

# ITTO Tropical Forest

## UPDATE

A newsletter from the International Tropical Timber Organization to promote the conservation and sustainable development of tropical forests

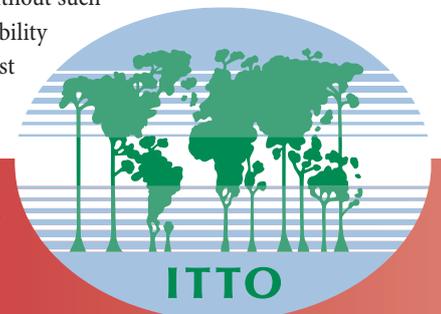


## Owning forest in Asia

**F**orest-tenure reform is coming to Asia. It has already arrived in China—there, 58% of forests are now owned by communities. Asia-wide, just under one-quarter of the total forest estate is owned by communities and indigenous groups, and another 3% is designated for use by them (see page 8).

Some countries lag behind, however. In Indonesia, for example, less than 1% of the forest estate has been designated for use by communities, and none is owned by them. Laws governing tenure are unclear and usually disadvantage communities. Often, large companies—forest concessionaires, miners and

developers of industrial plantations—are given rights to forest land that is under the customary ownership of communities and indigenous peoples. This can lead to conflict, including violent conflict, and there is no effective mechanism for resolving disputes. A lack of dialogue between government, concessionaires and communities greatly reduces the likelihood of effective forest-tenure reform. And without such reform there is no real possibility of achieving sustainable forest management.



**Special edition** ▶ *International Conference on Forest Tenure, Governance and Enterprise: Experiences and Opportunities for Asia in a Changing Context*

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... Editorial continued

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In July 2011, ITTO, the Rights and Resources Initiative (RRI) and the Indonesian Ministry of Forestry combined to host, on the island of Lombok, the *International Conference on Forest Tenure, Governance and Enterprise: Experiences and Opportunities for Asia in a Changing Context*. It is the third of a series of such conferences: the first was held in Acre, Brazil, in 2007 and the second in Yaoundé, Cameroon, in 2009.

The conference was attended by about 300 participants from Indonesia and other countries in the Asia-Pacific region (Australia, Bangladesh, Cambodia, China, Fiji, India, Japan, Laos, Malaysia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Sri Lanka, Thailand and Vietnam), Europe, Africa and the Americas. Participants comprised representatives of governments, civil society, local communities, traditional authorities, regional and global organizations, and donors.

One of the prerequisites for resolving conflicts and injustice associated with forest tenure is political will. It is becoming clear that while this is increasing in some countries in Asia, it is yet to manifest in others. Forest-tenure reform is never likely to be easy, but done well it can solve, reduce or at least bring to light many deep-seated problems—such as those related to gender (page 15). It can also create opportunities for communities, the private sector and nations to simultaneously increase wealth and reduce forest loss and degradation (page 19 and page 21). Participatory mapping is increasingly being used to distinguish customary rights; it also helps to prepare communities to manage the rights that such processes help them acquire (page 25).

The offer made by the Government of Indonesia during the 46th session of the International Tropical Timber Council in November 2010 to host the Lombok conference was a signal that Indonesia is ready and willing to tackle forest-tenure reform. A further sign was the presence at the conference of Indonesia's Vice-President, Boediono, the country's Minister of Forestry, Zulkifli Hasan, and the head of the

President's Special Delivery Unit, Kuntoro Mangkusubroto.

Many in Indonesian civil society were skeptical. It was just window-dressing, they thought. Nevertheless, by the end of the conference they had begun to change their tune (see 'Closing comments' on page 32). The conference was an opportunity for leaders of disaffected communities to air their grievances to an international audience, but it also enabled officials of the Government of Indonesia to make overtures to such communities and to commit to a multi-stakeholder dialogue. A meaningful process to address forest tenure is now a real possibility in Indonesia.

Conference participants agreed that the time has come in Asia to move community forestry to a higher level in order to unlock the potential of forests to make a significant, consistent and sustainable contribution to community and national development. They formed a consensus on the steps that must be taken in Asia to promote, initiate and continue forest tenure reform (page 27) and invited donors and international organizations to advance a new generation of tenure reform and community forestry initiatives.

**Alastair Sarre<sup>1</sup>**  
**Jenna DiPaolo<sup>2</sup>**  
**Steve Johnson<sup>1</sup>**

*This special edition of the TFU summarizes many of the presentations of the Lombok conference. For a complete set of presentations and other materials generated by the conference go to <http://www.rightsandresources.org/events.php?id=432>.*



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**Cover image** Village trees: The Indonesian government wants to increase the area of forests designated for use by communities. *Photo: Tetra Yanuariadi*

**Conferences like this can lead to real change**

## Emmanuel Ze Meka

ITTO Executive Director



Photo: Tetra Yanuariadi

The many benefits of forests are generally well known and understood, but knowledge of them has been insufficient to alleviate the pace of forest loss and degradation. According to the latest ITTO report on the status of tropical forest management, released in June this year, less than 10% of forests

in ITTO member countries are managed sustainably for production or conservation purposes. This is an improvement compared with the previous assessment in 2005, but not a significant one.

One of the main reasons for the slow uptake of sustainable forest management is the denial of or insufficient clarity on tenure of the lands where indigenous peoples and local communities are the main managers and dwellers and which they claim as their ancestral homelands. Communities are less inclined to contribute to the enforcement of forest laws, including those to combat illegal logging, if their rights are not properly recognized and they receive few benefits for doing so.

To help address this fundamental problem, ITTO, RRI and host governments convened the first ever international conference on forest tenure in Acre, Brazil, in 2007, followed in 2009 by a second conference in Yaoundé, Cameroon, in cooperation with the Government of Cameroon. At this third conference, here in Lombok, the specific objective is to catalyze action to advance tenure reform, improve forest governance and support community-based forest enterprises in Asia. It is directed not only at governments in tropical countries, calling for the initiation or continuation of reform of laws and procedures to empower local communities, but also at the international community, with a view to increasing support for reform processes and the management of forests by local and indigenous communities.

## Andy White

Coordinator, Rights and Resources Initiative



Photo: Hwan Ok Ma

This is an important moment in Indonesia because the forest sector is on the cusp of tremendous change. Forest dwellers, investors, owners, politics and power are changing. We all sense the opportunity to shape these forces for the benefit of the citizens of the forests and the wider community.

We are still hearing about the outcomes of the first in this series of conferences on forest tenure, which was held in Brazil. The Brazilian NGO community has since forged a new agreement on community forestry, resulting in a new national council on community forestry, as well as new policies, programs and financial support.

In Cameroon it is a similar story. Despite the misgivings of many community members and government officials, over the course of the week they came together and agreed on new targets and a plan for moving forward. This has become a baseline in the region.

It is fair to say that none of us thought that those meetings would be so productive. Each was somewhat uncomfortable at the beginning, but, by the end, concrete steps for advancing tenure reform had been laid down.

Here in Asia, many forest-dependent people have customary uses and claims. There is also a high level of conflict. Women are disproportionately disadvantaged in forest areas and, with much weaker land, civil and political rights than men, they are particularly likely to be marginalized. The marginalization of women is a horrible scar on the forest sector that we must deal with if we are to move forward.

What is the best approach? How do we reduce conflicts? How do we bring more justice and rights to women? No country that has undertaken forest-tenure reform seems to regret it. Tomorrow is too late to start because reform will only become harder in the future as populations increase and as interest and investment in natural resources grows.

## Hedar Laujeng

Chair, Community Chamber, Indonesia Forest Council



Photo: Tetra Yanuariadi

Indonesia has one of the largest forest areas in the world and is responsible for managing those forests as best it can. For that, support is needed from many parties, including the communities who live in and around the forest.

A number of obstacles hamper community participation. One of these is the laws and regulations that still have a colonial bias and do not favour local communities, including peoples whose ancestors lived in the forest well before this republic was established. This is nothing new. It occurs everywhere in countries that were built on the ruins of a colonial power. A second problem is the unresolved boundaries of forests. Most forest in Indonesia does not have clear boundaries, and that leads to conflict. In Indonesia today, we are in a transition from an authoritarian to a populist legal system. This was marked by an amendment to the 1945 national constitution, which also included specific provisions on human rights. Now a review and revision of laws are required, including those pertaining to forests.

The Ministry of Forestry is committed to resolving widespread forest-based conflict in its 33 provinces. We hope this conference will contribute ideas for realizing that commitment. It is an opportunity for us to exchange ideas and information, to learn from each other, and to build trust.

## Zulkifli Hasan

Minister of Forestry, Indonesia



Photo: Ministry of Forestry

At the 46th session of the International Tropical Timber Council, convened in Yokohama in December 2010, it was decided that Indonesia would be the host and co-organizer, with ITTO and RRI, of this international conference. This was partly because Indonesia is playing a strategic role in addressing climate change in line with President Yudhoyono's commitment to reduce greenhouse emissions by 26% by our own means and 41% with the help of the international community by 2050. Indonesia is interested in changing its laws to address climate change and land tenure, including by engaging other stakeholders.

I would like to report that today we have with us a number of *bupati* or district heads, who will receive areas designated as community forests covering 89 124 hectares and village forests covering 11 834 hectares. In this regard it would be our honour if Your Excellency, Mr Vice-President, could witness the presentation of the decrees of the Minister of Forestry concerning the area designations.

The Ministry of Forestry will continue to promote the development of community forests, village forests, people's forests and people's forest plantations as approaches and mechanisms for resolving forest tenurial issues in Indonesia through the priority policy of empowering communities within and around forest areas.

## Boediono

Vice-President, Indonesia



Photo: Ministry of Forestry

This is not the first time in history that mankind has faced resource constraints. Each time it has occurred, the challenge has been met through two modes: improved technology, and better institutional arrangements. It is no different now, except that the situation is more complex than it has ever been. The solution lies, as ever, in technology and institutions. This conference will focus primarily on

institutional aspects, especially the core issues of rights and tenure.

Some time ago the most blatant violation of good forest management was illegal logging. Since then, the government has made substantial efforts to curb this problem and it is now in decline, although it is still an issue in some areas.

Another problem is forest fire. The main cause is the practice of clearing forest by burning, but dry weather might be an increasingly important factor. When peat soils are burned they release large quantities of greenhouse gases. So we are placing an emphasis on the management of peat forests.

It is becoming clear that underlying many of these problems are systemic problems in governance. Therefore the government recently imposed a two-year moratorium on the issuance of licences to clear forest. This time will be used to improve the system, including through the development of more reliable forest and land-use maps, more transparency in the area of land rights and the resolution of tenure matters, and more effective monitoring. Moreover, we want to increase investment in carbon. None of this will be easy because it will involve coordinating between agencies that are used to working separately, but it must be done if the resource is not to be damaged irreversibly.

The primary goal of the Indonesian government is to raise the standard of living of people in a sustainable way. This means sustained economic growth of 7% per year. This is well within our reach and the capacity of our resources, provided we do the right things in at least two areas. We need a viable system of governance for managing our resources, including forests; and we need to use technologies to trade off between economic growth and the environment in an optimal way. In both the institutional and technological domains we are open to cooperation with other countries. I declare this international conference open.

## Land and forest-tenure reforms are key to implementing a climate-change-sensitive development agenda in Indonesia

by Kuntoro Mangkusubroto

Chair, President's Delivery Unit for Development Monitoring and Oversight  
Indonesia



Ready to talk: Indonesian communities want more say in forest management. Photo: Tetra Yanuariadi

I am indeed honoured to participate in a conference of this magnitude, which brings us together to discuss an important topic: land tenure.

Before I get to that, however, I would like to share a bit about my role in the President's Delivery Unit for Development Monitoring and Oversight, or UKP4. My role has required me to look at issues from a cross-sectoral perspective, to go beyond the bureaucratic walls, literally and figuratively, to make sure things happen on the ground. I have been assigned, as the name of the unit implies, to ensure that the government delivers public service in accordance with President Yudhoyono's commitments.

One of those commitments is to reduce emissions by 26% from business-as-usual by 2020 by our own resources, and by 41% with the support of the international community. More than 60% of Indonesia's emissions come from the land-use and forestry sectors, which are projected to continue to be the largest emissions contributors to 2020. That is why responsible natural resource management and land use will play a vital part in achieving the President's emissions reduction targets.

This commitment by the President was welcomed by the Government of Norway, which has signed a Letter of Intent with Indonesia to reduce emissions from deforestation and forest degradation (so-called 'REDD+'). Through the Letter of Intent, the Government of Norway has agreed to make contributions to the amount of US\$1 billion based on Indonesia's performance.

Indonesia has also set a target of 7% annual economic growth. To achieve this, the government has launched an ambitious economic master plan to create six economic corridors across the archipelago.

The commitments to 26% emissions reductions and 7% growth are not mutually exclusive; it is not about a choice of one or the other. Indonesia is committed to striking a balance between emissions reductions and economic growth.

The issue of land tenure undoubtedly influences how we manage our natural resources nationwide. Improving forest governance and land tenure is in line with our efforts to reduce poverty—at least 10 million forest-dependent people live below the poverty line. We cannot address the sustainable use of our natural resources if we do not address the complexities of land tenure—that is, determining how access is granted to the rights to use, control and transfer land and defining the associated responsibilities and constraints.

Taking steps toward sustainability is a relatively recent development in Indonesia. However, the issues of land rights and ownership have been discussed for over a century. The first forestry law came into effect in 1865, followed by the first agrarian regulation in 1870. This provided a legal basis for the state to own land through 'domain declaration'. The *adat*—or customary—tenure system was respected only for areas not under the state's domain.

After Indonesia's independence, the Basic Agrarian Law was signed in 1960, almost 100 years after the first agrarian regulation, whereby *adat* territories were recognized. A new forestry law followed in 1967, during the early years of the New Order. It was heavily influenced by the Dutch Forestry Law, under which *adat* forests were claimed as state land.

