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## Community forests in international processes

For years governments have been discussing about forests and making "legally-binding" and "non legally-binding" agreements with the stated aim of protecting the world's forests. It is therefore a useful exercise to look into those agreements in relation with community-based forest management, to see what role –if any– governments have assigned to the communities actually living in or depending on the forests.

### The 1992 Earth Summit

The forest crisis was one of the major issues at the root of the global concerns that gave rise to the convening of the United Nations Conference on Environment and Development (the Earth Summit), which was held in Rio de Janeiro in 1992. However, what governments did commit themselves to do on forests (Chapter 11 of Agenda 21) was totally insufficient and so was what they actually did not agree to make commitments on (the Forest Principles). One of the reasons for finding those two documents so poor is precisely the fact that they practically ignore the rich experience in forest management held by indigenous peoples and local communities.

### Agenda 21, Chapter 11: Combating deforestation

Agenda 21 was the plan of action agreed upon at the Earth Summit to deal with some of the major environmental and social problems being faced by humanity (<http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21toc.htm>). It contains 40 chapters, among which number 11 is specifically focused on the issue of deforestation (<http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter11.htm>). This chapter is divided in 4 programme areas, the second of which deals with "Enhancing the protection, sustainable management and conservation of all forests, and the greening of degraded areas, through forest rehabilitation afforestation, reforestation and other rehabilitative means".

One would assume that this is where communities would come into the picture but, unfortunately, that assumption is wrong: communities are only assigned –at best– a marginal supportive role or –at worse– are perceived as part of the problem.

The term "community forestry" is in fact only used once and only in the context of "Carrying out revegetation in appropriate mountain areas, highlands, bare lands, degraded farm lands, arid and semi-arid lands and coastal areas ... "

As an example of marginal supportive role, the first point in the section on "management-related activities" states that "Governments, with the participation of the private sector, non-governmental organizations, local community groups, indigenous people, women, local government units and the public at large, should act to maintain and expand the existing vegetative cover wherever ecologically, socially and economically feasible, through technical cooperation and other forms of support."

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Another example: the need to undertake "supportive measures to ensure sustainable utilization of biological resources and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities" is only addressed within the framework of protected area systems.

Shifting cultivation is highlighted as part of the problem when chapter 11 states the need of "Limiting and aiming to halt destructive shifting cultivation" and of "including data on shifting cultivation and other agents of forest destruction." The solution is simple: "to support ... in particular women, youth, farmers and indigenous people/shifting cultivators, through extension and provision of inputs and training." However, that "solution" implies that shifting cultivation is not perceived as a traditional and sustainable system used by communities throughout the tropics and that they need to be "educated" to make them abandon that system.

Government delegates that negotiated this chapter, while unwilling to empower local communities and indigenous peoples, did acknowledge that they hold knowledge and one of the activities to be implemented is to carry out "surveys and research on local/indigenous knowledge of trees and forests and their uses to improve the planning and implementation of sustainable forest management." The question then is: if they do hold knowledge, why are they not empowered to manage their forests?

### The Forest Principles

At the Earth Summit, governments did not manage to reach an agreement on a Convention on Forests and they eventually made public a "Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests." (<http://www.un.org/documents/ga/conf151/aconf15126-3annex3.htm>) The length of the title does not correspond to the depth of its substance. As in Agenda 21, community forest management is not mentioned as the solution to the problem of deforestation.

On the contrary, the solution lies on States, which "have the sovereign and inalienable right to utilize, manage and develop their forests ... including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies." Which basically means that governments have the sovereign right to destroy "their" forests –which in the tropics were owned by local communities before the modern states even existed.

Forest people can of course –if the government so wishes– be allowed to participate: "Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development, implementation and planning of national forest policies." However, the true managers of the forest are not only put in the same basket as those who destroy it (industry), but they can only "participate" in decisions to be taken by government.

The Forest Principles do go a step further than Chapter 11 of Agenda 21 as regards to forest communities by stating that "National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of

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forests."

Although not clearly evident, the above can be understood as meaning that indigenous peoples and local communities should be assigned clear rights over forests as a means of ensuring forest conservation. If this were so, it would have meant a major step in the right direction. However, this approach was not promoted in the international processes that took place during the following ten years.

The Forest Principles also go beyond Chapter 11 on indigenous peoples' knowledge when they say that "Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support and in collaboration with the people in the local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people." Here again the question: if indigenous peoples' knowledge is so important, why not put them in charge of managing their forests?

#### United Nations processes on forests

In 1995, the United Nations Commission on Sustainable Development established the Intergovernmental Panel on Forests (IPF), which in 1997 came up with a set of Proposals for Action regarding the conservation of forests (<http://www.un.org/esa/forests/pdf/ipf-iff-proposalsforaction.pdf>). Subsequently, in 1997, ECOSOC established the Intergovernmental Forum on Forests (IFF), which finalized its work in 2000, with an additional set of proposals for action (<http://www.un.org/esa/forests/pdf/ipf-iff-proposalsforaction.pdf>). Although not legally-binding, these proposals were the result of long negotiation processes that governments agreed to implement.

