Forestry as an Entry Point for Governance Reform

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Tropical forestry provides a useful entry point for governance programmes. The very factors which make it a challenging sector for development assistance commend it also as a crucible for governance reform: its inclusive focus, linking the global to the national and local; the high levels of income and other benefits which it generates; its local fiscal base; the centrality of issues of tenure and collective rights; and its importance in rural livelihoods, all reinforce the linkages between good governance, public accountability and poverty alleviation. Ensuring that the forest sector fulfills this brief is a major challenge not just to host country governments but also to the donor community.

Policy conclusions

- Tropical forestry has experience of more general relevance to the good governance debate, and may offer an important source of learning for other aspects of governance reform.
- Progress in the forest sector can secure wider gains in governance.
- The governance challenges, and the potential contributions of the forest sector, vary according to the nature and management of the resource.
- Tropical forestry’s experience shows that a combination of pressures – both ‘bottom up’ and ‘top down’ – may be needed to build public accountability.
- The transfer of rights over resources is important for turning ‘participation’ into citizenship.
- Forestry’s local fiscal base can strengthen decentralised government, and contribute significantly to poverty alleviation.
- Forestry offers experience with a wide variety of pro-poor growth strategies, and the legal, institutional and policy reforms necessary to secure these.
- Pro-poor regulatory reform can be a challenging task, combining de-regulation with new and additional safeguards to meet multiple goals.
- The national resolution of conflicts related to international policies is a more pressing issue than their resolution at the international level.
- Important questions need to be asked about the governance implications of internationally-funded initiatives, particularly in the area of conservation.

New thinking in tropical forestry

Tropical forests have been the object of intensive donor support for the last 15–20 years. Particularly striking is the way in which forestry has figured as a vehicle for wider environmental concerns, and has given them concrete expression.

Early on, the focus was mainly on resource depletion (the threat of desertification, the fuelwood crisis, etc.) and on ways to rebuild tree stocks through plantations, village woodlots and on-farm tree-planting. Attention then shifted to the interests of the local people. The challenge now was to establish the extent of the goods and services which tropical forests provided to the forest-dependent poor, to capitalise on their management experience, and to safeguard their interests in contexts of rapid change. Since the Earth Summit at Rio (1992), interest has broadened to incorporate concerns for biodiversity (particularly in tropical moist forests), forest environmental services and sustainable forest management.

In the last 2–3 years, the focus has shifted again – away from forest sector issues in their own right to forests as one dimension of the management of global and national public goods. Tropical forestry has begun to be recast in a wider frame of reference, as a sector with important insights on the theme of public governance.

Forests and good governance

International development assistance is increasingly concerned with questions of governance, i.e. with the rules under which power is exercised in the management of a country’s resources, and the relationships between the state and its citizens, civil society and the private sector.

Good governance lies at the heart of sound environmental management, in particular the public management of natural resources. Interest in environmental governance is growing rapidly, as the disparity between the social and private costs and benefits of natural resource conservation and destruction become increasingly apparent, and as national and international bodies seek mechanisms to reconcile the two.

In the forest sector, governance issues have been actively pursued for many years. A number of characteristics make tropical forests problematic from a governance perspective (see Box 1). These are particularly challenging where the marketed benefits of forests are high, increasing the incentives to capture both the forest resources and the policy processes by which they are allocated. Unsurprisingly, where governance is problematic, so – very often – is forestry.

Though there have been failures as well as successes, the sector has considerably more experience with governance issues than do most others, and this experience has been
Box 1: Forestry and the ‘governance problem’

Among the problematic aspects of forests, from a governance perspective, are the following:

1. The nature of the resource
   • Trees are slow growing (the highest value hardwoods being the slowest growing) and offer multiple benefits.
   • They offer different, and not necessarily compatible, benefits to different people.
   • Forest resources provide a long-term repository of value, but they are easily liquidated.

2. The nature of the rights
   • Forests are subject to competing claims of ownership.
   • Forest exploitation, particularly in tropical contexts, tends to involve private activities on public lands. This ‘public ownership’ is often a colonial and post-colonial imposition, however, and not necessarily accepted by all the users.
   • Rights of access to forests are often insecure, particularly for the poor, for whom they are most critical.

3. The value of forest resources
   • The benefits which forests offer are both marketed and un-marketed, and concern subsistence needs, commercial production, and environmental services.
   • These benefits are enjoyed by users at local, national, international and global levels.
   • While forests have important global public goods values, they are managed as sovereign territories. By and large, their public goods values are uncompensated.
   • This creates a disequilibrium between the costs and benefits of their management.
   • Forest resources may have very high marketed values, and engage the interests of powerful stakeholders. In such cases, there are likely to be strong pressures for governments to centralise their control, and to manage them non-transparently, in alliance with industrial interests.
   • Forests are open to abuse and may be a focus for illegality. As recent experience shows (Cambodia, Congo, Liberia), forest exploitation may be a means of sustaining illegality and lawlessness in fragile states.