In the 1980s the newly established Ministry of Forestry defined 141 million hectares as forest estate. The area classified as forest estate was based on a survey, remote



Photo: Hwan Ok Ma

sensing techniques available at the time, and the application of biophysical criteria. No customary considerations were accounted for.

The Basic Forestry Law was issued in 1999, providing the Ministry of Forestry with the legal basis for defining and managing the forest estate. Authority to issue ownership rights, which is regulated by the Agrarian Law, 1960, was not addressed. The Basic Forestry Law, 1999, governs our forests today.

Indonesia consists of 190 million hectares of land with a population of more than 220 million people. One hundred and thirty-three million hectares, or 70% of our land, is classified as forest estate and managed by the Ministry of Forestry. The remaining land is called 'other land use' and is managed by the National Land Agency. This division is the result of the long history that I've just outlined for you, a history that has deep implications for our current status.

What we confront now in Indonesia is the result of a journey spanning more than a century. We face two pressing challenges. The first is the dualism of forests—the contradiction between administrative boundaries and biophysical reality. Indonesia has vast forests, even primary forests, to the amount of 15 million hectares, *outside* the area classified as forest estate. At the same time, there are 26 million hectares of non-forested land *inside* the forest estate. This puts some forests at risk of non-sustainable usage and restricts management options on deforested land inside the forest estate.

The second challenge is unrecognized private rights, including *adat* communal land, within the forest estate. Thirty-three thousand villages are currently located within or around the forest estate. It can be argued that these villages are illegal because they are on state land, but the people who live in them will claim that they have lived there for generations.

Land tenure is not a sector-bound issue—it is multi-dimensional. Land-tenure relationships are a convergence of

social, cultural, technical, institutional, legal and political forces that push and pull, creating absolute tension. We recognize this tension when we observe, among other things, illegal logging, conflict resulting from overlapping land permits, and the exploitation of natural resources, women and vulnerable groups.

One example is Riau, a province in Sumatra known for its biodiversity and vast area of peat land. The Pangean community and an oil-palm plantation group have had a conflict over a 583-hectare area since 1999, and mediation is still in progress. Further, a pulp-and-paper producer has been in conflict with Lubuk Jering village over a 1627-hectare area. An agreement was reached in 2008 but has not been fully implemented because of internal conflict in the community.

Another example is the conflict between 17 villages and at least six companies in Kampar Peninsula. Conflicts can arise due to differing development agendas at the national, provincial and district levels. Since the establishment of Riau's forest estate in 1986 there have been at least 65 function changes and re-allocations, but the provincial government still uses the original 1986 map as a reference.

In Central Kalimantan, a province that has been selected by President Yudhoyono as the pilot for REDD+ implementation, four million hectares of forest estate, or 25% of the province, have overlapping land-use certificates. Some 3.1 million hectares of forest estate have overlapping regional government permits, including 560 000 hectares that also have licences from the Ministry of Forestry on top of regional permits.

I believe this is not the first time you are hearing about these conflicts. This is not the work of one person or a single institution, or something that took place overnight. Rather, it is the result of an accumulation of decisions, regulations and paradigms that our forefathers considered relevant in the past.

Having said that, we have reached a juncture in our journey where it is not too late to change course and rectify past mistakes. We cannot let fear of making another mistake prevent us from taking bold steps forward. This is our chance to untangle our convoluted past and to make a lasting difference. Given the momentous task at hand, I will concede that it will not be easy. Still, we have to start somewhere. And that time is now, here in Lombok.

President Yudhoyono recently issued an instruction to suspend the issuance of new forest and peatland licences for two years, widely known as 'the moratorium'. As mandated by this Presidential Instruction, actions must be taken in the framework of improving forest and peatland governance. We must carry out two immediate actions, and I strongly recommend them.

The first is to create 'one map'. This will be the one and only map used by all ministries and government institutions as

the basis for decision-making. This integrated map should have robust definitions and apply the latest methods and techniques to identify the position and size of our forests, wall-to-wall across Indonesia. Stakeholders, including indigenous communities, will be encouraged to provide input through a transparent and participative process.

Second, we must accelerate the enactment of forest estate—in Bahasa, the term is *pengukuhan kawasan hutan*—including through community-based participatory mapping. Most forest estate is still in the designation phase, and only 14.2 million hectares or 12% has been enacted to now. The enactment of forest estate will identify private rights and it should be done in parallel with the registry of *adat* land. Forest land use can only be done after enactment to guarantee that *adat* rights are recognized. We may at this juncture start hearing the term community-managed forest, which is a more comprehensive concept than *hutan tanaman rakyat* (HTR).

It is imperative that these actions are taken not only in forests, but also on peatland. Indonesia has 32.6 million hectares of peatland hydrological ecosystems. Peatland can continue to emit large quantities of greenhouse gases even after deforestation, which is why it is emphasized in the Presidential Instruction on the moratorium.

In his opening remarks at this conference (page 4), the Vice-President stated that technology and improved institutional arrangements provide us with opportunities to overcome the challenges of development. The development of one map and the enactment of the forest estate provide a stage to once more showcase how we can use state-of-the-art technology dovetailed with institutional reform to immediately overcome the challenges of land tenure and deliver to the people.

Further, Indonesia is committed to longer-term forest-tenure and land-tenure reform. The People's Consultative Assembly Decree (Tap MPR) No. 9/2001 on Land Reform and Natural Resources Management—which is the highest law—has mandated the review and revision of all land-tenure regulations for multi-sector synchronization. This can include the Forestry Law, 1999, and the operational regulations of the Basic Agrarian Law, 1960.

The People's Consultative Assembly Decree also instructs us to conduct land reform with considerations of conflict resolution and resolving land inequality for landless peasants; to develop an inventory and registry of land tenure comprehensively and systematically; and to resolve and anticipate land-tenure and natural resource management conflicts. All these should be implemented based on the principle of recognizing, respecting and protecting *adat* rights.

The Ministry of Forestry announced yesterday (see page 4) that it will allocate 89 000 hectares to districts for community-managed forest areas. Some say that we need more land allocation for this purpose. I see this as a step in the right direction.

We have started on the right track but what matters most is what happens on the ground. We must focus on three aspects: implementation, implementation and implementation. That is what we call delivery.

It is important that we distil policies and regulations to develop practical rules and instruments to make land tenure operational. Also, we need to support local communities so they can obtain access through an easily digestible process.

Providing licences to the land allocated for community-managed forests is critical for ensuring access. The formal state administration for land rights,

access and security must accommodate the informal rights and practices accepted under local customs.

Our approach needs to be parallel, holistic, thematic, multi-stakeholder and action-oriented to meet the daunting challenges of climate change and beyond. While land should have clear boundaries, knowledge and experience should not. The issue of land rights and reform will also affect our food and energy security, so this is a cross-sectoral issue. Provinces and districts will play important roles as actors on the ground. A paradigm shift is imperative, from exploitation to the sustainable and responsible use of natural resources.

I am pro-growth. I am not against development. Land-tenure and forest-tenure reform is about increasing people's welfare and living standards, reducing poverty by providing jobs, and living in harmony with the environment. Now is the time to put things into action.

*This is an edited version of the speech delivered at the conference by Kuntoro Mangkusubroto on 12 July 2011.*

### **Joint statement by United States and Indonesia notes importance of commitments made at Lombok conference**

Indonesian Foreign Minister Dr R. M. Marty M. Natalegawa and United States Secretary of State Hillary Rodham Clinton met in Bali on 24 July 2011 to co-chair the second meeting of the US–Indonesia Joint Commission. They discussed, among other things, the Indonesian government's recent pledge on forest-tenure reform made at the Lombok conference. According to a statement issued by the US Department of State, the co-chairs of the Joint Commission's Working Group on Climate and Environment reported on accomplishments in priority areas, including intensified consultations on global climate-change action, tropical forests, environmental management and governance, and biodiversity and ecosystems conservation. Noting Dr Mangkusubroto's speech on land tenure at the Lombok conference as a major step forward for forest-dependent communities, and recognizing the importance of an accurate forest mapping system, the Working Group identified the following key challenges and actions: piloting REDD+ programs; strengthening climate-change measurement, reporting and verification systems; advancing the establishment of a climate-change centre; protecting biodiversity, including habitats that are critical to the survival of orangutans and tigers; combating illegal logging; and promoting the sustainable management of forest and marine ecosystems.

# Forest tenure in Asia



Panelists from left: Leif John Fosse, Iwan Taruna Isa, Boen Purnama, Hadi Daryanto, Nonette Royo, Mahendra Joshi. Photo: Tetra Yanuariadi

## Forest tenure in Asia

by Ganga Ram Dahal

RECOFTC—The Centre for People and Forests

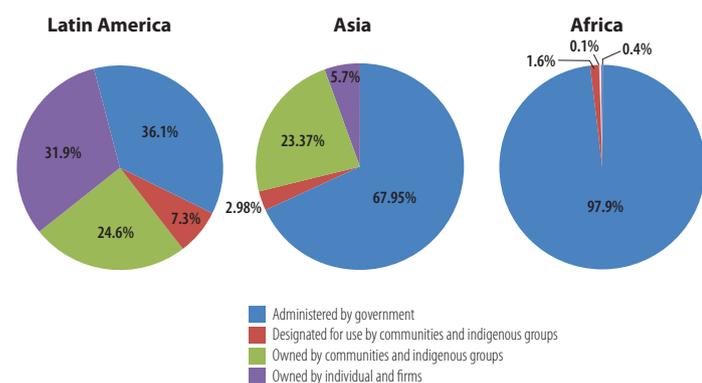
Before presenting data on forest tenure in Asia I should first clarify some key terms. My co-authors<sup>1</sup> and I consider tenure to be a bundle of rights that includes access, use, management, exclusion and alienation. Ownership refers to a particular type of tenure involving exclusive and permanent rights; forest or tree ownership may be state, private or community, and forestland ownership may be public or private. Public ownership can be further divided into two subcategories—administered by government, or designated for use by communities and indigenous groups. Private forest may be owned by individuals and firms, or by communities.

In Latin America, 36% of the forest is owned by the state. In Asia, 68% is under government administration and in Africa the figure is almost 98% (see figure).

In Asia and the Pacific we have data for eleven countries<sup>2</sup> for 2002, 2008 and 2010 (although 2010 data were not available for all countries). The eleven countries account for more than 80% of the region's forests.

Overall, the area of public forest designated for use by communities and indigenous groups increased from about 13.4 million hectares in 2002 to 19.1 million hectares in 2008. The area of forest owned privately by communities and indigenous groups increased from 146 million to 150 million hectares.

### Forest tenure, three regions



<sup>1</sup> Ganga Ram Dahal, James Bampton and Julian Atkinson, with contributions by Yurdi Yasmi and Nguyen Q. Tan.

<sup>2</sup> Australia, Cambodia, China, India, Indonesia, Japan, Myanmar, Nepal, Papua New Guinea, Thailand and Vietnam.

In India, about 73% of the forest is administered by government; in China, 42% of forests are administered by government and 58% are owned by communities. In Indonesia, 98.4% of forests are administered and controlled by government. The area of government-administered forest has decreased in Nepal and Cambodia, and indigenous and community ownership has increased in both.

### Why is forest tenure changing?

We think a number of factors are behind changes in forest tenure, as follows:

- Greater organization, connectivity and movement among forest peoples are increasing pressure for change.
- Increasing incidents of conflict over forest ownership are prompting action from government. In the past 20 years, 30 countries have experienced violent conflict in forests.
- Change in forest tenure is, in some countries, an indicator of an increase in the responsiveness of governments, which are becoming more democratic and transparent and are devolving land and forest ownership.
- There is a realization that clarity of tenure is a precondition for long-term investment.
- Clear tenure enables responses to major challenges such as climate change, commodity demand and food security.

Tenure reform is not the be all and end all of all problems, but it is a key condition for dealing with emerging and imminent challenges in Asia.

## Forest tenure in Indonesia

by Bambang Soepijanto

Director General of Forest Planning

Indonesian Ministry of Forestry

Indonesia has 133 million hectares of state forestland, which is about two-thirds of the country. Forest management is based on the national Forest Law (41/1999). There is a national forest agency, and also provincial and district forest offices.

The Ministry of Forestry has set, as an initial target, the establishment of 500 000 hectares of community forests, and this is projected to increase to 2 million hectares. About 500 000 hectares of forestland is designated as village forests. In addition, more than 600 000 hectares have been designated for the establishment of community plantation forest, with the aim of increasing this to 3 million hectares.

By 2030, 18.34 million hectares of the forest estate will be allocated for non-forest development with the aim of fulfilling development needs, and 5.57 million hectares will be allocated for community-based forest management. This latter area will comprise 1.44 million hectares of protection forest (HL), 2.98 million hectares of permanent production forest (HP), and 1.15 million hectares of 'limited' production forest (HPT). A total of 43.2 million hectares will be allocated for large-scale forest concessions, but this will be subject to wide community involvement. By 2030 the total area of rehabilitated forest will be 11.55 million hectares, including 3.6 million hectares of conservation areas. Under this plan there will be more of a focus on improving community rights to use the forest estate rather than on ownership rights. Local communities will have more access to resources in the forest estate.

## Tenure first, management second by Martua Sirait

ICRAF–World Agroforestry Centre

In Indonesia, 10.2 million forest-dependent people are living below the poverty line. As we heard earlier, an estimated 33 000 villages are located entirely or partially in the forest estate; this conflict needs to be addressed.

A number of new laws have been introduced to increase transparency and address inequality. They include:

- Free Access of Public Information Law (14/2008).
- Information Commission Regulation 1/2010 on Standard for Public Information Services.
- Person in Charge of Public Information Service, Ministry of Forestry Decree 50/2011.
- Ministry of Forestry Regulation P.7/2011.
- The Spatial Planning Law (26/2007), which provides a category of rural strategic areas at the district level (Article 48) aimed at empowering rural communities to maintain the environment, conserve natural resources and ensure food security, etc.
- Environmental Protection Law (32/2009), which introduces strategic environmental analysis (articles 15 and 17) to calculate the environmental limit for all large-scale use.

