building.
- Decentralization should be based on transparent horizontal and vertical information flows and dialogue, including across sectors.
- Decentralization should benefit from, as well as enhance, social capital, increasing coordination and trust among different levels and sectors.
- Local peoples must have a voice, and decentralization should take into account livelihoods, ways of life and improving the economic well-being of these peoples, as well as address inequities such as those relating to gender. Efforts must be made to raise and include the voices of special groups such as women, youth and indigenous peoples.

Source: Capistrano and Colfer (2005)

Capistrano and Colfer (2005) summarize more general lessons learned from the global experiences reported in the Interlaken and Yogyakarta workshops. First, decentralization occurs within a particular historical, cultural, economic and political context, which exerts meaningful influences on decentralization practices and outcomes. Second, governance systems were shown to be characterized by a never-ending tension, and oscillation or balancing act, between centralizing and decentralizing tendencies – an observation confirmed by Ribot (2003; see also Chapter 2 in this volume), Oyono (2004) and Wily (2003) for the African context. Decentralization was also observed to take time, sometimes a long time, requiring attention to capacity-building, people's participation in decision-making and flexibility

Box 1.2 Major issues identified in the Asia-Pacific region during the Yogyakarta Workshop on Forest Governance and Decentralization

- In most Asian countries, the involvement of women in the development process is largely ignored; decision-making and benefit-sharing in forestry are controlled by local elites. Gender mainstreaming and capacity-building are needed to improve women's participation.
- Government officials feel accountable to higher authorities but not to communities. Performance evaluations should consider officials' contributions to local empowerment.
- Decentralization in the forest sector is constrained by funding and capacity gaps, insufficient transfer of authority, and unclear roles and responsibilities at various levels.
- Lack of trust between government and communities and within the government bureaucratic layers contributes to a low level of commitment to decentralization. For government, it is important that transfer of responsibility and accountability accompany transfer of authority.
- Laws and regulations are highly inconsistent and frequently changing. A clear legal framework is necessary to ensure that decentralization arrangements are sound and enduring.
- In most cases in Asia, ethnic minority communities are marginalized and lack rights to their land. Equity in benefit-sharing is not always addressed and is often left unclear.
- Logging bans are not observed in practice, and illegal logging is highly linked to corruption in most Asian countries. The solution lies beyond intervention in the forest sector.
- In many cases, customary institutions are good mechanisms for managing forests. Institutional restructuring could help to improve implementation of decentralization.
- Decentralization presents both threats (decentralization of corruption) and opportunities (grassroots control and empowerment). In some countries, it has led to concrete advances in infrastructure development, education and healthcare.
- Better governance in forestry requires greater transparency through the establishment of new laws and increased media scrutiny.
- Decentralization takes time, and there are no short-cuts. Negative impacts are often intensified in the early years and subside as implementation is improved. Gradual implementation, with monitoring of processes and outcomes, is needed.

Source: Capistrano (2008)

to adapt to changing circumstances in time and space (Küchli and Blaser, 2005; Küchli, 2008). This lesson is also reflected in the African literature, which exposes the need to evaluate decentralization performance not only by focusing on outcomes, but

on the extent to which it has actually been put into practice (Oyono, 2004; see also Chapter 2 in this volume). Capistrano and Colfer (2005) also highlight that effective decentralization requires both upward and downward accountability, and proactive efforts to avoid elite capture of benefits and rights. In the African context, one of the main reasons for reluctance to devolve natural resource management is concern over the ability and incentive of local communities to protect forest ecosystem services – arguably requiring some upward accountability by forest users to the wider society (Ribot, 2002b). And limited downward accountability and elite capture continue to be two of the main concerns expressed about local bodies charged with receipt of powers – whether grassroots organizations or local administrative structures (Ribot, 2002a; Bigombé Logo, 2003; Brockington, 2007), and analysts argue for greater attention to the institutions receiving decentralized powers (Ouedraogo, 2003).

Capistrano and Colfer (2005) argue that decentralization works best when there are reinforcing societal pressures from both the ‘top’ and the ‘bottom,’ an argument echoed in African case studies illustrating the need for strong local organizational arrangements to demand greater accountability from sub-national administrative bodies and elites (Oyono et al, 2006). These authors also observe that successful decentralization requires secure tenure and access to forest resources, financial means and authority at lower levels, commercial rights and market access, and sensitivity to cultural traditions and local knowledge. Similar observations on the importance of tenure security (Shackleton et al, 2002; Katila, 2008), financial means (Lund, 2007), market access (see Chapter 4 in this volume) and sensitivity to customary rights, traditions and knowledge (see Chapter 3 in this volume; Etongou, 2003) have been made for Africa. Finally, decentralization in the forest sector seems to be intimately linked to such processes in other sectors. While evidence suggests this is also true for Africa, one can observe that effective devolution and decentralization in forestry and natural resource management may be a vehicle for improving local governance more broadly (see Chapter 2 in this volume; Wily and Dewees, 2001). As such, local actors are not only at the mercy of broader structural conditions, but may exhibit a large degree of agency in shaping how these broader forces play out locally.