Neither the IPF nor the IFF put community forests at the core of the solution to the forest crisis. Although they do include some aspects that were totally absent in the Rio processes, they are clearly insufficient for ensuring forest conservation through community involvement. In this respect, it is interesting to note, that while the IPF contains a section on "Proposals for action to enhance private-sector investment", it does not include a section on enhancing community forest management.

The IPF proposals include some positive wording regarding the "recognition and respect for customary and traditional rights of, inter alia, indigenous people and local communities" and "secure land tenure arrangements", which we strongly believe to be the starting point for enhancing community forest management, but the IPF waters down its own wording by adding "in accordance with their national sovereignty, specific country conditions and national legislation." The translation of this UN language is that those countries whose legislation do not recognize customary rights can use this excuse for not respecting those rights and that "national sovereignty" will be used to counter any international pressures to do so.

Governments are of course "encouraged" to allow participation –"where appropriate"- of "indigenous people, forest dwellers, forest owners and local communities in meaningful decision-making regarding the management of state forest lands in their proximity, within the context of national laws and legislation", which is basically meaningless in the vast majority of tropical countries, where the land where those communities have lived since time immemorial is considered –by national laws and legislation– to be state land.

Much emphasis is put in article 40 on TFRK (Traditional Forest-Related Knowledge), but not as a

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reason for handing over forest management to those who actually possess that knowledge. On the contrary, TFRK is perceived as something very useful that should be handed over to government experts for the planning, development and implementation of national forest policies and programmes. Of course, government delegates visualize knowledge as money (intellectual property rights) and dedicate a number of points to discuss how to share that money and with whom.

Indigenous peoples, forest dwellers and local communities are given a larger role in the most difficult –and economically less attractive– areas, such as in countries with low forest cover "to promote the regeneration and restoration of degraded forest areas", including them in their protection and management.

The farthest the IPF is willing to go is to "invite" (the weakest possible wording in UN language) governments "to consider supporting indigenous people, local communities, other inhabitants of forests, small-scale forest owners and forest-dependent communities by funding sustainable forest management projects, capacity-building and information dissemination, and by supporting direct participation of all interested parties in forest policy discussions and planning."

The following forest forum (the IFF), did little to ensure the implementation of the IPF proposals and added little in the new set of proposals it put forward.

As respects to the issue we are analyzing, one of the few points that deserve highlighting is one that calls on governments to "Support appropriate land tenure law and/or arrangements as a means to define clearly land ownership, as well as the rights of indigenous and local communities and forest owners, for the sustainable use of forest resources, taking into account the sovereign right of each country and its legal framework." But here again, it uses the weakest possible language ("support") and adds the usual wording on sovereignty and national law to enable governments to disregard this proposal.

The same type of weak wording is used in another apparently positive proposal to "Support and promote community involvement in sustainable forest management through technical guidance, economic incentives and, where appropriate, legal frameworks". The last two words of this proposal (legal framework) are watered down with the addition of "where appropriate". Will it ever be appropriate?

#### World Summit on Sustainable Development

The World Summit on Sustainable Development (WSSD) was held in Johannesburg, South Africa in August-September 2002. Ten years had passed since the Earth Summit, forests had continued to disappear and what was needed was a new approach to the issue. None of this happened at the summit and the section on forests of the WWSD report (<http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/636/93/PDF/N0263693.pdf?OpenElement>) is probably the weakest of the four analysed here.

There is however an exception in article 45 (h), where governments commit themselves to carry out "actions at all levels" to "Recognize and support indigenous and community-based forest management systems to ensure their full and effective participation in sustainable forest management."

This is the first and only such clear statement from governments on this issue.

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That would appear to be a major step forward and should be the starting point for government action in forest conservation. However, the fact that it is included as paragraph "h" (and not "a"), is already showing that the issue is not at the top of the agenda. Nevertheless, it is important for forest campaigners to bear this article in mind when dealing with international processes and actors related to forests to ensure that it is taken on board.

## Conclusions

The obvious conclusion resulting from the detailed analysis of the main international agreements and processes on forests is that community-based forest management is basically absent in the governmental approach to forest conservation. Even the positive article highlighted above that came out from the WSSD (45 h) was not the result of an internal change in approach by governments but the outcome of lobbying by the Global Caucus on Community-Based Forest Management, that managed to introduce that article in the process' last PrepCom in Bali.

However, it is very clear that in most cases it is communities that protect the forests, usually struggling against government decisions that open up forests to unsustainable exploitation.

It is difficult to believe that so many government delegates –and their advisors– who have been discussing the problem for so many years, can still be so ignorant on the causes of deforestation and on the actors that either protect or destroy the forests. It is much easier to believe that they have opted to ignore reality and to play the game expected from them: to favour national elites and corporations.

This would explain why processes supposed to be dealing with forests have put so much emphasis in the promotion of monoculture tree plantations disguised as "planted forests" (which are big business for corporations) and so little emphasis in addressing the direct and underlying causes of deforestation (whose ultimate beneficiaries are also corporations). It would also explain why they insist in empowering governments (that have proven to have completely failed in forest conservation ) instead of empowering those local communities that are both able and willing to protect the forests.

One overall conclusion therefore seems to be that that little can be expected from government-led international processes unless a strong community forest movement at the grassroot level is able to put sufficient pressure on national governments to completely change course and devolve ownership and management of forests to communities -where it should have always stayed.