To date, only 14 million hectares of the forest estate have been delineated. In 2009 the Ministry of Forestry set a target of delineating the entire forest estate by 2015, but at the current rate it will fall a very long way short of that. Creative thinking is needed to speed up the process.

In the Manupeu-Tanadaru National Park on Sumba Island, for example, the use of participatory forest delineation has helped to resolve a conflict over land between local communities and the national park authority. Local communities have obtained tenurial security to continue managing their resources and improving their livelihoods, while the national park has secured its own tenurial claim for the protection of biodiversity. An atmosphere of mutual trust has been created, and this collaboration has strengthened the management of the national park. Participatory forest delineation has the added advantage of being more durable than top-down approaches because stakeholders have ownership of the outcomes.

At present there are four kinds of community tenure in Indonesia:

- agreements (*perjanjian*)
  - village conservation agreements (*kesepakatan konservasi*)
  - partnerships with the private sector (*PHBM*)
- permits (*perijinan*)
  - community-based forest stewardship (*HKM*)
  - village forest (*HD*) and *HTR*
- recognition (*pengakuan*)
  - *adat* forest (*SK bupati*)
  - ancestral land (*Permen 5/1999*)
- ownership (*milik*)
  - privately owned forest (*hutan hak*)
  - agrarian reform program (*PPAN*).

But the extent of these arrangements is very small and even the unambitious targets that have been set are not being met, as shown in the table. In the past, the approach in Indonesia has been to manage the resource first and to consider the tenure question as a secondary issue. This is the underlying cause of many of the problems we have right now. We need a new framework in which we tackle the tenure question first as a way of approaching the management of the landscape mosaic.

### Progress in the allocation of community forests, 2007–10

| Activity  | Community forest and village forest (ha/year) | % of target achieved |
|-----------|---|----------------------|
| Target    | 500 000                                       |                      |
| Evaluated | 80 988  | 16.2                 |
| Allocated | 15 708  | 3.14                 |
| Permitted | 4094  | 0.81                 |

## Why tenure reform is needed in Asia by Nonette Royo

The Samdhana Institute

Indonesia

Natural resource tenure in Asia is government-dominated. What's wrong with that? Government is the guardian, right? We all know, however, that the political economy is such that when there is too much power there is a temptation to abuse that power.

The forests of Asia and the Pacific are inhabited: 70% of the 350 million people worldwide who are forest-dependent are in Asia. The problem is that



Photo: Tetra Yanuariadi

they are not sufficiently represented in decisions made in the management and use of forests. Representation consists of the right to participate, and depends on access to information and justice mechanisms. There have been attempts to increase the representation of indigenous and local people in forest management in Asia, but generally these are not yet sufficient.

There is a fear that recognizing community rights will lead to forest destruction. But deforestation is increasing in the absence of rights. Companies that promote sustainability as part of their business models are in a quandary: how can they ensure that local people can rightfully and sufficiently participate?

So what model can we offer? If it is not government-dominated, what is it? We are hoping to find a consensus at this conference. There is a lack of political will, whereby reform is not always accompanied by broader rights. There is conflict—mainly from overlapping licences and other instruments—and no mechanism whereby a community can complain and say “Please, something is wrong. There is a license on my land and what can I do about it?” Tenure insecurity is also becoming an increasing financial burden. Good forest management is expensive because of the cost of obtaining licences and also the cost of dealing with conflicts.

Worldwide, private or community forest tenure is not an impediment to sustainable forest management and, indeed, as we will hear later, the reverse may be true. In Indonesia, the *hutan rakyat* (people’s forests outside the forest estate) in Java is actually expanding and supplying 50% of Java’s timber needs, with a population of about 138 million; often, those community forests are in better shape than state forests in Java (*Perhutani*) or forests in outer islands (where there is often rapid deforestation). In the Philippines the ancestral domain constitutes 40% of the forest zone, and there are now thriving transactions for using those resources and rehabilitating degraded forest land.

In framing tenure allocation it is important to ask, where is it? Can we move it from public to private? What are the options? Who will be responsible? Look at actors as change-makers—hundreds of communities are already contributing to forest management without waiting for government and without obtaining major financial rewards. If we reward that sort of effort with secure tenure we will release the productivity of those community groups.

## **The Indonesia–Norway partnership** by Leif John Fosse

Senior Adviser

*The Norwegian Government’s International Climate and Forest Initiative*

Indonesia has committed to reducing its 2020 emissions—as estimated against a business-as-usual trajectory—by 26% out of their own funds and by 41% with international assistance. In recognition of the global significance of these commitments, Norway will contribute up to US\$1 billion over a number of years to assist Indonesia in realizing them. The Letter of Intent entered into between Norway and Indonesia on reducing emissions from deforestation and forest degradation forms part of a broader strategic partnership that involves cooperation on energy, human rights, trade and economy, and global climate policy.



Photo: Hwan Ok Ma

We are aware that the incentives offered are not at a level that can compete with the drivers of deforestation and forest degradation. Neither Indonesia’s pledge to reduce emissions nor the Norway–Indonesia cooperation will succeed unless there is political will at the highest level to undertake forest-governance reform, in the country’s own interest, including addressing the need to clarify land tenure. Broad ownership in civil society and extensive involvement of stakeholders, including in the sectors driving deforestation, are also essential preconditions for success.

The partnership will involve three phases. The first, to be implemented in 2010 and 2011, involves payments for planning, capacity-building and institutional reform as well as a two-year suspension of concessions for the conversion of natural forest and peatlands. The second phase, 2011 to 2013, will involve payments for independently verified emissions reductions in a pilot province and further policy change and institutional reform to enable reduced emissions from forestry and land-use change. The third phase, from 2014, will involve payments for independently verified emissions reductions relative to a mutually agreed or UNFCCC-based reference level.

The initial phase involves six mutually agreed deliverables:

- A REDD+ agency at the cabinet level to coordinate all REDD+ and land-use policies.
- A long-term financial mechanism.
- A multi-stakeholder REDD+ strategy, which will be developed with the involvement of all stakeholders.
- A two-year suspension of new licences for the conversion of natural forest and peatland.
- An independent institution for the monitoring, reporting and verification of greenhouse-gas emissions from forestry and land-use change.
- Selection of two pilot provinces to act as pilots for interventions.<sup>3</sup>

The first independent review of the implementation of Phase 1, by Gaia Consulting, concluded that there has been adequate delivery on most counts, but some of the most difficult issues are still to be delivered on.

In Phase 2, which we are now entering, opportunities to reduce forest-related greenhouse-gas emissions include:

<sup>3</sup> Central Kalimantan has been identified and a second pilot province will be named towards the end of 2011.

- Engaging in more participatory land-use and spatial planning.
- Providing incentives for local governments and industry to embrace a less carbon-intensive development path.
- Identifying degraded land suitable for land swaps using economic, legal, social and environmental criteria.
- Engaging in land-tenure and forest-governance reform to provide more security for business and forest-dependent communities.
- Creating conflict-resolution mechanisms for overlapping claims to land.
- Increasing productivity in agriculture, which would reduce the need for the conversion of natural forest and peatlands.

## **UNFF's ministerial declaration**

by Mahendra Joshi

Senior Programme Officer

United Nations Forum on Forests

At its recently concluded 9th session, the United Nations Forum on Forests (UNFF) called on governments to strengthen enabling environments to promote local entrepreneurship, community–company partnerships and small and medium-sized forest-based enterprises in sustainable forest management. Forest-dependent communities have developed forest-related knowledge that in many ways is complementary to modern scientific knowledge. These communities live in and around forests and interact with forests on a daily basis. They, more than anyone else, are stewards of the forest. In many cases, however, securing tenure rights is insufficient because forest communities are restricted in their access to markets.

Policies need to take into account the aspirations of all, including the most isolated. They should provide an enabling environment for communities to set up enterprises that they both manage and benefit from. This could include institutional reforms and/or the strengthening of existing ones; capacity development through research, technology and extension approaches; and international and regional cooperation.

I would like to refer to the Ministerial Declaration made at UNFF9, in which ministers responsible for forests committed to actions such as:

- Improving the livelihoods of people and communities by creating the conditions needed for them to sustainably manage forests, including by promoting secure land tenure, participatory decision-making and benefit-sharing.
- Developing and implementing cross-sectoral and multi-institutional policies, mechanisms and actions at all levels, which integrate sustainable forest management into development plans and programs.

The United Nations has declared 2011 as the International Year of Forests. Let us use this year-long celebration of all things forests to emphasize the importance of forests to all of us, in particular the hundreds of millions of people who depend directly on them for their livelihoods. It is only by recognizing the close link between forests and people that we will see sustainable forest management implemented for the generations to come.

**Comment from the floor:** I am here to represent the customary people of Papua. The Indonesian national constitution stipulates that the land, forest, sea and air space is owned by the state and should be managed for the welfare of the people. The Papuan customary people, however, have owned the land since God gave it to us. Even today there is no such thing as non-owned land—all land has owners. The Indonesian government must return these rights to the Papuan customary people.

**Question from the floor:** Are Indonesian rules and regulations related to tenure in accordance with the United Nations Declaration on the Rights of Indigenous People? As we know, the forestry law and the plantation estate law have been taken to the United Nations Committee on the Elimination of Racial Discrimination.

**Siriat's response:** Indonesian regulations related to tenure are problematic and do not yet follow the international conventions. But in the climate-change policy debate, indigenous peoples and local communities in forest areas are not only stakeholders, but also rights-holders. The rules and regulations on climate change will supposedly accommodate this concept.

**Question from the floor to Ganga:** In your analysis, what are the key reasons that have brought about land-ownership change?

**Ganga's response:** Partly it is the unfolding global demand for human rights. Governments must abide by their international commitments; land tenure is related to rights, it is globally agreed, and there is no way to escape. Some countries are not doing what they should, but sooner or later they will have to move. But unless people speak up and conflicts become visible, there will be no change.

**Question from the floor to Bambang:** Why are you not giving the land to the people? Why keep the land with the government? Why are you not willing to transfer the land to the people?

**Bambang's response:** We are talking about legally designated forest estate. If, however, indigenous people have customary rights to land in the forest and can make a claim then that land could be excised from the forest estate.

**Comment from the floor:** I hope this conference will be a milestone. I hope that it will bring some kind of change to the involvement of local and indigenous people in forest management. People and forests go together but the state makes things difficult for us. The time has come to recognize the role of communities and to help them to improve their livelihoods. I call on all governments to recognize the role, and in this way to resolve forest conflict.

**Comment from the floor:** I am from a community living near a national park. As we have heard, local communities should be respected, but in reality we are very depressed because we cannot gather resources, such as timber, in the national park. During this conference we want to fight for our rights, we want the right to take timber and other assets to support our creativity and to use those resources for our livelihoods—to send our children to school and to support ourselves.

**Comment from the floor:** I am head of an *adat* council in Kalimantan. Borneo used to be very rich in forests; now the situation is critical, all because of privately owned companies. What has caused us most suffering is that many of our rights were taken away by those companies, those corporations, so *adat* forest no longer exists. It used to be our land, our customary land, but it was taken away by the corporations. We appeal to the international community to pay attention to the forests in our area and to limit the powers of those corporations.

# Perspectives of Indonesian forest communities

**Few Indonesian communities have statutory ownership of their customary lands**



**Local communities in Indonesia:** How much do they stand to gain from current approaches to tenure reform? Photo: Hwan Ok Ma

## Speeding up community tenure

by Muayat Ali Muhshi

FKKM

In Indonesia we have many practices we call indigenous community forestry because of the long interaction of people with forest resources. The evidence is in the way they use the land—forest land-use becomes more complex the longer it is practised. Indigenous land management has several elements, including conservation, such as in sacred areas; conservation and production, such as in rubber plantations; and production, such as in rice paddies. Unfortunately, most indigenous people have no legal basis for their occupancy of the land and, when their land overlaps with, for example, a national park or a timber concession, they are forced to flee.

### Obstacles to expanding community tenure

| Actor                                | Condition  |
|--------------------------------------|--|
| Regional government                  | Regional government generally considers HKM and HD as burdensome.  |
| National government                  | The Ministry of Forestry allocates only 51.2 billion rupiah (2011 financial year) for an annual target of 500 000 hectares, while the actual cost is 250 billion rupiah. |
| Donor agencies and NGOs              | Most HKM and HD schemes are developed in areas where there is support from NGOs and donor agencies.  |
| Financial and marketing institutions | There is no access to capital or support for marketing.  |

The area of forest under licences for community forests (HKM) and village forests (HD) is very small and even the low target that has been set for the granting of such licences (500 000 hectares per year) is a long way from being met. There has been slightly more progress in the creation of community-based timber estates (HTRs).

There are many differences in procedures between these types of community forestry, which may account for differences in the progress made. The HTR process is top-down; it begins with the designation of forestland for HTR by the Director General of Forestry Utilization, and the proposer can be individuals from the local community (in reality, people on the ground are rarely ready for HTR). The processes for HKM and HD are more bottom-up: the proposal must come from communities (which, in reality, need outside assistance—e.g. from NGOs). The HKM and HD licences are separate from the timber extraction permit (IPK), the issuer of which is the Minister of Forestry. The licence for an HTR includes the IPK licence.

The table indicates some of the bureaucratic blockages to the expansion of HKM and HD.

To speed up and improve the process of the granting of community rights, I suggest the following:

- The registration of community-based forest management through mapping and legal recognition.
- The provision of one-stop licensing and a simplification of the process for obtaining HKM and HD permits so that they include timber extraction.
- Making HKM and HD priorities at the Ministry of Forestry.

- The provision of financial assistance and access to funds and the development of value-added community-based forest enterprises.
- The building of networks and synergies within civil society, from the local to the national level, to accelerate and expand the areas under community forestry.

Another challenge is to link Ministry of Forestry programs with national land-tenure reform. It is unclear if the three community-based arrangements in forests are part of the national process.