The Workshop on Forest Governance and Decentralization in Africa, a country-led initiative in support of the United Nations Forum on Forests by South Africa and Switzerland, was an effort to carry this global dialogue forward while also exploring new themes emerging out of Africa’s unique experiences with forest governance and decentralization and this unique moment in history. The next section gives a general overview of the core themes that structured the dialogue and this volume.

CROSS-CUTTING THEMES

Decentralized forest management and livelihoods

The core theme of this book is decentralized forest management in Africa and its effect on local livelihoods. Decentralization has a long history in Africa and worldwide, but gained much momentum over the last two decades. Governments have decentralized

for a host of reasons. The most prominent rationale is enhanced administrative efficiency. By placing decisions within the local sphere, it is argued that decision-making will be faster and more responsive to local needs, transaction costs will be reduced by making decisions locally, and service delivery will be improved through better matching of supply and demand. Another argument is the strengthening of democratic institutions and procedural and distributional equity through increased public participation and enhanced downward accountability. More critical reviews suggest that decentralization is simply a means for central governments to transfer their fiscal and administrative burdens to decentralized actors (Nsibambi, 1998).

Decentralization can assume multiple forms (see Box 1.3). Of the two main types – administrative and democratic decentralization – the former is argued to be the ‘weaker’ form due to stronger lines of accountability towards central government ministries delegating authority and supervising decentralized administrative bodies (Ribot, 2003; Ribot and Larson, 2005). Democratic decentralization, on the other hand, aims to increase public participation in decision-making, leading to strong downward accountability to local constituencies – presumed to enhance many of the stated benefits of decentralization.

The move towards decentralized government parallels similar shifts in the forest sector. A marked shift in forest management authority away from central governments to decentralized administrative units (district councils, village councils, communes,

Box 1.3 Some definitions

Decentralization refers to any action taken by a central government to formally cede powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy. This is not to be confused with *privatization*, which is the transfer of powers to non-state entities (individuals, corporations, NGOs). A few key types of decentralization may be noted:

- *democratic or political decentralization*, or the transfer of powers and resources to ‘authorities’ representative of and downwardly accountable to local populations;
- *administrative decentralization or de-concentration*, which concerns transfers of power to local branches of the central state, whose primary responsibility is to the central government;
- *fiscal decentralization*, which refers to the transfer of fiscal resources and powers for revenue generation, and may be a feature of either democratic or administrative decentralization.

Devolution is often used synonymously with administration decentralization; but in the forestry literature it has been used to encompass transfers of powers to local elected governments, NGOs, customary authorities and private actors.

Source: Smith (1985); Agrawal and Ribot (1999); Manor (1999); Colfer and Capistrano (2005)

rural councils, local government councils), community-based organizations (forest-user groups, natural resource management committees, community trusts, village action groups and *terroir villageois*) or customary authorities (e.g. chiefs) has occurred both across Africa and worldwide (Mandondo, 2000; Wollenberg and Kartodihardjo, 2002; Kaimowitz et al, 2003; see Chapter 11 in this volume). These shifts take many forms, from community-based forest management, participatory forest management, community forestry and joint forest management to district or council forests and the redistribution of forestry tax revenues (Bigombe Logo, 2003; Blomley, 2006; Oyono et al, 2006; see Chapters 10 and 11 in this volume).

One of the central themes in this volume is the extent to which decentralization policies have been put into practice. The weak representative decision-making processes that are characteristic of many developing countries have undermined the translation of decentralization theory into practice – making ideal cases hard to find (Agrawal and Ribot, 1999; Larson, 2003; Ribot et al, 2006). Authors in this volume and elsewhere (e.g. Edmunds and Wollenberg, 2004; Ribot and Larson, 2005) highlight that natural resources are at once critical for local livelihoods and provide significant wealth for governments and national elites. Weak governance creates opportunities for local elites and vested interest groups to manipulate the opportunities created by decentralization for their own benefit (Tacconi, 2007). Thus, decentralization may challenge traditional power relations and face ‘push-back’ from bureaucrats and elites fearing loss of privileges (see Chapter 10 in this volume). Resistance by powerful groups also can be seen in the value of resources targeted for decentralized management; it has often been argued that the most degraded forests and low-value resources are decentralized, while central states retain control over the most valuable resources (Blomley and Ramadani, 2006; Oyono et al, 2006). It can also be seen in the proliferation of complex regulations, heavy fees and taxation, selective application of laws to different actors and the slow pace of implementation, among others. In many countries, the state uses various means to exert control over decentralized forest management, including complex management plans, restrictions on the use of certain resources through the use of permits, retaining the ability to revoke agreements, or placing perverse incentives (taxes, permits) for rural people to engage with the market. Resistance can also manifest itself outside the law in the form of corruption, patronage and lack of transparency. Conflicts of interest faced by government officials wishing to retain previously enjoyed forest rents are a key constraint in implementation (see Chapter 6 in this volume).

