MORNING SESSION

Tenure, access rights, and regulatory frameworks

Keynote address

Kyeretwie Opoku
Civic Response, Ghana

When we talk about tenure, we refer to the social relationships that guarantee the holder secure, beneficial use and control over a resource. These could include some or all of the following elements: formal legal rights, socio-political customary rights, the participatory character of forest regimes, the accountability of local government institutions, and normative international conventions. These concepts are at the heart of governance issues and are fundamental themes of community forest management and the way we think about forestry and development.

In CFEs we have witnessed achievements in conservation and restoration, economic and social development, human resource creativity, confidence, dignity, equity and solidarity. In other words, a world of possibilities lies ahead if these initiatives are sustained and scaled up to become the norm rather than the exception.

Tenure is the flip side of CFE discussions. CFEs require community forest management, which, in turn, requires tenure.

There are similarities across several countries in Africa in the post-slavery, post-independence movements and the first generation of national leadership. Countries went in two directions: continuing to support foreign interests instead of communities, or moving towards a socialistic, Soviet model, such as in Ghana, also at the expense of community interests. Concessions were the dominant form of resource tenure; the state held all rights (in the name of society as a whole), superseding Indigenous rights but incorporating their interests. In a separate legal form of tenure, the state allocates (mostly long-term) exploitation rights to companies (mostly foreign-owned) against the performance of specified (mostly revenue) obligations.

However, the political economy reality was, initially, bloody expropriation by privateers in the period 1800–1850, followed by the creation, 30–50 years later, of colonial states to control violent competition between privateers. Colonial states introduced European-style tenure systems to mask and legitimize expropriation. The region has since gone through a series of concession reforms which have created space for national elites and increased taxation, environmental and industrial regulations and, more recently, social responsibility obligations. In the 1990s, we saw shifts in community tenure resulting from the recognition that the 150-year-old concession model had depleted resources, expatriated wealth, created huge domestic wealth disparities, disrupted rural society and generated conflict. Social movements have re-emerged to challenge expropriation, and community tenure has become politically correct.

Progress has been slow and case studies are hardly representative. Compared to concessions, policies and legislation around community tenure have been vague and regulation delayed, support institutions are marginalized and financial support is minimal. Regional and multilateral resources are disengaged and the achievements or even existence of CFEs have been unacknowledged. Furthermore, community forest management is often occurring in forests that transnational corporations do not want.

The community sector must grow—or shrink and die. We cannot assume the smooth expansion of the community sector based on the triumph of reason and humanity. So, what are the challenges ahead? Financial investments for community enterprises are minimal and exist only at the micro-enterprise level. Multilateral institutions are not particularly engaged in the CFE sector.

A lot of the discussion this week has been about the enterprises but we need to refocus on tenure, not instead of but as part of an holistic approach. This

Photo: A. Sarre

is the real thing: we are talking about disrupting 150 years of social organization. Big shifts take a long time and multilateral organizations will not change overnight. We must also recognize that there will be a backlash. The path is a struggle for rights. I am not sending a message of arming ourselves with AK47s, I am not advocating that. We must look at international agreements, the impacts of which make it impossible for nation states to protect CFEs, which must compete with so-called equality with European businesses. It is becoming legally possible for other regional blocs to negotiate in the same way. We need to worry about participation, openness, and the extent to which this model affords participation within communities or simply creates new elites. We need to look across resource lines: fisheries, NTFPs, water; we need to look thematically as well. The human rights community is busy trying to develop new, abstract norms; we must engage them at the level of local realities. You need to demand support from allies like RRI!

The case studies we will hear today need to make it into daily papers, talk shows; they need to attract media attention. We need to go beyond niche media. In places like Acre, where there is government support, get the government to talk to other governments. We need to invade communication platforms and make the case that good governance is good for all.

Patrice Pa'ah
Agro-Forestry Cooperative of the Tri-national CAFT, Cameroon

The Agroforestry Cooperative of the Tri-National (CAFT) is an incipient community forestry cooperative enterprise in Cameroon. Its situation exemplifies both the opportunities for CFEs in Cameroon as well as the conceptual problems with the current model of community forestry in Africa: most forests continue to be designated for protection, state management or large commercial concessions and flexible support to communities is still limited.

Despite a process of reform, community forests make up only 1% of the total forest area in Cameroon, with protected areas covering 31% and concessions 64%. Community forestry emerged as a reform to aid in poverty reduction during the economic crises of the 1990s.