## **Resolving conflicts**

**by Andiko**

Executive Director

*Association for Community and Ecologically Based Law Reform (HuMa-Indonesia)*

When many parties are interested in the same scarce resource, there is a high risk of destructive patterns of behaviour or interaction that can trigger conflict.

CIFOR documented 359 forest conflicts in Indonesia between 1997 and 2003, 34% of which were in protected areas, 27% in forest concessions and 39% in plantations. According to HuMa research there were 85 conflicts in 2010 covering 2.45 million hectares, 91% of which were between companies and communities; about 8% were between communities and the central government. In the last two years there has also been an increase in conflict between different types of licences—such as between plantation and mining permits. At present, there is no effective mechanism for resolving such conflicts.

Attempts have been made to resolve particular disputes. In Central Sulawesi, for example, the crux of the problem is that the state has claimed forest as forest estate under the principle of *domein verklaring*, or 'legitimate domain' (state control). In 2005 only 10% of the forest had been subject to delineation and a legalization process, however, and many people live there, most of whom are indigenous and poor. We tried first to use a formal process through the criminal court, but this did not resolve the problem. Non-formal methods were also pursued.



**Fair point:** Participants chat during a break in proceedings at the conference. Photo: Hwan Ok Ma

One of the things that hinder conflict resolution is inequality of data; the community often does not have access to information. Some actors try to hide their data. Moreover, not everyone has good mediation skills.

## **Beyond the right to use**

**by Idham Arsyad**

KPA

What do we mean by 'agrarian reform'? It is a political action to correct an imbalance in the tenure and use of agricultural land and also in the relationship between people and companies.

There are at least three reasons why forest-tenure reform, a subset of agrarian reform, is important. First, most of Indonesia's poor live in forests and have no rights to the resources. Securing those rights is an important step towards alleviating their poverty. Second, even though an area has been designated as forest, it is often no longer forested. And, third, most of the forest allocated to companies is not being exploited—it is being neglected.

Agrarian reform could slow the rate of deforestation and degradation. Because of the limited availability of agricultural land, many people go into forests and open up plots for farming. With agrarian reform we can address conflict and reduce both poverty and forest loss. But it is not an easy thing—a great challenge lies ahead. To this day our forest policy paradigm has not changed; it still has the ideology of state-based forestry. There are still limitations on people going into the forest. The President does not have a strong commitment to agrarian reform. Maybe this forum can call on the President to implement this reform.

There is also the challenge of the differences in perspective among stakeholders on how to deal with the problem. Is it possible to allow ownership, or should rights be restricted to the right to use the forest? How can different actors, each with a different landlord, share a single resource, above and below ground? This is politically complicated.



Conference participant **Yati Bun** of the Foundation for People and Community Development, PNG. Photo: Hwan Ok Ma

How do we go about implementing reforms? When we talk about tenure we have to refer to agrarian law. We have to be clear about which department has the most authority. If we are committed to justice in the forest sector we need a transition from the right to use, to ownership.

## **Who are adat communities?** by Mina Setra

Director of Advocacy

AMAN

What do we mean by *adat* communities? *Adat* people themselves created a definition in 1999. Under that, AMAN estimates the number of *adat* people at 50–70 million. Under the government's definition, on the other hand, only 1.1 million people would be classified as *adat*. So there is a significant difference.

*Adat* communities have managed their resources for hundreds of years. They believe that the forest is the 'house' of their ancestors, who are the owners of the forest. So the forest needs to be maintained as the domain of their ancestors.

There is no national database of customary forests and indigenous territories, which reduces clarity and leads to conflict. The conservation models of indigenous communities are passed over in favour of imported conservation models that can deny forest access to indigenous peoples.

There is an urgent need in Indonesia for a law on the recognition and protection of indigenous rights that would serve as a reference for other laws. There needs to be certainty about free, prior and informed consent. We also want a reorganization of the Ministry of Forestry to include a special unit on indigenous issues and indigenous territories and a clear conflict-resolution mechanism.

## **The legality of adat forest** by Myrna Safitri

Executive Director

Epistema

Legality is important, not only for communities but also for government and business. It is important to protect the rights of actors, and it is also important to provide an incentive for long-term investment in the forest. In Indonesia, we need to address three legal issues:

- Concepts—i.e. the legal concepts of forest, forest area and state forest.
- Unclear and inconsistent regulations.
- Incomplete procedures for establishing forest areas.

Forest (*hutan*) is not forest area (*kawasan hutan*). 'Forest' is the ecological fact of a standing forest. 'Forest area' is any

particular area designated by the government as permanent forest—i.e. it is a politico-administrative decision of the government (Ministry of Forestry) regarding the allocation and use of land. Forest areas exist because of a decision by the Minister of Forestry based on an inter-agency consensus on forest land use in the past (TGHK), now synchronized with provincial spatial plans (RTRWP). An estimated 30% of the *kawasan hutan* is not forested.

Forest areas exist under a set of procedures called forest establishment (*pengukuhan kawasan hutan*), carried out to provide legal certainty regarding the property status, position, boundary demarcation, function and size of the land. These procedures do not affect the legal status of that land but, in practice, *kawasan hutan* has been perceived as state forest. Article 68(4) of the Forest Law, 1999, implies that *kawasan hutan* is state forest by allowing people to obtain compensation due to the loss of her/his land (ownership) rights in the process of establishing *kawasan hutan*.

Is *adat* forest state forest or private forest? Under Article 5(2) of the Forest Law, 1999, it would seem that *adat* forest is state forest, but the Basic Agrarian Law, 1960, is unclear on this point, implying in Article 2(4) that it is state land but in articles 3 and 16(1) that it is private land.

Many steps must be taken to establish a forest area. The process is complex. If we assume that *adat* forest is private forest, we can divide the territory between forest and non-forest, and within the forest there will be state forest and private forest. The authority to manage the forest resides with the Ministry of Forestry but the decision on the allocation of land tenure is delegated to other institutions. If *adat* forest is assumed to be part of state forest, we need to be clear that not all state forest need be under the control of the Ministry of Forestry. Citizens can apply for rights and the government must have a clear legal basis if it is to physically control the land.

### **Comment from representative of farmers from Jambi Province:**

There is an agrarian conflict in Jambi province. I represent 14 000 heads of household accounting for 60 000 people and the rights to their land have been taken over by a concession covering 49 000 hectares. The conflict started in 1996 and still there is no resolution. The lands of these people have been seized by the company, which is taking refuge behind the minister's decree. I convey to all participants that there have been casualties—six people have died, and more than 80 members have been taken to the police station and intimidated. It is very concerning. I have made many attempts at mediation with the provincial and national governments, but there is still no clear way to resolve the problem. I have sent letters—the only person I haven't sent a letter to is God, and if I knew his address I would send it to him. Where should I look for justice for these farmers?

## **African women are vulnerable**

by **Cécile Ndjébet**

African Women's Network for Community Management of Forests

At the last conference on forest tenure in Yaoundé, Cameroon, in 2009, we created the Women's Network for Community Forestry (REFACOF) spanning 13 countries in Africa. In 2010 we convened a general assembly that produced a five-year strategic plan.

In Africa, women have no decision-making power or control over forest resources and their forest rights are limited to usage rights over non-timber forest products. Customary systems in Africa prevent women from owning land. African land grabs are reinforcing this precarious situation and the overall vulnerability of African women. If we don't address land rights and challenge the customary systems, the situation will not improve. REDD could worsen the situation for women. Promote REDD, by all means, but we need to specify the conditions, and in particular we need to address women's needs. We have to tackle the problems of women specifically because they are different, and there are also many differences between women.

The three major challenges are:

- Getting women to act collectively—Africa is huge, and it is difficult to communicate, even between villages.
- Securing property rights to land and forests for women—this requires reforms to land- and forest-tenure systems.
- Ensuring women's direct participation in reform processes and in REDD and climate-change discussions and processes.

## **Women-led reform amid conflict**

by **Joan Jamisolamin**

The Samdhana Institute, the Philippines

Despite its rich resources and cultural diversity, Mindanao has long suffered armed conflict in forests because of clashes in political-religious views and over territories and access to natural resources. Indigenous women in particular face big issues, some of which we share with our other Asian sisters. Women's rights are not well-recognized—women are doubly burdened because they are expected to carry on with domestic activities as they struggle to participate in the public sphere. Recently the mining sector has been pushing aggressively into forests and ancestral domains, which are usually key biodiversity ecosystems. This is exacerbating the marginal position of women in terms of ownership of and access to resources.

The start-up of a big development project in an area in which communities are not ready or lack the system to engage with the project often leads to the moral disintegration of families and community values. Mining brings militarization because of resistance by communities, which results in human rights' violations, especially against women. Also, the expansion of oil-palm plantations and other commercial-scale monocultures has increased landlessness among small farmers, especially women. In one case study in the country, even though an oil-palm plantation was owned and managed by a community cooperative there was little participation by women, and few benefits accrued to them.

Women suffer most from armed conflict. Women tell us that their husbands joined the struggle in the hope that it would lead to change, leaving behind the women and their families. Those families have become even poorer, so there is a feminization of poverty.



**Good listeners:** Participants tune into a debate during the conference.

Photo: Hwan Ok Ma

Indigenous and rural poor women have risen to these challenges by creating spaces for participation and asserting their rights to resources. They have had their share of successes in defending their rights to natural resources and in resolving conflicts over them. Success lies in organizing small nodes of women leaders in communities to empower them to defend their rights and speak for their needs. Seed funds provided through accessible and manageable small grants enable women to embark on initiatives for economic sustainability and political representation.

Women comprise a very important sector in managing and defending the country's natural resources. Continuing efforts are needed to further reinforce the recognition of women's rights and perspectives, especially in natural resource management and conflict resolution.

## **Women's tenure rights in China**

by **Li Ping**

Landesa

No matter what type of land reform you have, it will affect men and women differently. Tenure security for women depends on three factors—whether it is legally recognizable; whether it is socially acceptable; and whether women's rights are enforceable externally.

China has made huge progress in forest land reform, in which land is allocated to individual households. Those land rights are legally defined as property rights. The reform stimulates forest farmers to invest in land, to take care of it and to manage it well to increase income.

However, when looked at from a gender perspective we find there are a number of issues and concerns. Chinese women tend to move to their husband's village when they marry. Under China's land reform, the allocation is based on the number of people in the household. But when a daughter grows up and moves to another village, how can she take the land with her? So this is the kind of issue that Chinese women face. If a woman divorces she will be treated as an outsider in her ex-husband's village.

All the allocations come with a certificate. However, in most cases the household name on the certificate belongs to a man. This can create problems—when the man wants to sell the land he can use the certificate, and the potential transferee will see the man's name and the transaction can go through without any reference to the women in that household.

All women face the problem of partitioning the land when they get married or divorced. The law is unclear. Whether a household property is partitionable is one question, but even if it is, will the woman be brave enough to stand against her brothers? And if she does stand up and is met with resistance it is uncertain whether she will be able to file a law suit. So whether the woman's rights are legally recognizable is far from clear.

To increase the social acceptability of women claiming their rights, there needs to be a campaign to make women aware of their land rights and the challenges they are facing. They need to be given the legal tools to claim those rights.

Recently we were able to secure the land rights for three sisters who all married out of their village and when their parents died the village took the land back. The sisters came to us for help, and we helped them. Women do not know that land rights are inheritable—they know something is wrong with the situation but they don't know the rules.

Normally, men tend to spend the income earned from the household property on themselves, but women are more likely to use the money for their whole household and for their kids. If you give tenure security to women, therefore, it means you secure the livelihoods of the whole family.

## **The REDD gender agenda**

**by Abidah Setyowati**

WOCAN

My colleagues and I recently completed a study<sup>1</sup> on gender and REDD in eight countries in Asia. The study came about because of growing concern that something is missing in REDD negotiations—the involvement of women. We explored the extent to which REDD has included gender considerations. According to our initial findings, there is:

- Little evidence that institutions implementing REDD or payments for ecosystem services projects have incorporated gender in systematic and significant ways.
- No specific recognition of women as a stakeholder group that will be affected by REDD differently than men.
- An assumption that women will benefit automatically from community-focused activities.

On the other hand, if REDD brings about compliance with international conventions on women's rights it could have a positive effect on women through payments and co-benefits, including secured access to forest. We recommend that REDD-related processes:

- Incorporate a gender perspective in project design and implementation.
- Provide capacity building for women and space for their voices.
- Strengthen women's organizations/self-help groups to provide them with skills and knowledge.
- Develop benefit distribution systems that recognize and reward women's contributions to forest management.
- Ensure secure access to forests for women.
- Promote technologies that reduce women's workloads while promoting conservation and increasing men's support for women's participation and leadership in REDD.

## **Women's rights in Indonesia**

**by Avi Mahaningtyas**

Chief of Cluster, Environment and Economic Governance  
Kemitraan

Activists and academics in Indonesia use the term 'gender justice'. Gender justice requires relevant processes to eliminate inequalities between women and men that are produced and reproduced in the family, the community, the state and the market. It also requires that mainstream institutions are accountable for tackling gender-based injustices and discrimination that keep too many women excluded.

In Indonesia, the application of the *Ibuism* ideology (the idea that women are subordinate to men) in policies and programs, along with male-dominated socio-cultural practices in forest tenure and forest governance at all levels (state, community and household), have maintained various forms of gender injustices.

There is a strong need:

- To ensure gender justice in the reform of the regulatory framework.
- For a systematic approach to capacity-building on gender justice in forest tenure and forest governance.
- To increase the voices of women and vulnerable groups in decision-making at all levels (e.g. household, clan, community, state and market).
- To empower marginalized and forest-dependent groups.

Even if policies are affirmative, implementing them is a challenge. Access to information is related to social class and also to education level. It is likely that many poor rural women will not be reached by government programs or forest-based development. We need a specific approach.

**Question from the floor:** Can anyone suggest a strategy to increase attention to women's issues in tenure reform and also in REDD?

**Ndjébet:** When we were creating REFACOF we thought it was a big opportunity for women to be together, and that's important because we have to act collectively. I encourage Asian women to get together and organize themselves. We can then act cooperatively and make a difference at the global level.