Another major theme running through this book and the wider literature on decentralized forest management is the governance mechanisms that characterize decentralized forest management in different contexts, and the nature of powers and resources being decentralized. The ‘actors, powers and accountability’ framework by Agrawal and Ribot (1999) provides a powerful framework for evaluating decentralization forms and processes. The question of actors focuses on who receives powers in decentralization and who represents local people – whether elected authorities, customary authorities, local management committees or private actors. Powers encompass both the ability to make and carry out meaningful decisions concerning the resource and the economic value of the resource itself. Forest tenure reforms towards increased local management and control are a major form of power

transfer sweeping the the tropics (White and Martin, 2002). Accountability, on the other hand, refers to both the obligation to provide information and explanations concerning decisions and actions, and the ability to enforce rules and apply sanctions (Brinkerhoff, 2001, cited by Ribot, 2003). Accountability may be either upward or downward, the latter being the essence of more democratic institutions. Examples are rife of both unaccountable and upwardly accountable local institutions such as the misappropriation of funds intended for local communities by municipal and administrative authorities and the use of decentralized forest management as a means to shift management costs to local communities (Oyono, 2005; Brockington, 2007). Yet other examples exist to illustrate the potential of decentralized forest management when real powers are devolved to the local level (Lund, 2007).

Another major theme is the impact of decentralized forest management on local livelihoods. Each of the above factors – decentralization policies, the degree to which these policies have been put into practice and governance mechanisms – have helped to shape highly variable livelihood outcomes both within and between countries that have enacted reforms (Edmunds and Wollenberg, 2004; Colfer and Capistrano, 2005; see Chapters 5 and 6 in this volume). Yet livelihood benefits are also mediated by a host of contextual factors – among these the wider governance context (see Chapters 6 and 11); levels of education, legal literacy and empowerment; traditional roles; gender; local institutional capacity for governing the resource base and finances; and levels of poverty – affecting the ability of households to channel increased rights to forest resources into wealth generation. Emerging themes centre on the nature of incentive structures and their role in shaping behaviour (largely outside legally mandated spheres), the challenges of effective representation, and the need for checks and balances that can help to translate policy intentions into field realities.

Forest tenure

Forest tenure is one major form that power transfers can take. While touched on only peripherally in many of the chapters of this volume, it is emphasized here given its cross-cutting importance to all the themes of the volume. Secure rights are often needed to derive meaningful livelihood benefits from forests, to provide incentives for investing in long-term returns from forest management, and to secure local benefits capture from expanding commercial interests. Yet much of the global forest estate is characterized by insecurity over property rights – with property rights to forests often contested, overlapping or unenforced (White and Martin, 2002; Sunderlin et al, 2008).

Property rights or tenure refer to systems of rights and institutions that govern access to and use of land and other natural resources (Maxwell and Wiebe, 1998), including forests. Globally, four main forms of property rights are recognized, as defined by the holders of rights: public property, private property, communal property (governed by common property regimes) and open access (where rights are unspecified or not held by anybody) (Feeny et al, 1990). In Africa, only the first two are widely recognized, with the third officially recognized in some countries:

- 1 *Public or state property* is property that is held in trust by the government on behalf of the people, and for which the state reserves the rights of adjudication of land

use and management. Forms of public property common in Africa include urban and protected areas, reserved lands for national security, and other lands for public utilities.

- 2 *Private property* is recognized in all countries, and can include leasehold land, adjudicated for a determined period (99 years or less) for specific uses; freehold land, where the holder enjoys perpetual rights; and privately owned/registered communal land (with rights held collectively).
- 3 *Communal property* is property held under customary law, with varying levels of formal recognition and treatment within reform processes in different African countries (Wily, 2003).

In addition to classifications of forest tenure by rights holders, it may be analysed as a 'bundle of rights' (Bruce, 1993). For common property resources, these include the rights of access, withdrawal, management, exclusion and alienation (Schlager and Ostrom, 1992). Some authors further differentiate these different aspects of 'breadth' of rights with two other important dimensions: duration (the time over which rights are held) and assurance (the ability of individuals to exercise their rights) (Place and Swallow, 1993). The concept of a bundle of rights acknowledges that individuals may hold some form of rights, while not holding others. In Africa, for example, local communities are often given rights to access forest areas and withdraw forest products for their own consumption; but certain rights to transfer forest products to others through sale are restricted through absolute prohibition (common for jointly managed protected areas) or taxation. In forestry, assessing which rights in the bundle are held by whom is complex, as it is often necessary to differentiate between rights to land versus forest, as well as to diverse forest products (timber and non-timber forest products). With new markets for forest ecosystem services emerging, this web of rights becomes ever more complex, extending rights to biodiversity conservation, watershed protection and carbon sequestration to national and global communities. Further complexities emerge due to overlap and contradictions between formal and customary, *de jure* (legally recognized) and *de facto* (practised) rights.