Photo: A. Martin

CAFT was created in 2004 in the Ngoyla region of southeastern Cameroon, including nine villages and about 20 000 hectares of forest lands. Communities are in charge of their own timber harvesting and CAFT handles collection, stocking, processing and the marketing of semi-finished and finished products. The communities lack skills, working capital, knowledge of markets and quality demands and are distant from the export markets for their high-value tropical woods. So far, CAFT has been able to consolidate a social organization for the enterprise and begin a process of positive development.

For future success, CAFT will need to build skills that are currently provided by outside experts, continue partnerships but ensure a strong ownership of the process by the communities, promote more favourable forest regulations that contain the costs of production and promote government investment, and provide flexibility to strengthen local institutional models.

Somying Soontornwong

Ngan Panansalan Pagasabangn Forest Resources Development Cooperative (NPPFRDC), the Philippines

By the late 1960s, commercial logging was being widely promoted as the economic lifeline of the Philippines and exports of logs and lumber accounted for around 33% of all exports. However, by the mid-1980s, widespread forest reduction forced the country to ban the export of logs from natural forest. The Department of Environment and Natural Resources (DENR) stopped issuing timber license agreements (TLAs) and no longer renewed existing TLAs when they expired. The number of TLAs dropped from 422 in 1973 to 16 in 2003, with a corresponding increase in community management. By 2003, some 5503 community sites had been registered with a combined area of 6 million hectares under about 3000 people's organizations.

One of the first community-based timber enterprises to emerge in this process was the Ngan Panan-Salan Pagsa-Bangan Forest Resources Development Cooperative. With promotion by the government, the cooperative was formed and registered with the Cooperative Development Authority in 1996 and awarded the status of Community-based Forest Management Area No 11 on 4 December 1996, with rights and responsibilities for the management and protection of 14,800 hectares of forest. The enterprise utilizes both natural forest and tree plantations and was SmartWood-certified in 2000, the first community enterprise to be certified in the ASEAN region. The enterprise has 324 members, 40% of them Indigenous and the remainder recent migrants.

The cooperative is managed through a general assembly, an elected board of directors (currently with three women and six Indigenous members) and an appointed general manager, thus marrying a cooperative structure to a business structure. Harvesting is done by contractors and the sawmill is run by the cooperative, thus distributing the employment benefits of the enterprise.

The enterprise has operated without external assistance since its establishment; of the net profits generated by logging, 60% is ploughed back to forest development, 10% is kept in a reserve fund and 30% is allocated to livelihood activities. The total value of forest charges remitted to government was around US$125 000 between 1997 and 2004.

Although employees have had to work as volunteers in difficult times, overall the enterprise has generated significant benefits: profits, employment, start-up capital for other ventures, demand for businesses in the community, and environmental improvements.

There are still significant policy and legal gaps, including regular national blanket bans placed by the DENR Secretary on resource use permits, limits on additional wood-processing plants that would allow the community to add value to their products, an onerous compliance certificate on top of the community management framework requirement, and so on.

Charlotte Benneker

Agroforestry Association of Tumupasa (AGROFORT), Bolivia

Policy reforms in Bolivia in the 1990s opened the door to community and farmer participation in forest management. In response, Indigenous and peasant groups applied for forest-management and harvesting rights in areas that were formerly designated for industrial forest concessions. These areas were generally managed extensively, providing the state with poor revenue returns, or were high-graded and poorly managed. Forest concession reforms increased stumpage fees and replaced government surveillance with voluntary forest certification schemes. In addition, responsibilities for forest oversight were decentralized to municipal and departmental governments that were much closer to the forest areas. The Bolivia Agroforestry Association of Tumupasa (AGROFORT) is an association of rural people who organized as a forest enterprise. Since they are mainly Tacana families residing within the boundaries of an Indigenous reserve, the government has designated them as a social association within an Indigenous community territory.

Because of the newness of the policies, institutional overlaps, and confusion over AGROFORT's status, the Association had to weather a five-year approval process before it become formally recognized by the state. It manages an area of 5000 hectares. There is great potential for the enterprise but it faces many challenges. Some are bureaucratic: required, for example, is a forest 'patent' per hectare harvested, permits for the transport of the products, a fairly expensive management plan, the hiring of a professional forest engineer, and heavy machinery (because chainsaw mills are forbidden). In addition, the enterprise is dependent on private-sector buyers to provide working capital. The enterprise sells to export markets and road transport contracts can be difficult to negotiate. With neighboring associations, AGROFORT is advocating the simplification of regulations, their tailoring to meet local needs and capacity, and support for market and service access.