**Setyowati:** In a paper available on the WOCAN website there is a complete list of recommendations on how to empower women in REDD. I agree that if REDD complies with all international conventions on women's rights it will open opportunities for women to be involved and to obtain benefits including access and tenure. Women are diverse and have different perspectives on how forests should be managed. Those perspectives need to be included in the design of REDD.

**Mahaningtyas:** Engaging with women is not just about inviting them to a meeting, it is about continuous engagement, being there as a friend to explain and listen. We can use technology to transfer information in both directions.

**Li Ping:** Of the three parameters I mentioned in my presentation, social acceptance is the most difficult. Men should be educated, yes, but the women also should be educated so they can say "I'm no different in terms of these rights". Women should be empowered to stand up and claim what is rightfully theirs.

<sup>1</sup> [http://www.wocan.org/files/all/gender\\_differentiated\\_impacts\\_of\\_redd\\_final\\_report1.pdf](http://www.wocan.org/files/all/gender_differentiated_impacts_of_redd_final_report1.pdf).

# Tenure, governance and climate change

## Debating the role of forest tenure in climate-change mitigation



**Panelists, from left:** Patrick Anderson, Iman Santoso, Bernadinus Steni, Avi Mahaningtyas, Eduardo Mansur, Mubariq Ahmad, Dominic Elson. *Photo: Tetra Yanuariadi*

**Iman Santoso, Director General, Forest Development Unit, Indonesian Ministry of Forestry:** I coordinate a working group on forestland tenure, the members of which represent ministries, civil-society organizations, universities and parliament. I try to bridge the views of those inside and outside the bureaucracy. It is important for the working group to link with climate-change mitigation because there will be actors who perform mitigation, there will be beneficiaries, and there will be people who might be harmed. Land tenure is a fundamental element of forest-based mitigation, and our working group needs to address it.

**Mubariq Ahmad, adviser on climate-change policy, World Bank:** As economists say, you won't get a service unless you pay people to deliver it. So we are working on REDD+ to put it in place. There are two ways to distribute REDD+ benefits. The first is on the basis of rights to the land on which the activity is being carried out, and the second is on the basis of the services provided. Tenure security is a precondition for ensuring that the benefits of REDD+ are distributed fairly.

Free, prior and informed consent (FPIC) is a process to identify the legitimate rights-holders and the allocation of REDD+ benefits and it has been declared as part of the rules for the approval of REDD+ projects. The World Bank is committed to FPIC, where the 'C' means obtaining broad consensus in a community. So the 'C' does not necessarily imply veto rights. FPIC must be based on equal access to information and a fair process. A lesson we have taken from forest dialogues is that agreements always have a range—they are never just yes or no. Agreement can be partial, conditional, temporary or complete.

**Bernadinus Steni, HuMa:** I have been working for five years on how we can give space to local communities—who are often the victims of unfair processes—in the climate-change regime. In many forests in Indonesia the livelihoods of local people have been declining at the same time as their forests are being put forward for REDD+. So some NGOs have tried to encourage a mechanism to ensure that the

position of such people is not made even more vulnerable by REDD+. Indeed, they should be the *focus* of new schemes. We are introducing the concept of 'rights-based safeguards'. We need to be firm that people and communities who hold rights—not just legal but also historical—should be able to claim those rights. Such safeguards need to be more visible in policies on climate change and REDD+.

**Dominic Elson, independent consultant:** Land-use change is responsible for 85% of greenhouse-gas emissions in Indonesia. Because the energy sector will grow as the country develops, the land-use sector has to run a lot harder than we think it does. If REDD+ is to have any chance of working we have to change the way in which things are done. Very few countries have performed as badly as Indonesia in its reforestation efforts. REDD+ tends to look first at the carbon and we need to turn this around and look first at the people—who are they, what are they doing and what do they want? Start with the people, create the right systems and you will get the outcomes you want. But if we ignore tenure, Indonesia will miss its emissions targets.

**Patrick Anderson, Forest Peoples Programme:** Recent studies of forest management have asked the question, what difference does it make if forests are managed by local communities or governments? In 50 forests in half a dozen tropical countries examined, forests managed by local communities retained more carbon, contained more biodiversity and brought greater wealth into the local economy, compared with forests under government management.<sup>1</sup>

In Indonesia, 50–70 million people are members of traditional communities with customary rights to land, but these rights are not recognized or respected by government. Addressing this is the key to addressing climate-change mitigation in the land-use sector—put the focus on people by respecting their rights. International standards for

<sup>1</sup> See: [http://illinois.academia.edu/AshwiniChhatre/Papers/146772/Synergies\\_and\\_Trade-offs\\_between\\_Carbon\\_Storage\\_and\\_Livelihood\\_Benefits\\_from\\_Forest\\_Commons](http://illinois.academia.edu/AshwiniChhatre/Papers/146772/Synergies_and_Trade-offs_between_Carbon_Storage_and_Livelihood_Benefits_from_Forest_Commons).

REDD+ require project developers to respect the right of local communities to give or withhold their consent to proposed developments. The Indonesian National Task Force on REDD+ has agreed that the right of communities to FPIC will be honoured. Implementing this commitment will make an enormous difference for Indonesia's forest-dependent communities.

**Eduardo Mansur, ITTO:** The focus should be on people; I think everyone agrees with that. REDD+ is conceived as a mechanism to fund tropical forests; the 'plus' refers to conservation, the sustainable management of forests and the enhancement of carbon stocks. We should not be afraid of REDD+, provided that all stakeholders participate in the development of the mechanism that is being built. It is a new opportunity to bring serious money to bear on forests. There are specific risks for indigenous and local people, however—such as a lack of tangible benefits; the loss of traditional territories; the imposition of restrictions on land and resource rights; exclusion from design and implementation; and the loss of traditional knowledge. Safeguards are essential and must be embedded in the mechanism that we eventually come up with.

**Comment from the floor:** In the field we are often unsure how to help people with REDD+. Because its benefits are unclear we cannot communicate to provincial governments and communities the value of keeping forests.

**Comment from the floor:** Often, *adat* rights are not limited to villages but may extend to other villages—a cluster of villages (*mukim*)—and communities cannot agree where their boundaries start and finish. Today the problem in Aceh over delineation is not just between communities and companies, it is also between *mukims*. What can we do to encourage the resolution of conflict between villages?

**Comment from the floor:** You say “we should not be afraid of REDD+, as long as everyone is involved”. In Indonesia there is huge diversity even within specific community groups. How do we take that into account? If REDD+ is implemented without considering these people we will create more development refugees.

**Comment from the floor:** My community has been badly affected by a national park. If REDD+ takes place we—the lowest level of society—don't know what the impact will be. So we strongly ask that you consider how to mitigate poverty in our region.



**Subject to change:** Rice paddies near forest on a Lombok hillside. Climate change will affect both agriculture and forests. Photo: Tetra Yanuariadi

**Mansur's response:** In ITTO's view, adding value to forests is good, not bad. Forests are always struggling against other land uses. We want to reduce deforestation and forest degradation, and we want to reduce the poverty of forest-dependent people, so we have to add value to forests. Carbon is emerging as a new commodity with considerable potential to add value. But REDD+ doesn't exist yet; we are in a preparatory phase, a 'REDD-readiness' phase. What we want from it is money, under certain conditions that must be clearly stated. Safeguards are a way through. We are all suspicious, but we want it to succeed because it adds value to tropical forests.

**Mubariq's response:** Rights should be the basis of benefit distribution. Forests have different values for different people. Standing forest brings public benefits. But the private sector benefits when it chops the trees down. That is the context. We need to realize that standing forests have many values for communities. This is the reason why the 'plus' in REDD+ is so important. Do all stakeholders have the same level of information in a fair manner?

**Steni's response:** In many communities, the idea of REDD is accepted, but it is becoming more complex and harder for people in communities to understand its politics and market demand. Many see it as “plant trees and get money”. REDD means money to many people. It should be informed through a good FPIC process. But people talk about FPIC as the mobilization of a few tribal leaders who are asked if they agree, so it is not as good as we want it to be. At the same time, the point of safeguards is important. How can we reconcile all the ideas on safeguards? Often they are even contradictory.

**Anderson's response:** The United Nations has agreed through its Declaration on the Rights of Indigenous Peoples that indigenous peoples will be able to give or withhold their consent on projects that will affect them. Importantly, governments are recognizing that the old approach is unjust, especially as it relates to indigenous peoples and their customary lands. The Governor of Aceh recently asked, “why do we only respect community rights to FPIC for REDD projects? It should be for all government projects that would affect local communities”. Eventually other sectors will have to respect FPIC. I've written a book on this for REDD+ project developers because there is plenty of detail packed into the term 'FPIC'.<sup>2</sup>

<sup>2</sup> Free, prior, and informed consent in REDD+: Principles and approaches for policy and project development, published by the Center for People and Forests and GIZ, can be downloaded at: [http://www.forclime.org/images/stories/RECOFTC-GIZ\\_FPIC\\_in\\_REDD\\_2011.pdf](http://www.forclime.org/images/stories/RECOFTC-GIZ_FPIC_in_REDD_2011.pdf).

# The role of community forest enterprises

**A discussion on improving business practice in communities, featuring FAO's Sophie Grouwels and Peking University's Xu Jintao**



**Enterprising villagers:** Successful community forest enterprises require good planning and market information. *Photo: Tetra Yanuariadi*

**Comment from the floor:** I would like to know more about experiences related to certification.

**Sophie Grouwels:** There are very few good examples of community-based forest enterprises that have gone for certification because it is a lengthy, complicated and costly process. More examples are arising, however. In Laos, for example, a Worldwide Fund for Nature project has worked with several communities on rattan certification and they have recently obtained a Forest Stewardship Council certificate. With certification the amount of product has to be significant to make it cost-effective, or there needs to be a project behind it that can fund the cost. This may not be sustainable for community enterprises without support. Enterprises need to ask, what is the benefit of certification? Are we going to get a higher price or a more secure market for our products? If you are sure you are going to export to markets where certification is requested then maybe it is a good niche to work towards, but otherwise community forest enterprises have not seen great benefits from it yet as they normally aim at more local markets.

**Comment from the floor:** I would like to share my experience in Indonesia, where I am an investment adviser to the Ministry of Finance. In general, I have found that the times I lost my money was when I listened to my ideas, and when I have made money I have listened to the market. There are small-scale teak-growers in Indonesia who used to sell their wood for \$40 per cubic metre and now that their operations are certified they sell it for \$500. This is mainly on private land involving smallholders with 1-hectare plots. They are assisted by a local NGO, which has just got a second project certified. The project was certified at 5 pm on a Friday, and by 7 pm they had already sold all their timber for the next 20 years at \$650 per cubic metre. Therefore,

certification can be a good investment for community enterprises.

**Sophie Grouwels:** I agree that we have to listen to the market. We have to know what the markets are saying before we decide which enterprise we engage in.

**Comment from the floor:** I would like to know the role of government in forests in China.

**Xu Jintao:** China has experienced forest growth for 30 years. For the first 20, this was mainly because of government programs, and in the last ten years the driver has been individual households. The problem with the government-driven programs was that farmers received very little benefit, which mostly went to local and village governments. Because of this, collective forest management gained little support from farmers. The aim of the most recent tenure reform is to benefit the farmers more and therefore to give them an incentive to manage the forest sustainably.

We have found over the tenure-reform process that the individualization of forest tenure has resulted in better performance than collective management because it provides an incentive for the adoption of new forest technology and management models and therefore has led to a new product mix, higher revenue and incentives for reforestation and afforestation. It also seems to enhance farmer investment in rural businesses by lifting credit constraints in the countryside. Forestry is now a major source of income growth in rural China.

**Comment from the floor:** It is a challenge to bring new technology for value adding, quality management and packaging to rural areas. In India we have different laws for the control of packaged commodities, and people producing at local levels have less information on these laws.



Photo: Hwan Ok Ma

**Comment from the floor:** There are some areas in India out of the eyes of NGOs and government, where resources are not reaching. They have no access to markets and other things. How can we address this problem at the global, national and regional levels?

**Sophie Grouwels:** Getting new technologies to rural areas and rural enterprises is a big bottleneck. We call them ‘appropriate’ technologies adapted to the needs and capacity of the enterprise and community. The entrepreneurs themselves need to define where they go with their products and at which markets they are aiming, and based on that they will identify the technology they need. When they realize it will be too difficult or costly to access this technology, they often change strategy. That is the beauty of the Market Analysis and Development (MA&D) approach—you adjust your strategy to the capacity of the community and its accessibility and the constraints that apply.

We have heard of community-based entrepreneurs who are attempting to grow their businesses in forests in Kalimantan but the prices are so low that the businesses are not sustainable. In that case I would say, don’t do it, you are wasting your time. This is a common problem. A lot of entrepreneurs start doing things that are not beneficial for them. It is important to plan well with the best-possible information on markets: you develop a market strategy and make a business plan to see if the scheme will actually be worthwhile. Many local communities are very quick to find the right enterprise strategy for their own situation.

**Comment from the floor:** There is a sense that community forestry in its various forms is on the cusp of moving to a new level. In most countries, however, communities are limited in their ability to harvest the true value of the forest. For example, they are limited by regulations to non-wood forest products. So we need to

unlock the true value of the forest, especially the timber. If we really want community forest enterprises to contribute to economic development, we need to look at how we can free up communities to use the timber resource.

**Sophie Grouwels:** Yes, it is important that communities are able to access the timber and mobilize the timber resource. However, we should also be aware that many non-wood forest products such as medicines and essential oils have extremely high potential value. We need more research and development into such products and mechanisms that ensure that local communities benefit from them.

**Question from the floor:** In China, privatization is a factor in the increase in income and welfare. How do the people sell their products?

**Xu Jintao:** In general, Chinese people are very entrepreneurial. I don’t really worry about the market. In 1985 we had two years of timber market liberalization. So many people wanted to buy and sell timber that the timber supply was too small. You don’t really need to worry about selling timber in China. Most of the nice furniture that Americans are putting in their homes today is probably produced by rural farmers in China.