The relevance of tenure security to forest governance lies in its role in shaping the set of incentives in forest management. History has shown how periods of shifting or insecure tenure have led to widespread overexploitation and destruction of forests (Bekele, 2003). Conversely, tenure security is known to be a necessary – albeit insufficient – condition for sustainable forest management. Strong tenure security coupled with other enabling conditions (market access, forest value, effectiveness of local institutions) can enable local forest users to invest in long term over immediate returns from forests. When systems of rights are unclear or unenforced, open-access regimes may result that quickly lead to resource degradation. While traditionally associated with communal property (Hardin, 1968), open-access situations may also exist with public or private property due to poor enforcement of rights to exclude others. Research has shown that when governed by a common property regime consisting of locally formulated collective choice rules to regulate access and use among a self-governing group of local users, communal property can be managed sustainably (Ostrom, 1990). For both state and communal property, institutions capable of translating a system of rights into a set of practices for ensuring sustainable

forest management are fundamental. It is important to note that these institutions may be 'hybrids' linking different holders of rights (the state, local communities, individuals), irrespective of ownership (German and Keeler, forthcoming). Box 1.4 provides an overview of forest tenure and tenure reforms in Africa.

Box 1.4 Forest tenure and tenure reforms in Africa

Edmund Barrow

Forest tenure in Africa has witnessed multiple transformations throughout the centuries as a function of historical uses, the effects of colonization and land alienation, and the impacts of post-independence policy changes (Platteau, 1996; Diaw, 2005; Oyono, 2007). Customary rights over land and forests were largely expunged, and customary occupants considered 'illegal squatters' on their own land. In forestry, formal rights have historically focused on valuable resources such as timber. Rights to timber were alienated from communities; but colonial administrations often allowed community access for less valuable forest resources through permits. These historical complexities are compounded by a situation of legal pluralism, in which customary and statutory norms and systems overlap and create a system of competing claims over resources within a web of recognized and unrecognized rights. In Cameroon, for example, the 'national domain' is considered by the state as 'vacant' and therefore available for private appropriation – despite its status as customary territory (Bigombé Logo, 2007).

Table 1.1 summarizes ownership patterns in Africa based on United Nations Food and Agriculture Organization (FAO) data (FAO, 2003, 2005) and other data sets (Kamugisha, 2007; Nhantumbo, 2007; Oyono, 2007; Savadogo, 2007). But the 'official' status of forest rights (for Central, French West and Eastern Africa) obscures customary rights and recent gains in local access and control (reflected in Southern Africa; Nhantumbo, 2007)). For Southern Africa the sources and assumptions are well explained (Nhantumbo, 2007),¹ and include a combination of assessment means including FAO data; a greater understanding of *de facto* ownership (especially of lower value forests) by communities; the extent of decentralization of rights to forest management (not necessarily the same as forest ownership); forests that are potentially available to communities (though might not actually be); and the extent to which local government forests are multipurpose and reserved for communities.

A recent wave of forest tenure reforms has strengthened local rights to forest resources in the process of devolving forest management functions. In some cases, there has been an attempt to integrate customary and statutory laws within new land and forestry policies while adopting contemporary concepts of equity (Selebalo, 2001; Wily and Mbaya, 2001). While decentralization policies strengthen local use rights over forests and wildlife on paper, the state has often been reluctant to relinquish control over valuable resources – making it difficult to move beyond rhetoric. In addition to retaining control over high-value forests, costly permits and detailed management plans have made it difficult for communities to benefit from high-value forest products. There are also problems with marginalization and elite capture, as seen in fast-track mechanisms to accelerate land allocation to the private sector without similar

mechanisms for local communities. Opportunities to support growing demands for community ownership and use rights and to harmonize decentralized forest management with land laws (as in Tanzania and Mozambique) are hindered by communities' inability to negotiate and defend such rights. Civil society, though not strong in many parts of Africa, has begun to advocate for formal recognition of customary rights and the transfer of substantive rights for natural resource access and control (including revenues accruing from their exploitation). In several countries in Africa, networks have mobilized to defend community and minority rights to forests and related benefits. However, the strength of civil society relative to the state varies greatly, with greater decentralization where it is strong (e.g. eastern and southern Africa).

Table 1.1 *Regional summary: Who owns Africa's forests?*¹

<i>Forest type (millions of hectares)</i>	<i>Central Africa²</i>	<i>French West Africa³</i>	<i>Eastern Africa⁴</i>	<i>Southern Africa⁵</i>	<i>Totals</i>
Public (administered by government)	1368.28 (99.96%)	41.95 (97.6%)	127.39 (96.8%)	76.23 (36.0%)	613.85 (81.3%)
Public (reserved for community and indigenous use)	0.62 (0.04%)	0.76 (1.8%)	1.624 (1.2%)	121.31 (57.3%)	124.31 (16.5%)
Private (community and indigenous people)	0	0	0	3.59 (1.7%)	3.59 (0.5%)
Private (individual and companies)	0	0.25 (0.6%)	2.62 (2.0%)	10.43 (4.9%)	13.30 (1.7%)
Totals	1368.90	42.96	131.64	211.56	755.06

Notes:

1 Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, Rwanda.