Abdon Pardo

Community leader, AGROFORT, Bolivia

Our forest management plan was approved in 2001. We started with 21 people and now there are 16 of us. It has been a tense process, trying to create an association. We received support from USAID-Bolfor and from the new law, which allows for the commercial use of the forest. The main difficulty we face is land invasion by outsiders, taking up to 2000 hectares of the 7000 hectares we have. We want to prove to the government that forest communities under the Indigenous community territory regime have the capacity to generate jobs.

When we started this process, we saw it as an income alternative to other practices but it hasn't quite worked as we expected. Before, we managed the forests but sold the timber illegally and for more; now we sell to a private company and have had to modify the way we work just to break even. We have had to re-strategize, buy equipment and lower our revenue expectations. We are an example for other communities in Indigenous community territories, which hopefully can learn from our mistakes.

Ruben Gomes, Escola Luthera

Working Group on Community Forest Management, Brazil

There are two main social movements concerned with tenure and access in Brazil. One of them fights for access and the direct use of the land, but forests are not the focus. The other is of fundamental importance in the state of Acre. In

the 1980s, Nilson and Paulo—who are here at this conference today—and Chico Mendes fought to preserve the forest and get recognition of their rights. During that time, the National Council of Rubber Tappers (CNS) was established. In 1992, the global environmental movement came to Brazil for the Rio Earth Summit. Afterwards, the Brazilian government started looking for partners to implement the commitments made at the conference. In early 2000, the government created the program Promanejo, with particular attention to the Amazon region and the implementation of community forest management initiatives. From 2000 to 2005, KfW, a German development bank, provided €5 million for research and public policy development. Social organizations like CNS and the Amazon Working Group (Grupo de Trabalho de Amazonia—GTA), the group I represent, participated in the working groups to develop these policies in different forums and commissions. The need to create a national-level commission emerged within the government and CONAFOR was created to take into consideration the tenure needs of Amazonian communities. The process, which began in 2003, was finally approved in 2005 and, since then, we have been working to implement this law.

The majority of the forests in the Amazon is in community hands, be it Quilombola, Indigenous, or communities in general. The state needs to be more nimble in implementing actions. It is going in the right direction and the working group presented a letter to the Minister of the Environment to create public policies that support community forest management in the Amazon.

I would like to pause briefly in memory of our partner, Vanessa Sequeira, who was murdered last year in this state.

Working group session

The fourth working group session was convened on the topic *Tenure, access rights, and regulatory frameworks*. Five working groups discussed one each of the following sub-topics:

- tenure recognition and tenure security;
- regulatory frameworks for access and use;
- forest management plans;
- transport infrastructure and regulation; and
- trade restrictions and taxation.

AFTERNOON SESSION

Key barriers and constraints and potential solutions to support the emergence and growth of CFEs

Keynote address

Silverius Oscar Unggul

JAUH, southeast Sulawesi, Indonesia

Silverius presented a video before his oral presentation that showed constraints against legal forest operations.

Communities feel alone, unconfident. They lack information and technical capacity. To understand policy, we must identify the key actors first. At the local level, we have local communities, local governments and local NGOs. At the national level, we have national networks of communities, national governments, and national NGOs or NGO networks. At the international or regional levels, we have international/regional networks of communities, international/regional government associations like the United Nations and ITTO, and international NGOs like RRI.

The next three issues to understand are quantity, quality and sustainability. Regarding quantity, we see from Augusta Molnar's study that the potential for CFE growth is huge, at about 82.5 million hectares not including my country, Indonesia. Based on the production figures we saw at the community wood factory in Xapuri, where average production is two cubic metrres per hectare per year and we multiply it by the potential amount of forest that could be managed by communities, we come up with: 165 million m^3 per hectare per year. And, if we include Indonesia, this could equal 195 million m^3. Clearly, these figures demonstrate the enormous potential for CFE growth.

Photo: A. Sarre

In terms of quality, we want to ensure that we do not support the production of blood wood; but we should support good wood. Blood wood comes in direct conflict with local communities; it is not based on the principles of sustainable forest management (SFM) and the forest is just used for timber extraction. Good wood, on the other hand, does not engender conflict, promotes multiple uses of forests and SFM, and is FSC-certified. To ensure sustainability, we need a secure and continuous supply of timber for industry from a sustainably managed source.

The last topic I want to discuss is capital. I do not mean the capital you might get in a bank but the capital that can be created through the relationship between community, government and business. There is private-sector interest in establishing good relationships with communities and promoting joint investments. However, relationships are unequal. Companies receive a 60% down-payment for their products; communities do not get that, the middle men do. Why don't communities get that? Policy, market, capital: these are the key factors in promoting CFEs.