**Question from the floor:** What is the potential of ecosystem services for generating income for communities?

**Sophie Grouwels:** Payments for ecosystem services are becoming important in some countries. In many communities, however, there is an immediate need for cash income, so it may be best to work first on something very certain—such as timber and some non-wood forest products. Then, as entrepreneurial skills develop, communities may be able to take advantage of other things, such as payments for ecosystem services. There are already good examples of community businesses based on ecotourism and watershed management.



Photo: Hwan Ok Ma

## Public forest agencies face many issues in managing, fostering and adapting to changes in forest tenure

### Great wall of reform

by Xie Chen

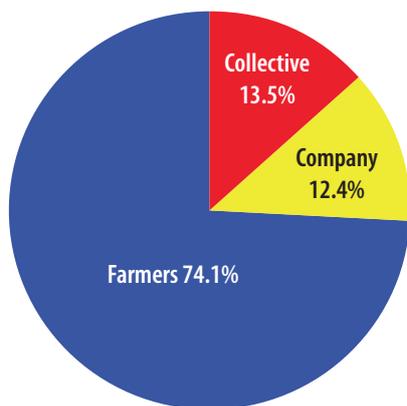
China Natural Forestry Economics and Development Research Center  
State Forestry Administration

In 2006 the government initiated a seventh round of tenure reform, the aims of which are to provide explicit tenure, stimulate forest management, reduce the tax burden and regulate tenure transfer.

At present, 162 million hectares of collective forestland—88.6% of the total—have clear tenure rights. The total area of forestland with ownership certificates is now 134 million hectares. It is possible to take out loans by mortgaging forestland in 26 provinces—32 billion yuan have been borrowed involving 2.8 million hectares of forestland. Forest insurance has spread to 17 provinces and covers 31.8 million hectares of forestland. At least 94 500 forest cooperatives have been set up with the participation of 11.36 million rural households accounting for 14.3 million hectares of forestland.

Between 2007 and 2010 the area of rural household forestland increased dramatically—by 23%—in the Conversion of Cropland to Forests Program area in 22 provinces. There has been another increase this year. The chart below shows the distribution of forestland after the reform.

### Forestland tenure distribution, monitored counties



### Emerging issues

A number of issues have emerged in the wake of the reform. For example, a lack of access to markets and processing facilities reduces the incentive for small-scale farmers to engage in forest management. The migration of rural people to urban areas—a phenomenon known in China as the 'empty heart' village—has created a shortage of labour for forest management.



Sally Collins. Photo: Tetra Yanuariadi

### Degradation as a trigger for change

by Sally Collins

RRI fellow and former associate chief, US Forest Service

North America was first settled by people from northern Asia more than 10 000 years ago. Today, the descendants of these peoples are often called Native Americans.

About four centuries ago, European settlers began to displace the Native Americans. As the settlers moved west, forests were cleared for agriculture and industrial development. The government provided incentives to private landowners to move west and acquire land. Multiple treaties were signed between Native American tribes and the US government, only to be violated repeatedly. Many tribes lost their lands completely, while others were re-settled onto reservations in generally unproductive, undesirable parts of the west. The few luckier ones, mostly in the Pacific Northwest and Montana, were able to hold onto some of their original homelands.

Laws like the Homestead Act gave land ownership to farmers and ranchers who agreed to live on the land and improve it in specific ways. Similarly, the mining law allowed prospectors to own the land they were mining after a certain period of time. Unsurprisingly with such incentives, the west quickly filled with people.

Many of these laws, however, resulted in corruption and multiple overlapping claims. Before European settlement, forests covered nearly one billion acres (405 million hectares) of what is now the United States. Between the mid 1600s and 1920, about 300 million acres (121 million hectares) of forest was cleared, primarily for agriculture.

At the beginning of the 20th century, the degradation that was occurring became apparent to everyone. Enormous fires, floods and erosion followed the deforestation. Wildlife disappeared and streams became degraded. People demanded change, and it was out of this movement that a system of state and public lands was established.

Now the federal government owns one-third of the forestland in the United States. Some of that is in national parks, some is in national forests, and some is in national wildlife refuges and on other public lands. Another 8% is owned by the states, and about 58% is owned privately. Nearly ten million individuals own more than 150 million hectares of forest and other wooded land.

The total forest area has been relatively stable for the last 100 years (currently about 747 million acres—302 million hectares). Towards the end of the 20th century, however, the public once again became outraged by what was happening to forests on public lands—the loss of old-growth forest and wildlife and the degradation of watersheds, caused by a combination of over-exploitation and under-investment in management. By 2002 nearly all industrial-scale forestry had stopped on public lands, but today millions of acres of trees are dead due to insects and disease, and every year fires affect millions of additional acres.

There are five themes to this history of US forest tenure.

1. Forest tenure policy has evolved through time, and with each type of tenure—public, private and indigenous—the results have been mixed.
2. Public forestlands were established following several decades of deforestation, over-grazing and land degradation. The US public demanded change; a great system of parks and forests was one result. This has served to protect many special places, but management has not been consistent, nor has investment, and many public forests have suffered as a result.
3. Private forests have added great wealth to the nation and provided key ecosystem values and are generally well managed.
4. The rights of Native Americans were repeatedly ignored and promises made to them were broken as both the public and private lands' systems were established. We are living with the consequences 100 years later, where Native Americans, especially those without a land base, are suffering economically and socially. On the other hand, tribes with a land base are managing those lands with a strong conservation ethic.
5. Finally, the approach to the management of public forests is changing from large-scale industrial forestry—conducted for the past 50 years—to small-scale, community-based forestry. Forest concessions are being replaced with new 'stewardship contracts' given to local groups, tribes and new industries.



Luiz Joels. Photo: Hwan Ok Ma

## **Brazil's political will** by Luiz Joels

Former Deputy Director

*Brazilian Forest Service*

Twenty years ago, Brazil had just emerged from dictatorship. We had a new constitution that guaranteed indigenous peoples' rights and included a chapter on environmental protection. At the same time, a rubber-tapper called Chico Mendes was murdered, bringing additional focus on forest tenure. The Earth Summit, which was held in Rio de Janeiro in 1992, attracted further attention to issues of people's rights and the environment. There was a growing perception among the Brazilian public, media and government that deforestation needed to be stopped and the rights of indigenous and traditional communities needed protection.

Ultimately, this led to changes in forest policy. Many indigenous lands were created in which government still has ultimate responsibility but the people have tenure rights. Other approaches were also devised, such as reserves where traditional extractive activities are permitted. There has been a huge increase in indigenous lands in the Amazon, from less than 20 million hectares in 1989 to more than 100 million hectares today. There has also been a massive increase in national protected areas in the Amazon, from about 30 million hectares in 1989 to more than 70 million hectares in 2009.

Most of the recent change in policy, however, is a result of an upsurge in deforestation in the early 2000s. A new, integrated approach to deforestation was devised. For the first time in Brazilian history, on any issue, a group of 14 ministries worked together—there was no precedent for this and it has been possible only because it was an instruction from the Brazilian president. Deforestation has been brought under control. At the same time, a positive agenda has been pursued, involving, among other things, the creation of the Brazilian Forest Service (BFS) and timber concessions in public forests, and the development of a strong program in community forestry.

The latter is headed by the BFS and the Ministry of Agrarian Reform; without this partnership it would have been

impossible to do anything. Other ministries also participate and there has been strong involvement by civil society—government and civil society have an equal number of seats at the table. The first conference in the international series of tenure conferences convened by ITTO and RRI, which was held in Acre in 2007, was important in mobilizing this process; many commitments were made and the national program was able to truly get under way in 2009.

The *Programa Terra Legal* (Legal Land Program) is an initiative to legalize the tenure of certain lands in the Amazon. It is needed because many non-traditional people have moved to the Amazon enticed by government propaganda; some have gone to areas that were government settlement projects but the projects didn't work and now they occupy land illegally. The program to legalize their lands will help them to gain access to credit and give them the ability to get approval for forest management plans (if you don't own the land you can't get a plan approved and you can't harvest or transport your timber), and so on. The land has to have been occupied before 2004.

Overall, there has been significant progress in tenure reform in Brazil in the last 20 years. On the other hand, we have a very proactive and organized agricultural sector that is fighting against some of these changes. As a result there has been no major new approval of indigenous land in the last 3–4 years. Changes have been proposed to the forest code and approved in the lower house of federal parliament, but they have not yet been approved in the senate. Meanwhile there has been an upsurge in deforestation. Supporters of community forestry will have to fight back.

## **Impediments to making money**

by Don Gilmour

Independent consultant

Governments have started to embrace community forestry for a number of reasons, including substantial reductions in the size of the forest bureaucracy and recognition that:

- State-controlled forest management has contributed to forest degradation in many countries.
- State control has frequently led to the exclusion of people living in and around forests.
- Communities *do* have the capacity to manage forests.
- Local communities have human rights, and indigenous people have particular rights.

There are three domains of forest management—governance; regulatory frameworks; and tenure—and the interaction of these is important. There has been quite a significant transition in tenure, but often there has been a lag in the governance and regulatory frameworks that are needed if communities are to make full use of those rights.



Don Gilmour. Photo: Hwan Ok Ma

A number of issues impede the development of community forestry, including:

- Formal and customary tenure rights that often overlap and lack clarity and security.
- Regulatory frameworks that limit community rights to subsistence goods (i.e. no commercial products, such as timber) while imposing considerable responsibility.
- Non-forest-sector regulations (e.g. on transport) that impede community rights to commercialize products.
- Resistance to changes in tenure that require changes to the locus of decision-making power (i.e. from governments to communities).
- Complex compliance procedures (e.g. for the registration of community forests and the approval of management plans) that limit the ability of communities to manage forests effectively.
- Heavy fees and taxes that reduce incentives for community forestry.
- Even where rights are clear and secure, hesitation among government officials to fully transfer rights to communities.

The emergence of REDD is bringing many of these impediments to the fore. REDD will only work if tenure is clear and secure—so tenure security needs to be a starting point for the concept, not an afterthought. REDD may even offer a chance to reduce the red tape that often confounds community forestry. On the other hand, carbon forestry has the potential to re-centralize power if national governments control the REDD agenda.

Community forest enterprises often have difficulty shifting from subsistence to economic development, partly because of regulations that restrict what they are permitted to harvest and when, where and how they get their goods to market. Moreover, most forests allocated to communities are degraded and it may take decades before the land becomes productive. In many cases most of the effort to promote community forestry has been put into the early stages of the process, such as to identify communities, define their community forests and develop management agreements.



Photo: Tetra Yanuariadi

Much less effort has gone into assisting communities to derive economic benefit from SFM.

To move community forestry to the next level (i.e. from subsistence to successful enterprises), the following should be pursued:

- Document examples of successful community forest enterprises.
- Analyze constraints that prevent communities from realizing the full economic potential of forestry.
- Advocate for the removal of such constraints, and support communities in deriving commercial benefits from their community forests.

**Question to Joels:** What were the political challenges in getting the reforms accepted at the state and federal levels, and what steps were taken to generate political will?

**Joels' response:** There was a moment in history where progressive forces were well organized and the new constitution demanded that reforms were made. Although there were many forces against the reforms they were not united at the federal level. Not all the states accepted the reforms, but some, such as Acre, developed even more progressive policies than those adopted federally. It was more difficult to implement reform in states where conservative forces were very strong.

One of the ways to make the reforms work was to create the National Council on Forests, where the states—as well as civil society and the private sector—were represented in all discussions. Some of the reforms reflect the points of view of state governments. How do the ministries work together? They only did

it because the president said they had to. The coordinator of the Ministers' Working Group demanded that the ministers themselves attended all meetings. They had a deadline for results and results were presented, so it worked. After that, many ministers realized that it was actually useful for them to work together. So, in Brazil, recent reforms started with the Ministers' Working Group. That's where change started to happen.

**Question to Gilmour:** You talked about communities as standard entities, but they are very diverse. So how do public agencies go about fostering community forestry? Mostly they want to do it, but they have a problem dealing with the diversity of communities.

**Gilmour's response:** This is a big challenge, and even recognizing the diversity that exists within communities is a useful first step. Powerful and non-powerful groups within a community can be identified and worked with, and gender issues identified and addressed. So try to understand the different interests or needs of groups within the community and then devise a process to work effectively with that diversity.

**Statement from the floor:** We want governments to change but they are finding it difficult. Perhaps, at training institutions, we need to teach forestry in new ways that show that it is about forest services and the indigenous people and customary owners who live in the forest. Then those new graduates will be able to address those issues more effectively.

**Gilmour's response:** Yes, why not start with forestry education? Most forest officers were trained in very traditional forms of forest management—a technical command-and-control approach; new forms of forestry require a different mindset. Can we expect old foresters to become modern community foresters? It will be very difficult, maybe impossible, for some. There are examples of change in forestry training, such as in Bhutan, where a new cadre is becoming stronger, although there has been antipathy between the new generation of community-trained foresters and traditionally trained foresters. The suggestion is a good one.

**Collins's response:** I agree that education is very important. The next generation should be present at every conference like this, and not just foresters but across disciplines. We have to teach our young people to think in these new and complex dimensions. We are not talking about tenure reform enough in forestry schools.

**Question from the floor:** A key message from all speakers is that government management of forests has always resulted in degradation. It is the same in Nepal. Community control of forests and the rights of indigenous peoples are increasing in all countries but the speed of handover to communities is very slow except in China. In these circumstances, do you really see much prospect for REDD? Because I have my doubts.

**Collins's response:** I too am sceptical about REDD, but the idea of payments for ecosystem services has huge potential for remunerating forest owners.

**Question to Gilmour:** What do you see as the most appropriate model for introducing and sustaining community forestry?

**Gilmour's response:** The simple answer is there is no one model. Every country has to develop its own model. One needs to look at what processes will work best in the country context.