2 Burkina Faso, Mali, Senegal, Togo, Côte d'Ivoire, Mauritania, Niger.

3 Sudan, Djibouti, Somalia, Somaliland, Ethiopia, Kenya, Uganda, Tanzania.

4 Angola, Botswana, Namibia, Zimbabwe, Zambia, Malawi, Mozambique, South Africa, Lesotho, Swaziland.

Source: FOSA (2003); FAO (2005); Kamugisha-Ruhombe (2007); Nhantumbo (2007); Oyono (2007); Savadogo (2007); Sunderlin et al (2008)

Does security of tenure over forest resources translate into improved well-being for communities dependent upon forest resources and often living under extreme poverty? The answer is clearly *not yet*. In addition to state control limiting local incentives to invest, the tendency to devolve low-value resources and lack of support systems for value addition and marketing, have often hindered the translation of tenure reforms into concrete gains for local livelihoods.

Conservation, sustainable forest management and forest governance

One of the key themes explored in this book is the relationship between decentralized governance or community-based natural resource management (CBNRM) and environmental sustainability. Based on the assumed causal link between increased local ownership and control over forests and the incentive to invest in sustained returns, the literature has perhaps over-theorized a positive linkage between decentralization and sustainable natural resource management. This narrative has been propagated in academic and practitioner circles alike without adequate scrutiny. As pointed out by Tacconi (2007), even where democratic decentralization has been put into practice, there is no reason to assume this relationship will hold true. A host of authors in this volume and elsewhere have shown how decentralization and community-based forest management can result in either sustainable forest management or deforestation (Agrawal and Chhatre, 2006; see Chapters 5 and 6 in this volume). In some locations, increasing local control over forests has resulted in increased logging contracts or agricultural conversion as a means of increasing tax revenues or deriving greater value from land (Kaimowitz et al, 1998; Casson and Obidzinski, 2002; Ribot, 2002a; Larson, 2005).

This is not to say that centralized state control over natural resources is any more likely to ensure sustainable forest management. Forest governance models predicated on strong central government control may result in unsustainable practices due either to incentive structures favouring the maximization of resource rents or inadequate capacity to enforce rules of exclusion (Banana et al, 2007; see Chapter 5). Restricting access to customary rights-holders merely drives unsustainable harvesting due to active protest against rules of exclusion or to the incentive structures set up when government controls are lacking; *de facto* open-access situations are created (Katerere, 2000; Mudekwe, 2005). Often, resource access to local communities is restricted while permits for outside actors are increased.

Clearly, democratic and administrative decentralization needs to be supplemented with other policies and practices to ensure conservation or sustainable forest management. The literature posits what some of these conditions might entail. Tacconi (2007) suggests that devolution to local communities in the form of CBNRM or democratic decentralization can only work if the benefits from forests are higher than those from other land uses, creating a utilitarian incentive to conserve forests. This suggests that efforts should be made to decentralize resources with meaningful economic value or to support activities enabling meaningful value addition. It also suggests that in the absence of such value, communities should not be expected to conserve forests on their own accord. According to Ribot (2002), a set of 'minimum environmental standards' is often required due to the livelihood orientation of local resource users. Thus, substantial powers may be devolved to local communities, provided this minimum set of standards is met. The government's role then becomes one of monitoring the extent to which these conditions are met and ensuring compliance.

Other authors suggest that of equal importance to tenure security are the institutional arrangements for putting rules into use (German, 2008). In a study by Banana et al (2007) across nine forests in Mpigi District of Uganda, local compliance

with timber and firewood harvesting rules was observed in areas where there was either strict enforcement of rules by the forest owner, or where there was strong cooperation between local communities and forest owners for forest protection. They conclude that sustainable forest management may be more a function of the institutional arrangement governing that forest than a specific distribution of powers and authority between different levels of government and local user groups. Similarly, Tacconi (2007) suggests that both financial incentives and monitoring and evaluation mechanisms are needed to complement the current decentralization model. Others suggest that effective representation of women and marginalized groups could enhance sustainability through the value placed on non-timber forest products (NTFPs) and multiple use values (see Chapter 7).