Kanimang Camara and Kebba Marong

National Consultancy on Forestry Extension Services and Training, Community Forest President, Jassobo Village, Lower River Region, Gambia

I, Kebba Marong, am the chairman of 26 villages, which are managing 47 000 hectares of forest. During the process of community forest management there are bound to be constraints, but we came up with some solutions to address these constraints.

Community forest management was introduced to my country in the last decade with the aim of protecting the forest. During the first phase, NGO and government workshops and campaigns were used to increase awareness in the community about the need to protect forest resources. Before the introduction of community forestry there was a lot of destruction but, when it came in, it actually improved the ecological condition of the forest.

What are the constraints and solutions? One of the initial constraints was access to start-up capital, or seed money. We overcame this through the use of village development funds to finance some of the enterprises. Another constraint we face is rampant forest fires; a significant fire can wipe out the enterprise. So we took an integrated approach involving many villages in order to instigate control at a wider scale. Production was hampered by a limited natural resource base. For the first few years, the communities worked to replace forest off-take in order to preserve community resources.

We have had some administrative problems, too. The process of handing back forests to communities takes two to three years by law but, in reality, it takes longer than that. In order to reduce the time, there have been attempts to include other actors and to make the process more transparent.

There is limited government investment in the community forestry program. Each district organized itself in order to lobby parliamentarians to reduce bureaucratic procedures and, as a result, a parliamentary working group was set up to address just that. Another issue is standards, such as for truck loads: there is a lack of clarity on that. Some villages level accusations that the association created


Photos: A. Sarre

standards to prevent vendors playing with the system. The Forestry Department has created a system by which village promoters work with the communities in the collection and analysis of market information. The association was responsible for the marketing of products like honey. They are producing legal products, but there are also a lot of illegal products coming out of state forests at low prices. So, with government help they are trying to crack down on illegal forest products. Finally, there are some emerging lessons: community involvement in the process is the key to successful development enterprises. Local ownership is also critical, as well as strong capacity-building, both horizontally and vertically.

Netra Timsina and Guman Dhoj Kuwart Chhetri

Forest Action Nepal

The Chaubas-Bhumlu sawmill was the first community sawmill to be approved in Nepal and the only instance in which forest user groups have been given permission to manage a vertically integrated timber operation on their own, despite 30 years of community forestry. The four forest user groups with legal rights to manage their community forests grouped together to address the fact that they were getting a terrible price for their harvested wood. They decided to add value by developing a sawmill. In getting the needed permission from government to do so they were assisted by a long-standing, donor-funded forestry assistance program in their region. Each group harvests its own timber and brings it to the mill for processing into sawnwood and by-products. Sawnwood is sold in the nearby Dolaghat collection centre, while some roundwood is classified in the centre and sold at higher prices in Katmandu and other Nepalese timber markets.

The mill has had many impacts. It has allowed the regeneration of the natural resource base and led to increased biodiversity. It has made funds available for the silvicultural treatments needed to improve the forest resource and facilitated the introduction of a formal logging management plan. It has generated new economic activity, social capital for enterprise members, and new initiatives for social development, such as a high school, roads and electricity services. Members have also increased their skill set—technical, business, managerial and marketing. The enterprise has had a strong focus on equity and, while there is much more to be done on this front, women and marginal groups have been specifically targeted.

The enterprise still faces constraints. There is a need to invest more working capital in diesel and better machinery. Barriers created by onerous government regulations, technical guidelines and stumpage taxes, as well as by additional requirements imposed by local governments, must be overcome. Finally, internal conflicts among the members need to be addressed.

Jose Luis Mendoza Santillan

San Pedro Jacuaro, Michoacan, Mexico

I will talk about the town of San Pedro Jacuaro, which has 1781 inhabitants and three types of tenure systems: communal lands, *ejidos*, and small land-holdings. Records of the legal existence of this place date back to colonial times, when the Spanish Crown recognized the Indigenous Purepecha peoples' territory in 1750. Two hundred years later, the federal government awarded land to communities with which to create *ejidos*. We currently have 85 *ejido*-holders. We have pine and oyamel forests extended from 2000 to 3500 metres above sea level and we manage 1800 hectares for commercial purposes. Our average volume is 8000 m^3 annually and we work under 10-year plans. We also extract 6000 kg of pine resin annually. Families have their own carpentry shops for making furniture. Forestry operations generate 39 jobs and the sawmill 30.