## Experts held a roundtable discussion of community participation in spatial planning and the mapping of forest rights



**Teamwork:** Participatory mapping in action.

*Photo: Albertus Pramono*

**Marcus Colchester, Forest Peoples Programme, roundtable chair:** Community or participatory mapping started in Canada with the Inuit and has spread worldwide. We will discuss some of its challenges today.

**Albertus Pramono, Indonesian Participatory Mapping Network (JKPP):** In Indonesia the mapping authority lies with the Ministry of Forestry; in practice, the approach is very technical and there is little participation by communities. Local people will say, great, we now have a protected forest, but they don't know the legal consequences. In many areas, new boundaries make criminals of local people if they take timber. This is the sort of problem people are experiencing. We need a better way to involve people in mapping. At the moment it is very technical and distant.

Many NGOs are doing mapping with communities. They develop maps that are based on the claims of communities and which use their local knowledge. It is a way of showing outsiders that people occupy the land and that they have used it for generations.

The responses of governments to these maps vary but are generally limited because they have no basis in law. In some districts the maps are being accepted as a basis for negotiation, and they have also been used in negotiations with companies, but they have no legal foundation.

**Gamal Pasya, Lampung Provincial Government (Indonesia):** In my view, spatial planning is still conventional in Indonesia—it uses land suitability analysis in combination with crop requirements and indicators of agro-climatology and soil quality. To some extent, planners overlay the outputs of those analyses with 'geo-strategic' interests that meet a (possibly hidden) political economic agenda. This method does not consider land tenure as a variable of spatial planning; it tends to view the space as an empty room without human activity. As long as this is the case, problems will always occur on the ground.

Land-tenure indicators should be used in spatial planning, at least at the district level. This is not a big deal; it just needs political will. Village land-use planning is the ideal level at which community groups can engage and participate. To

support this, the government should re-evaluate its Act 26/2007 on spatial planning, which centralizes the hierarchy of spatial plans by stipulating that local-level spatial plans should refer to the upper-level spatial plan (e.g. district should refer to province, and province should refer to national). If we want to incorporate tenurial variables in planning we need to start at the bottom—in villages and customary areas (as stipulated in the former Spatial Planning Act 24/1992).

**Mark Bujang, Borneo Resources Institute (BRIMAS):** In Sarawak, one of the biggest challenges in proving customary rights is the limited documentation of customary land. There were attempts by previous governments to map customary land areas, but the irony is that with independence the state government stopped demarcating customary areas. Communities also have problems obtaining access to land-use planning maps and aerial photographs because they are in the domain of government and mostly restricted. So we do not have access to the data we need to show that development plans overlap customary land. Communities find it difficult to assert their rights and take legal action when they lack this basic documentation; they have to fall back on oral descriptions of their customary land boundaries.

In 2001 we had a breakthrough when, for the first time, a Malaysian court accepted maps produced by communities as evidence in a claim against a pulp-and-paper company. Since then we have had success in about ten court cases. Even in Peninsular Malaysia and Sabah there have been successes in courts using community mapping.

After the 2001 judgment, however, the Sarawak government enacted a law—the Land Survey Ordinance, 2001—that criminalized people who do community mapping. I have testified in courts several times and usually the government tries to discredit the maps. They say I'm not a surveyor, but so far the judiciary has been accepting our maps.

In the beginning the courts did not understand the concept of customary land tenure. There was a process of trial and error, and an education process for judges on what customary land actually comprises. We needed to explain to judges and other parties that customary land is not only confined to agricultural land, and once we had done that we started to get success. Another thing that helped convince the courts was agreement between an oral history and what was being shown on the map.

**Maria Elena Regpala, Indigenous Peoples' International Centre for Policy Research and Education (Tebtebba):** You mentioned education, Mark, and I think this is key. It's important that government officials at all levels are educated on customary land use and traditional knowledge. Without an understanding of rights it will be very difficult to recognize them.

**Mark Bujang:** The need for education extends to people in communities. Many do not know about their rights. Once they understand that they have rights they can move to secure them.

**Maria Elena Regpala:** Mapping can be a good tool, but it is important that all people in a community participate in the mapping process. If there is limited participation it is difficult to use the resulting maps. Involving all sectors of a community has the added benefit of making people more aware of their ancestral domain and therefore more interested in protecting and developing it.

**Albertus Pramono:** There are challenges in ensuring participation. Technology tends to distance people from meaningful involvement. We have to find ways to engage them in the process.

**Maria Elena Regpala:** In Tebtebba's participatory mapping work we do not rely on digitized maps. We build 3D model maps of the community, which are left in the communities so they can improve them over time. Even children learn from the 3D models in the community. Sometimes digitizing these maps is done by technical people, but the 3D model is accessible to everyone.

**Joe Bryan, University of Colorado:** Awas Tingni, a Mayangna indigenous community in Nicaragua, made a claim against the government for handing out a forest concession in its territory. Maps produced in conjunction with lawyers showed that the territorial land overlapped with two forest concession areas. They took the case to the Inter-American Court on Human Rights, which found that customary use and occupancy established property rights that the state has a duty to recognize. This was a major legal change in Latin America. It took seven more years for the community to get title to their land, and they lost a large part of their claim in the titling process.

One approach to ensure legal acceptance of participatory maps is for the NGO to invite government cartographers to be involved in the process. The government cartography office subsequently produces maps based on community data. This works when there is a good relationship.

It becomes difficult to reject participatory maps once they've been produced. The state may say they are not scientific enough, however. In order to address this criticism, mapmakers have used standardized methods to guarantee the accuracy and quality of data collected. This has made it harder to contest the veracity of indigenous maps on technical grounds. However, such efforts have tended to limit community participation by ceding more of the mapping work to experts, and nor have they guaranteed state recognition of claims. In contrast, experience shows that the more communities are involved in the process, the better prepared they are to deal with what to do once they get the title.

**Marcus Colchester:** This seems to be a common tension. The more participatory the process the better it involves the community, but the less the map is taken on board by government.

**Mark Bujang:** It is essential to have total community participation in mapping processes. In some cases the government wants to recognize customary land rights, but community participation is minimal and you end up with maps that the communities don't agree with, and this just adds to the conflict. So participation is important.

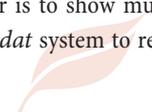
**Joe Bryan:** The quality of participation is the key, because it dictates what kinds of maps will be produced and how they will be used. It is also important to realize that no single mapping process can address all the problems a community faces, so you need to think carefully about why you're producing the map.

**Comment from the floor:** In India the Supreme Court has been playing a seminal role in giving sanction to customary areas, making it mandatory that they are mapped in planning processes. Consequently, micro planning exercises are being linked to wider-scale working plans, in a sense forcing governments to bring the maps into the public domain. This development has been made possible by a proactive judiciary.

**Comment from the floor:** I would like to raise the issue of boundaries. Our communities don't want boundaries defined by a line, because it will create conflict.

**Albertus Pramono:** This is a problem in my mapping too. In a survey you have to make a line, but lines can create another set of issues. Lines increase the sense of identity with an area and therefore the tension that arises when someone infringes those lines. How to deal with boundaries is still a big issue in Indonesia, because the understanding of space is very different in indigenous communities.

**Mark Bujang:** We have the same problem in Sarawak. When you bring a map to court you need to have a solid line. If you are unsure, the court will say "oh, you don't know where the boundary is". One answer is to show multiple claims to an area. We also use the *adat* system to resolve such issues.



# Unlocking the potential of forests through tenure reform

## The conference declaration

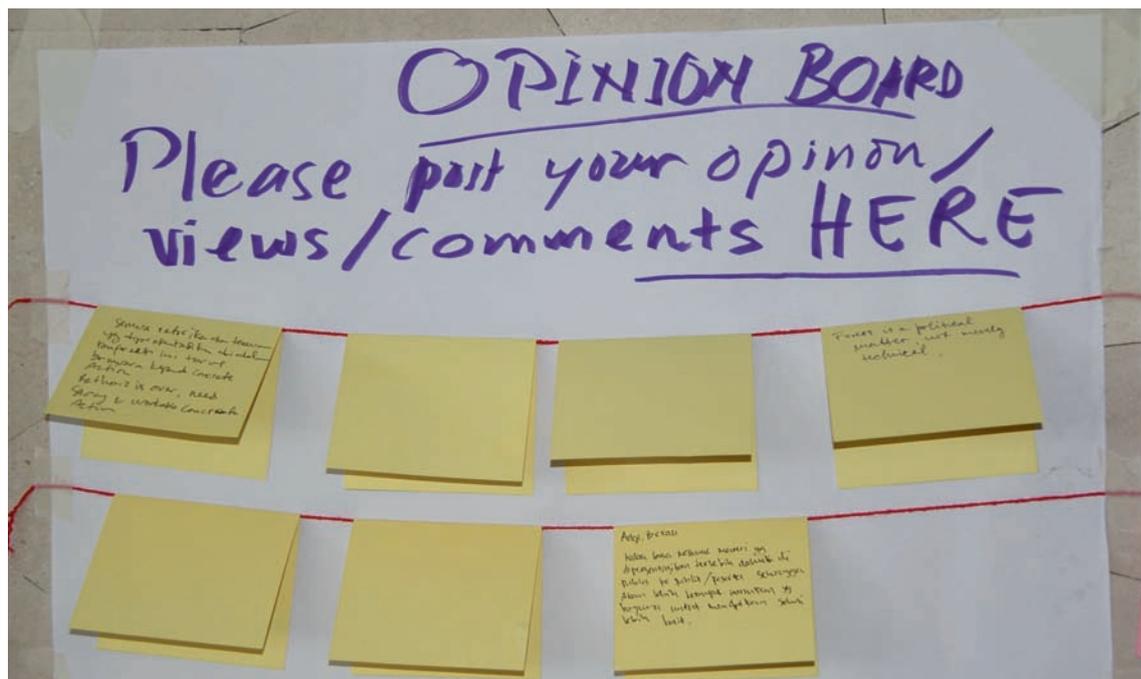


Photo: Hwan Ok Ma

## Key issues and challenges

### General

Forest tenure is unequal in many countries in Asia-Pacific, and many people have no legal access to land. While communities have customary rights to vast areas of forest, these are rarely recognized in statutory law. In many countries, the rights of indigenous peoples and local communities to control their own forests are still being ignored, and there is a lack of legal mechanisms to support indigenous peoples and local communities in managing their lands and forest areas.

About 68% of forest in Asia-Pacific is administered by government, compared with 32% in Latin America. In some Asian countries almost all forest is administered by government. Within public forests, very little forest is designated for use by indigenous peoples and local communities. In many countries the high level of state ownership is a legacy of the colonial era.

The high rate of deforestation and forest degradation in many countries in Asia is linked to inequality in land tenure and a lack of access by forest-dependent communities to ownership rights.

Foresters have tended to focus on technical and economic aspects of forestry, yet forests are also social and political matters. Foresters still lack the training to deal with such matters.

Some governments in Asia-Pacific have programs to provide more access to forest communities, and to pursue agrarian reform, but progress is slow. The process of delineating forest boundaries is also too slow.

Illegal logging, corruption and encroachment continue to be widespread, partly because of the lack of clarity on tenure.

Even in countries where community tenure is relatively high, the state often retains the right to restrict the economic use of the land, or a portion of the land, without compensation. For example, a certain percentage of a forest holding may be required to be preserved from harvesting.

There is a lack of research to support forest-tenure reform, including on customary land ownership and the impacts of tenure reform on forest conservation, social equity and poverty alleviation.

### Poverty and development

Some of the poorest people in Asia-Pacific live in forest-dependent communities, yet development assistance has consistently failed to improve the livelihoods of these people.

The harvesting of most community forests is limited by the regulatory framework to subsistence goods. Communities are heavily constrained in harvesting valuable products, particularly timber.

A lack of communication between government and communities restricts the access of communities to resources, programs and markets, also hampering their fair participation in policy development processes. In many cases this is compounded by a lack of community capacity. The complexity of many forest regulations hinders community development.

Donors show little flexibility in the way they provide funds to indigenous peoples and local communities and their federations, associations and networks.

### Climate change

Deforestation and forest degradation in the Asia-Pacific region are significant contributors to global greenhouse-gas



**Right of reply:** A participant raises a point during discussion on the conference statement. *Photo: Hwan Ok Ma*

emissions. For example, the majority of Indonesia's greenhouse-gas emissions come from land-use change and forestry. Clear and secure tenure rights and access to resources are essential for mitigating greenhouse-gas emissions from the land-use sector.

The consideration of traditional knowledge is largely missing from international debate on climate-change mitigation. The slow pace of negotiations on REDD+ is creating uncertainty at the national level and in forest communities.

### **Conflict**

Unclear, unjust or overlapping forest-tenure arrangements lead to conflict—between communities, between communities and companies, and between communities and government. These conflicts can and sometimes do involve violence against communities.

In many countries there is a lack of effective conflict-resolution mechanisms for resolving disputes over forest tenure, which may be exacerbated by unequal access to information, unbalanced power structures, and weak capacity.

### **Gender**

Women are often disproportionately affected by conflicts over forest tenure when they lead to the moral disintegration of family and community values. There is a gender bias in development institutions, whereby women are assigned roles based on cultural norms and religious interpretation.

No matter what type of tenure reform, it affects men and women differently. Women can be marginalized by processes of land-tenure reform. Greater rights for the community do not translate automatically to the rights of women. It is often difficult for women to engage in processes of land reform.

Even if policies are gender-affirmative, their implementation is a challenge. It is likely that women with low education levels will not be reached by government programs or forest-based development.

### **Planning and safeguards**

Spatial planning for forests and agricultural land tends to be driven from the top down and ignores community uses, ownership and knowledge, and there is little cross-sectoral coordination. Few governments have incorporated community mapping in their spatial planning processes.

Safeguards such as participation and free, prior and informed consent (FPIC) are yet to be fully instituted in processes of forest-tenure reform. The application of FPIC has been disappointing in some forests, due at least in part to a lack of understanding of the concept.