Another key theme in this book is the issue of how to reconcile local livelihood priorities with environmental services of national or global concern. According to Sayer et al (2008, p1), ‘processes of governance and rights reform are revealing underlying tensions between the needs to husband the local values of forests versus the need to conserve the so-called public goods values that accrue to society at large’. Reconciling these trade-offs will be a major challenge for resource managers and governments in the coming decades. There are three fundamental approaches to reconciling local rights and benefits with the stewardship of public goods values of forests:

- 1 the establishment of protected areas with rights awarded to local users in ways that are consistent with conservation values;
- 2 recognition of local ownership and use rights, but with certain restrictions or easements on these rights to ensure public goods values are maintained (Sayer et al, 2008);
- 3 involving local resource users as beneficiaries for incentive-based payments for ecosystem services (watershed protection, avoided deforestation, etc).

While conservation organizations and governments have shown a preference towards the first, the promise of the latter two is becoming increasingly recognized worldwide.

South Africa’s experience in water management illustrates how a resource of national concern and requiring management across sub-national and national political boundaries does not easily lend itself to decentralized systems of management. Different administrative functions – from the funding of research to guide policy-making to the establishment of regulatory frameworks and the governance of cross-sectoral water allocations – are required at different levels of a political-administrative hierarchy. Here, the principle of subsidiarity comes in – namely, that decisions be made at the lowest possible level of the political-administrative hierarchy. The crucial role of effective public institutions in securing critical ecosystem functions also becomes clear. Chapter 11 illustrates the pitfalls of grounding forest management in strong government oversight in the absence of local incentive structures and legitimacy: during lapses of government oversight, rapid loss of forest cover and ecosystem services can occur even where local organizations for sustainable forest management are strong. Ultimately, the most resilient organizations for sustainable forest management will be those that provide sufficient incentives to local communities, where the goals and minimum conditions of forest management are clear, and where there are strong institutional arrangements at multiple levels to put rules into practice.

International trade, finance and forest-sector governance reform

The forest sector is more embedded in the global economy than ever. Africa's natural resources are gaining in global importance as one of the 'last frontiers' for exploitation by global actors. The recent food and fuel crises are placing new pressures over vast tracts of forest and other land, land which is often considered 'underutilized' by national governments despite their critical role in supporting local livelihoods. This trend is, in part, due to rapid growth in emerging economies such as China, with economic growth increasing demand for energy, water, food and forest products (Toyne et al, 2002; White et al, 2007). With domestic sourcing falling far short of demand and restrictive policies on logging, China has become the world's largest importer of timber – with forest product imports to China increasing threefold and log imports fivefold from 1997 to 2004 (Mackenzie, 2006). The impact of this demand on Africa's forests is already being felt and is likely to continue apace (Toyne et al, 2002; Mackenzie, 2006; White et al, 2006). In addition to these direct linkages, emerging economic powers are likely to have a profound influence on the performance of global economic and financial systems (White et al, 2007). With the influence of the World Bank and European markets eroding, so too could their political influence around issues of transparency and improved governance (Karsenty, this volume). With looser standards for information sharing and transparency, this expansion of players and practices will make it more difficult to identify and influence markets and business practice. Markets for environmental services of global interest such as the growing market in carbon credits, while presenting a new window of opportunity for capturing value from standing forests, must contend with other competing land uses.

These economic trends are occurring in the context of shifts in social and political systems related to forest tenure reforms, decentralization and declining authority of central governments, expansion in telecommunications and information access, and the rising influence of informal networks (Roda, this volume; White et al, 2006). Increased demand for forest products in the context of tenure reforms and decentralized decision-making could create unprecedented economic opportunities for forest-dependent communities. However, increasing 'stakes' over forest resources and land will also create new levels and types of challenges for forest governance. As stated before, elite capture by powerful economic interests in contexts of weak and shifting governance constitutes one of the main challenges. Furthermore, poor track records of regulatory reforms, entrenched industrial interests, economies of scale, and diminished roles and responsibilities of national governments represent substantial challenges for making this a reality.

Chapter 4 of this volume and Sunderlin et al (2008) raise concerns that the promising royalties under the new REDD mechanism for avoided deforestation could create incentives for states to create 'conservation rents' at the expense of local communities. If powerful elite networks, multinational companies and migrant ethnic groups have been more effective in capturing Africa's economic opportunities in the past (Bonacich, 1973; UNSC, 2002), it is imperative that we take a new look at the characteristics of governance reforms required to enable these opportunities to be harnessed for the benefit of local communities and African societies. Certainly, the

central state has a role to play in regulating industry to ensure that social and environmental standards are adhered to and to assist resource-poor households to participate in emerging markets and to access benefit flows. A core challenge in the decades ahead is to support a transition from weak governance and historical patterns of corruption and patronage to enabling governments to act in the public interest.

CHAPTERS IN THIS VOLUME

This volume is divided into three major sections. Part I provides an overview of the key themes in this volume. Part II explores key themes associated with decentralization processes and outcomes, including a look at the extent to which democratic decentralization has been implemented, livelihood outcomes of decentralization reforms, and lessons learned in efforts to use decentralization as a means of achieving both rural livelihood and environmental objectives. Part III takes a look at some of the broader global drivers of trends in the sector, including major shifts in policies and industrial organization, the emergence of carbon as a global forest commodity, and some of the initiatives and challenges of harvesting valuable forest resources for meaningful local and national development in the context of expanding global trade.