Since the 1980s, we have also been working on tourism-related activities. We have a vacation/camping centre where visitors can go to hot springs, use hotel facilities and campsites, and swim in our pools. We also have a restaurant and a climbing wall. We do trout farming; we have an artificial lake for water sports and hiking trails, too. This tourism centre generates 30 permanent jobs and an extra 30 during the high season. The centre is visited annually by about 100 000 people, generating revenues of around US$300 000. Tourism represents half of our income, followed by forestry (30%), sawmill operations and timber transport.

We hold regular general assembly meetings. Finally, I would like to say that San Pedro Jacuaro awaits you with open arms, so come visit us. Thank you.

Brigido Orellana

COINACAPA (Coop-Integral Agroextractivista Campesinos de Pando Ltda), Bolivia

We are a cooperative of farmers that was formed in 2002 with 45 members (men and women) as a reaction to inequalities caused by intermediaries and private companies. We currently have 370 members in 34 communities and one Indigenous community. We used to rely on intermediaries; now we sell directly to consumers. When we started we exported brazil nuts in one container; now we use 16 containers.

The Center for International Forestry Research supported us in a community mapping exercise. We have created a management plan for one community and built a storage facility. We have signed a tri-national agreement with other brazil-nut producers in Peru (ASCART) and Brazil (CAPEB), and we conduct community exchanges with them. We also conduct workshops with our members on extraction and handling to maintain our organic seal. We started a campaign for sustainable brazil nut production, which includes a guide to keeping the nut clean and safe.

We have other economic activities, such as açai extraction and fish farming, that are gaining attention. As a cooperative, our new strategic priorities include: the construction of a processing plant for brazil nuts, improving quality, more effective commercialization, and improved forest management plans to ensure sustainability for future generations.

Fellow communities, the time has arrived for community enterprises to unite in their efforts to compete with conventional private companies. Thank you.

Raimundo Tavares Lemos

COOPERFLORESTA, Acre, Brazil

Cooperfloresta, a forestry cooperative in Acre state in Brazil, became a legal entity in August 2005. Before then, we used to sell our products as a community group. The community is responsible for conducing forest inventories. One of our initial difficulties was the lack of financial capacity. We also work on other economic

Community education: In Gambia, NGO and government workshops and campaigns have been used to increase awareness in the community about the need to protect forest resources. *Photo: Wolfgang Thoma & Kanimang Camara (FAO)*

activities since we cannot depend solely on wood to survive and the forest would disappear. This is a complementary activity, since we also commercialize brazil nuts, rubber and small-scale agriculture.

We have improved our living and working conditions through many years of struggle. The government is now supporting us a lot. Community organization was also a key factor. If we had not organized, the government would not have helped us. However, a lot more is needed.

License fees are economically burdensome, and our work to certify operations has not simplified things, either. It would be very useful if logging permits were created just for communities; this would greatly simplify things. We created our cooperative to sell timber but if we cannot get the license we cannot sell the product. These types of bureaucratic hurdle provide incentives for clandestine activities. If we don't get the permit, some members are saying they will stop working with certified forestry because it does not help. Hurdles like these discourage people who try to do things right and it will end up hurting the forest, too, but we need to work with all sectors of society.

F. Hiol Hiol and Mgabamine Zacharie

Artisanal exploitation in a community forest in Cameroon: the case of Medjoh

Our project was initiated at a consultation meeting in 2000 but the first sale didn't occur until 2006. The process was lengthy because of strenuous and changing administrative requirements, internal conflicts within the community, a lack of financing, and flaws in the management plan, which was too similar to that of a large forest concession.

Initially, the cost of equipment and administration was higher for the community than if the work had been contracted out to a third party, but it led to better employment opportunities, higher prices, and ownership of the process. A partnership with the forest company Pallisco was created to get sawing equipment and training. The operation has created 16 permanent jobs and 20–30 temporary jobs. The export market provides much higher margins than the domestic market, but transportation is an issue because check-point fees for community timber are very high.

This example shows that community forestry can help provide jobs and reduce poverty. However, it is an isolated case because it benefited from strong support from both an industrial partner and the international donor community. For it to be duplicated there needs to be a simplification of administrative processes, a decrease in bureaucratic requirements and transportation fees, and an overall clarification of legal and fiscal conditions. Otherwise, Cameroonian community forestry will remain largely illegal.

Working group session

In the fifth working group session, three working groups—community representatives, civil society, and government representatives—convened to discuss their conclusions on and solutions for overcoming the key barriers and constraints to the emergence and growth of CFEs.