### **Key lessons**

*Triggers of forest-tenure reform.* Opportunities for land-tenure reform, including forest-tenure reform, can be brought about by public concern over environmental degradation; a change in governance model (e.g. from dictatorship to democracy, or from centralism to decentralism); activism by forest users, indigenous peoples and local communities; and international commitments on rights and responsibilities.

*Identity and positive change.* Tenure rights are necessary to secure the identity, cultural heritage and traditions of indigenous peoples and local communities, and to enable people in such communities to live with dignity and self-esteem. Tenure reform is not the be all and end all of forest problems, but it is a key condition for addressing deforestation, forest degradation and community development.

*Conflict.* Independent institutions or mechanisms are needed to resolve conflicts related to forest tenure, both formally and informally. Such institutions or mechanisms must be transparent and accessible. Conflict-resolution models that work at the local level are best developed using participatory approaches. Community mapping is often a necessary first step in resolving conflicts.

*Cross-sectoral approach.* Tenure reform is not sector-bound; it is multi-dimensional. Land-tenure relationships are a convergence of social, cultural, technical, institutional, legal, economic and political forces that push and pull, a process that can create considerable tension. Meaningful coordination between sectors, the different levels of government, NGOs and communities is essential for effective spatial planning and to speed up tenure reform and the establishment of community-managed forests. Forest-tenure reform requires strong inter-agency coordination, and should be multi-stakeholder based.

*Community mapping.* Community mapping is an important tool in tenure reform. It can be used, for example, for gazettelement; titling; revitalizing customary law; transferring knowledge to younger generations; affirming community identity; resolving conflict between families, communities, companies and government; and litigation. Obtaining meaningful participation in community mapping is essential, and not always easy; it requires approaches that are gender-just and that ensure the informed participation of marginalized groups.

*Tenure security.* Forest tenure is not just about the distribution of land and forest resources; it is also about how to secure and use forest resources, including timber, to improve livelihoods and achieve sustainable forest management at the village level. Tenure security for any group depends on three factors—that it is legally recognizable; that it is socially acceptable; and that rights are externally enforceable.

*Investment and enterprise.* Gaining local control of forests is a process that starts with tenure reform but also involves investment to stimulate enterprise development in forest communities. Financial empowerment can lead to increased autonomy and help rights-holders to obtain long-term tenure security.

*Political commitment.* Forest-tenure reform is a long and evolving process, so long-term political commitment is needed. Creating successful community forest-based initiatives also often requires a long process of capacity-building and development and therefore the long-term commitment of the involved parties. Opposition to reform, especially from powerful interest groups, may be strong, but this may be mitigated by promoting success stories.

*Institutional reform.* Transition from centralistic to democratic decision-making requires both political and institutional reform. Communities need access to markets,

information, technology and infrastructure, but they also have the capacity to take charge of their own institutions if they have secure tenure. Resolving conflicts over forest tenure and use will require institutions to transfer some of their authority over the resource. Simplifying forest regulations to enable the flourishing of community-based enterprises is often an essential ingredient for ensuring that communities can capitalize on progress in tenure reform.

*Climate-change mitigation.* Reducing forest-related greenhouse-gas emissions, and achieving economic growth, are not mutually incompatible, but forest-tenure reform is critical for both. New market opportunities for forest products and services, including carbon markets, should be explored to promote community-based management of forest resources.

*Gender and safeguards.* Tenure-reform processes should actively seek the effective participation of women and other marginalized groups. Building safeguards into policies, laws and processes will help to protect the vulnerable from discrimination and elite capture. There is a need to educate foresters in community approaches and to build a cadre of people, including women, with such wider knowledge.

## **Guiding principles**

All parties—governments, institutions, industry, communities, NGOs and international organizations—must employ the principles of good governance: accountability, transparency, efficiency and effectiveness, responsiveness, forward vision and rule of law.

Forest-tenure reform requires a clear policy that should be set before laws are drafted. The policy must be developed in an inclusive and participatory way.

## **Recommendations**

The time has come to move community forestry to a new level in order to unlock the potential of forests to make a significant, consistent and sustainable contribution to community and national development. Building on the results achieved so far in some tropical countries on the recognition of community rights and the development of appropriate policies, there is a need and an opportunity to ensure the delivery of concrete economic benefits that are equally shared. Donors and international organizations are invited to collaborate to advance a new generation of tenure reform and community forestry initiatives aimed at sustainable local and national development.

### **All parties**

- Place more trust in indigenous peoples and local communities.
- Develop widely agreed criteria for measuring the success of forest-tenure reform.
- Compile and monitor success stories and active processes, and make data available to all parties to



*Photo: Tetra Yanuariadi*

better publicize the advantages and challenges of forest-tenure reform and community-based forest management and enterprises.

- Conduct research on customary land-tenure systems and innovative approaches to tenure reform. Do not use a lack of research to justify a slow pace of reform.
- Pay much greater attention to ensuring the rights of communities to harvest high-value forest resources, including timber, and their capacity to add value to and market such resources.
- Support the role of community-based forest enterprises through capacity-building, regulatory reform and improved access to credit.
- Develop simple tools and mechanisms to ensure that projects and programs integrate women's needs as a core component.
- Translate concepts such as FPIC and other safeguards into language and models based on traditional knowledge and practices.
- Work to increase investment in capacity-building for local communities and local governments.
- Participate in and support follow-up to ensure the implementation of the recommendations contained in this declaration, as relevant to each country.
- Monitor and report on the implementation of those recommendations at timely intervals.
- Increase access to funding for community-based forest management.

### **Governments**

- Provide communities, including women, the poor and other marginalized people, with assistance and training in dealing with forest regulations.

- Ratify and implement United Nations conventions, declarations and agreements that recognize, respect and protect the rights of indigenous peoples and local communities dependent on forests.
- For those governments that have not yet done so, ratify and implement the International Tropical Timber Agreement, 2006, as a framework for the social and economic development of forests.
- Use international instruments on the rights of indigenous peoples and local communities to guide government and sectoral policies and, where appropriate, develop an overarching national law to protect such rights.
- Provide support, awareness-raising and capacity-building for community-based forest enterprises to meet the requirements of initiatives such as the EU FLEGT Timber Regulation, the US Lacey Act and other import regulations, as well as certification.
- Improve the enabling environment for small enterprises so that forest communities can register businesses, access financial services, negotiate partnerships and attract sustainable investment.
- Create or accelerate the registration, recognition and protection of the rights of indigenous peoples and local communities and the delineation of forest lands.
- Implement FPIC and other safeguards in all government policies to ensure that the rights of indigenous peoples and local communities are respected and environmental values are protected.
- Implement procedures to ensure that women, the poor and other marginalized groups participate in and benefit from processes of forest-tenure reform.
- Establish and strengthen networks of women, the poor and other marginalized people at the village level.
- Establish or strengthen forest programs, with budgets, focused on women's activities at the village level.
- Create, as necessary, independent institutions or mechanisms to formally resolve conflicts related to forest tenure.
- Evaluate procedures for the issuance of tenure instruments to communities, and for the administration of timber and non-timber forest products and services on community and private forest land, with a view to making the application and approval processes quicker, simpler and cheaper.
- Develop integrated and harmonious legal frameworks and policies regarding forest and land tenure.
- Ensure that the issuance of regulations affecting community forest tenure is accompanied by access to information and capacity-building.
- Adopt gender-just community mapping as a critical component of spatial planning using a combination of top-down and bottom-up approaches.

- Develop simple tools and mechanisms to ensure that projects and programs integrate the concerns of indigenous peoples and local communities.
- Increase the role of independent third parties in the monitoring of government programs.
- Ensure that broad economic plans prioritize low-carbon development and, where appropriate, include the payment of green premiums for sustainably produced products and services.
- Work with communities to build their grassroots-level forums to bring about conducive policy changes by mobilizing policymakers.
- Work with government to undertake land-tenure legislation and implementation reforms.
- Work with government to research, document, mediate and resolve land conflicts.
- Negotiate with the private sector to support land-tenure reform processes.

### **Civil-society organizations**

- Provide communities, including women, the poor and other marginalized people, with assistance and training in dealing with forest regulations.
- Commit gender-sensitive budgets and networks at all levels and aggregate data to assist the poor within communities at the village level to improve tenure rights and the capacity to improve their livelihoods.
- Continue to work with communities to map their customary lands using participatory processes, and ensure legal recognition.
- Ensure the provision of legal advice to communities on the establishment of forest-based enterprises, clarity of tenure and the components of governance. Provide support to enable market access, and document community intellectual property.
- Work with local and central governments, where applicable, to implement and monitor activities related to forest-tenure reform and governance.
- Provide a bridge between government and communities on program activities, including mapping and spatial planning.
- To the greatest extent possible, facilitate the understanding and use of existing government regulations among communities to achieve forest-tenure reform.
- Promote multi-stakeholder processes for reforming laws, regulations and institutions, including judicial and quasi-judicial institutions.
- Facilitate more access to resources by enabling changes in fiscal regulations.
- Work with government to improve and simplify forest-related regulations.
- Help prepare community forest enterprises—with an emphasis on women—to access markets for their products and services.
- Ensure that appropriate capacity-building is undertaken to enable local communities and local people to carry on managing their forests themselves.
- Work with communities to build capacity and create pressure to negotiate with government for the removal of contradictory provisions in policies, acts and institutions on forest tenure.

### **Communities**

- Mobilize to participate in and provide input to spatial planning processes, such as through community mapping.
- Organize and network so that marginalized groups within communities can participate effectively in reform processes and can express opinions on and claim rights to forest tenure.
- Carefully select partners that can facilitate market opportunities to commercialize forest goods and services.
- Continue the conservation, management and sustainable use of forests.
- Pursue economic sustainability in managing their forests.

### **Donors and international organizations**

- Urgently seek ways to increase the amount of funds that reach the poorest and most marginalized forest-dependent people, and provide support through target-group networks. In doing this, encourage the use of national capacity.
- Provide funds through flexible mechanisms to increase capacity-building in indigenous and local communities and local governments.
- In cooperation programs for the forest and social sectors, support partner countries in the implementation of forest-tenure reform and enterprises at the community level.
- Provide a transparent mechanism for the distribution of donor assistance to ensure that this distribution is equitable and reaches those most in need.
- In partnership with the private sector, support the advance of a new generation of community forestry initiatives aimed at sustainable local development, whereby the financial benefits obtained from the sustainable use of forest goods and services are re-invested in local businesses as the foundation of rural economies.
- Mobilize ITTO's Civil Society Advisory Group to assist in advancing and promoting projects and programs, including value addition of green products and the pragmatic implementation of certification.

# Closing comments

**Eduardo Mansur, ITTO:** Community forestry is about managing conflicts. This conference addressed two important issues—people, and conflict management. We heard the voices of communities, civil-society organizations and governments. These opportunities for bringing communities and governments together are rare. The way ahead is spelled out in the declaration; it synthesizes the path. The time has come to take community forestry to the next stage, where communities are engaged in the market. We must all continue fighting for community recognition and rights. Those who own the forest take care of the forest. The magnificent resource of tropical forests and the violence of poverty are not compatible, yet they coexist at the moment. Recognizing rights to tenure and access helps the forests to be forests and the people to be better off. ITTO is proud to have contributed to moving this issue forward in Indonesia and elsewhere.

**Andy White, RRI:** It has been a rich and productive week. As per the other two conferences, we have done this together and we have much to be proud of. Everyone has contributed. We leave with a more complete understanding of the current state of tenure reform in Indonesia, in other parts of Asia and throughout the world. The declaration demonstrates our clear vision that will drive the work of many of us. During this conference we have heard the strongest-ever commitments to support tenure reform from the Government of Indonesia and ITTO.

This conference has revealed that a movement is brewing that will transform the forest sector as we know it. As Pak Kuntoro said, the challenge now is implementation, implementation, implementation. This is an important moment for Indonesia and their indigenous peoples and local communities, who have worked so hard for this transformation. This conference has brought more clarity and honesty; honesty is always cathartic and necessary and often brings great opportunity. We have reached a tipping point in the history of Indonesian forests and those around the region. Thank you all for your openness and willingness to share your experiences and expectations.

**Abdon Nababan, AMAN:** To the Ministry of Forestry, thank you. This is the first time I've been invited by the Ministry to a meeting where the topic has specifically been forest-tenure reform. This is the most important topic in Indonesia right now. There is a crisis in forest governance that stems from two problems: corruption and conflict. Neither can be solved without tenure reform. Thank you to RRI—I was sceptical and you really convinced me that this conference would be beneficial. Thank you for your persistence and faith that this conference could make a



**Reaching out:** Conference participant Martini Mohamad Safai'ee meets a Lombok youngster during a field trip. *Photo: Tetra Yanuariadi*

difference. Thank you to ITTO—we haven't had much to do with each other before, but I think now we will collaborate more. Many friends convinced me of the importance of this conference, so sorry for not seeming too enthusiastic at the beginning.

In the last few days we have learned some bitter truths, and it makes us wonder how on earth we can solve these problems. But the truth can drive us towards reconciliation. Indeed, there can be no reconciliation until there is truth. I realize now that these problems exist throughout Asia and that they were not created by the Ministry of Forestry. We still have to free ourselves from the remnants of colonization. Hopefully the Ministry of Forestry feels the same way. The Ministry of Forestry is part of the journey.

Let us take these messages back home with us. In Indonesia I hope we can meet to continue talking about these issues. There are huge problems, and an international conference cannot solve them unless we in Indonesia can sit down and talk. It will be easier to do so now.

**Hadi Pasaribu, Ministry of Forestry:** When the Government of Indonesia decided to host and take part as co-organizer of this conference, the intention was clear; we wanted to be open about the tenure problems we have and to address them in a more principled and fundamental way. The situation today is a result of the past; it's not to put blame on others, but we want to resolve these historical problems with a more contemporary approach. I am offering to meet with civil society in the next 3–6 months to discuss what we will do together to reform our tenure system. This conference is not the end; it is the initial step. It is a ceasefire to put on the table the principles we can agree on.