Part I has three chapters that help to frame the volume as a whole. Chapter 2, by Jesse C. Ribot, sets a foundation for discussions about decentralization by clarifying concepts, providing a brief historical overview of past decentralizations in Africa, highlighting some of the obstacles to implementing democratic decentralization in practice, and distilling lessons on decentralization processes and outcomes. He argues that democratic decentralization reforms rarely take place, in forestry or any other sector, making it difficult to understand the conditions under which democratic decentralization improves equity and efficiency or alleviates poverty. He finishes by outlining opportunities for legislating and implementing democratic decentralization, and an approach to promoting democratic environmental governance. Chapter 3 is by Mariteuw Chimère Diaw, who analyses the disconnect between the dominant forms of political expression and social change found in the decentralization and conservation arenas, and the highly resilient customary institutions and informal networks that have been on the receiving end of these projects. He argues that governance systems and reforms favouring ‘crafted institutions’ and rendering customary institutions invisible have been the cause of many governance challenges due to the unanticipated complexities of local reality as well as active resistance to dominant discourses and practices. He sees these disconnects manifested in the tendency of power to evolve outside the reach of formal institutional structures and processes, and in the resulting elite capture and uncertainty of outcomes from standardized reforms (see also Diaw, 1998). Diaw introduces the concept of ‘space-taking’ as a metaphor for the unanticipated expressions of local agency, arguing that decentralization would be better served by creating or granting space for local agency and deliberative process (with space for negotiation for weaker voices) as opposed to over-defining how local actors should organize. The last chapter in this section (Chapter 4) is from Alain Karsenty, who

expands the forest governance dialogue to the international realm, emphasizing the emergence of a new global architecture for trade in forestry products. He introduces the concept of the 'grand game' to refer to strategic rivalries between powers seeking control over geographic areas or prime resources, and explores two 'grand games' playing out in Africa at the moment. First, the emerging economies such as China are generating a new rivalry in Africa for high-stake access to natural resources (and, to a lesser extent, markets), and eroding the influence of the World Bank and other Western interests – with potential risks to ongoing governance reforms. The second is the positioning of actors around access to future income from conservation linked to international efforts to combat climate change.

Part II has eight chapters that focus on core themes which have characterized the literature and practice on forest decentralization and sustainable forest management in Africa and globally. The first of these themes is the relationship between decentralized forest management and local livelihoods. Chapter 5 by Pamela Jagger illustrates why Uganda is at the forefront of governance reforms in the region (Ndegwa, 2002) in terms of the proportion of forests managed by decentralized local governments, and explores the extent to which this has led to gains in local livelihoods and sustainable forest management. Tom Blomley and colleagues explore a similar set of issues in Chapter 6, but focusing on livelihood outcomes from community-based forest management in Tanzania. He explores why a progressive policy ensuring that almost all forest management benefits are captured at the community or forest-user group level has not led to the anticipated economic returns for local communities. Factors considered include the quality of the resource transferred to communities, governance failures at diverse levels and broader discourses on environmental destruction. In Chapter 7, Solange Bandiaky and Anne-Marie Tiani explore local impacts through the lens of gender and equity, exploring the extent to which decentralized forest management actually delivers its theorized benefits in terms of equity and improved representation of marginalized groups.

The next set of chapters explores the challenges of fostering local livelihood benefits from the decentralization of forest rents (fiscal decentralization). In Chapter 8, Sébastien Malele Mbala and Alain Karsenty explore the attempts and pitfalls of establishing fiscal decentralization policies in the Democratic Republic of Congo, where a long period of political unrest has created a governance vacuum in vast forest areas. They highlight the challenges of governing natural resource wealth in countries composed of sub-jurisdictions with highly heterogeneous resource endowments. Chapter 9 by Patrice Bigombé Logo explores factors hindering effective livelihood outcomes from fiscal decentralization in Cameroon, including the extent to which elite capture by local government officials and upward accountability have shaped livelihood gains from the substantial flows of forest revenues to municipalities and local communities. Chapter 10 by Bréhima Kassibo similarly illustrates the various ways in which elite interests (in this case, traders and public servants) can shape both ongoing reforms and flows of resource rents, and in turn local incentives for sustainable harvest. A common theme running through these chapters is the role of political interests in capturing opportunities or positions of privilege in contexts of weak or shifting governance and limited checks and balances.

Another core theme in this section is the relationship between decentralized forest management and environmental sustainability. The contrasting findings in Chapters 5 and 6, which show that both negative and positive environmental outcomes may result, are given partial explanation in Chapters 11 (by Everisto Mapedza) and 12 (by Nadia Rabesahala Horning). Mapedza explores the role of political uncertainty in the capacity to sustain gains in equity and sustainability achieved under two of Zimbabwe's CBNRM initiatives hailed as a success internationally. He explores the role of the broader governance context in shaping the implementation of, and outcomes from, decentralized natural resource management, and touches on paradigmatic themes for the integrated conservation and development debate. Among these is the role of incentive-based (as opposed to regulatory) systems for sustainable forest management to enhance resilience in times of political and economic uncertainty; how to align conservation with local livelihood interests (e.g. via transfer of resources with meaningful economic value); and the role of effective public institutions in complementing local efforts to secure critical ecosystem functions. Horning's chapter then makes an ambitious attempt to distil a set of limited and specific conditions under which conservation is possible. The role of certain conditions and their interaction – among these the interests of individual users, how these interests relate to interests of other users, and rule enforcement capabilities – are explored. The chapter echoes a core theme in the decentralization literature – namely, that rules alone are insufficient for ensuring the outcomes that these rules are designed to achieve.

Part III has six chapters that go beyond decentralization to broader forest governance issues, with a focus on key trends in globalized trade and investment, how these trends are affecting local forest users, and attempts to strengthen forest governance in the context of increased demand for forest products and services. Chapter 13 by J. Henry Owusu explores the long-term consequences of Ghana's free market-based economic recovery programme of the 1980s on both the environment and forest communities. Hailed as a success internationally, this chapter highlights the consequences of accountability to international financial actors – which dramatically transformed the traditional relationships between the formal and informal sectors of the wood industry – on jobs and local livelihoods. Chapter 14 by Simon Milledge demonstrates how the 'golden opportunity' provided by the recent rapid growth of Tanzanian indigenous hardwood exports has led to less than satisfactory results for equitable and broad-based benefits. He explores how uncertainties created around national governance reforms interact with global market forces to shape a set of perverse incentives and governance shortfalls in the sector. Chapter 15 by James K. Gasana and Jean-Marie Samyn summarizes the state of play on the continent for international cooperation in forest law enforcement and governance (FLEG), aimed at curtailing illegal logging and illegal timber trade and fostering trade in sustainably sourced timber. The authors explore the extent to which increased awareness and a host of commitments at diverse levels have led to anticipated outcomes, and the extent to which adaptive learning on FLEG implementation and complementary governance instruments are necessary to consolidate the potential gains from FLEG initiatives in addressing the age-old problems of illegal logging. Luke Freeman and colleagues (Chapter 16) explore the potentials and limitations of a market-based instrument for

enhancing local livelihood benefits from international timber trade – namely, Forest Stewardship Council (FSC) certification. These authors explore the promise and pitfalls of the FSC requirement of free, prior and informed consent by exploring how pygmy hunter-gatherers are consulted and involved in the management of forest concessions in the Congo Basin.

The last two chapters of Part III focus on emerging trends in the forest sector that are compounding the challenges to forest governance on the continent. Chapter 17 by Jean-Marc Roda explores a major shift in the pattern of industrial organization in the extraction and trade of tropical timbers that emerged during the mid 1990s. He highlights the properties that confer competitive advantages to this mode of organization, the ethnic networks that have managed to capture these opportunities, and their adeptness in exploiting governance shortfalls.¹ The chapter suggests that more creative governance instruments are required to ensure sustainability and equitable benefits capture from the forest sector. Chapter 18 by Carmenza Robledo and colleagues explores the emergence of carbon trading in the forest sector. They explore the degree to which high transaction costs and complex requirements represent insurmountable barriers to equitable benefits capture, and the emerging governance issues associated with carbon credits as a new international forestry commodity. They explore the key issues that must be looked at in the public and private sectors and for civil society in order to ensure good governance of forest resources in the context of climate change, illustrating the new layer of complexity brought in by new opportunities for deriving meaningful economic returns for society. Each of these chapters reiterates the challenges of harnessing valuable forest resources for meaningful local and national development in the context of expanding global demand for forest products and services. The concluding chapter (Chapter 19) by Doris Capistrano in Part IV pulls together the various strands of conversation and evidence from the chapters in this volume and the wider conversation initiated in Durban and in earlier workshops.

CONCLUSIONS

The forest sector faces unique challenges of governance related to the often competing demands for government revenue, local livelihood values and the provision of public goods in the form of forest ecosystem services. In this regard, challenges of equity and sustainability are paramount. Age-old challenges of forest governance on the continent are likely to increase exponentially as new public and private actors seek to secure privileged access over land and resources that are increasingly limited worldwide. This book is part of a larger project to keep a finger on the forest governance and decentralization pulse; to continue to share experiences across countries; and explore emerging themes in forest governance and decentralization in major world regions. More importantly, it represents an effort to clarify what has been learned from decentralization in the past and to highlight emerging challenges to come in order to better prepare African communities, leaders and civil society for the challenges and opportunities on the road ahead.

NOTE

- 1 As well as to align themselves to the rule of law in cases where governance is strong.

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