Theme One: Participation and forests, the story from the ground up

Until recently, the donor community believed in avoiding the ‘political’ for fear of appearing neo-colonial. Donors worked on issues on the ground, or on institutional capacity building. ‘Participation’ was a usefully neutral word which avoided notions of political empowerment. It offered a softer route to public ownership, albeit in ways that allowed decision-makers considerable discretion. Though mere participation may no longer be enough in a pro-democracy climate, it was at the time something of a Trojan horse: participation gave local people the experience first of being consulted, and then of greater responsibility for local resources. At the same time donors learned that they could build on existing grassroots demand for local resource rights (as Box 2 on Nepal shows).

Impacts have been seen in the following areas:

- Donor-promoted participation has created significant space for civil society voices to be heard, which governments have found it impossible to reclaim.
- Observing the size of the gap between the interests of local people and those of national forest sector authorities – and the inadequacies of forest policy and law to address it – field project managers and researchers have helped the poor to make their case for change.
- Donors have learned from comparative experience in other countries, and are now more likely to make their support conditional upon multi-stakeholder approaches.
- Many tropical countries rewrote their forest policies in the 1990s in response to the groundswell from below. Most of these now define the function of forests in terms of local as well as national needs, and some have made moves to pass responsibility for parts of the forest estate to local people.

The fight for increased rights for local people to manage forest was begun first in areas where forests were of low commercial value – in Nepal, Sudan and Tanzania, for instance. Here, as their capacity to protect and manage forest was allowed greater play, the condition of the resource also improved.

Theme Two: Accountability and transparent government

Tropical moist forests with high commercial value are an altogether more problematic case. These tend to have ‘rentier state’ characteristics, being ‘mined’ for their external rents, with restricted linkages into the domestic economy. This increases their propensity to corrupt management and political distortions. On the one hand, the state agencies for forest management are often alleged to be in an alliance with the forest industry. On the other hand, forest-dependent people are typically widely dispersed and not well organised. They tend to have low security of land and tree tenure, negligible public voice, and little incentive to promote (because little capacity to ensure) the sustainable management of the resource on which their long-term survival depends. Civil society is often weak and divided, and highly dependent on the patronage of either the state or the donor community. Democracy, where it exists at all, may function only imperfectly and rarely in the interests of the poor.

Pioneering efforts have been made to secure greater transparency and accountability in public administration of forests. In both Cameroon and Cambodia, independent monitors now oversee concession management and the chains of custody for timber, to counter corruption in title allocations and leakage of revenue from illegal cutting. This type of reform received further impetus from the Bali Forest Law Enforcement Conference in September 2001. Producer countries, donors and international NGOs are now working to link national-level reform with consumer country action.

But these initiatives are largely donor-driven. Independent monitors tend to be foreign NGOs and there may be little national ownership of the reform process. Governments are often reluctant to create supervisory institutions (for example,
anti-corruption commissions) in revenue-generating – as opposed to spending – ministries. Balancing external pressure with increased ownership of governance reform remains a challenge. But how is such ownership to be achieved through the vehicle of development assistance and against the resistance of significant sections of the political elite?

The case of Cameroon (Box 3) provides one instance of an attempt to bring this about. Though it is as yet early days, and the challenges remain immense, meaningful progress has been made.

The Cameroon case is suggestive on a number of fronts of the routes to governance reform in poor performing states:

- that the policy development process benefits both from supply-side pressures, from the donors and others for policy reform, and from demand-side pressures to build accountability from below;
- that developing new institutional arrangements in an unsupportive environment and technically demanding field requires a long-term commitment by donors, and an ability to act flexibly;
- that establishing a tenurial right over the resource at an early stage – even if only in an intermediate form – is an important step in giving people control over their livelihoods;
- that the linkages which are being made to the new architecture of international aid provide an important additional lever for change, and a means of generating commitment to the reform.

Theme Three: Forests and pro-poor policy

Livelihood concerns (but not necessarily poverty perspectives) were part of forestry donor thinking well before Rio. However, the poverty focus has been given new impetus by the adoption of the Millennium goals for the halving of poverty levels by 2015, and the refocusing of much aid around them.

International donors have had an important part to play in securing the livelihood interests of the forest-dependent poor. Recent experience goes beyond the guarantee of social protection, however, and underlines the crucial role which the forest sector can play not only in providing safety nets for the poor, but also in moving them out of poverty. Forest sector revenues are often significant, and have the potential to reinvigorate the rural areas, if only they are retained sufficiently at their source.

But to secure forest revenues for poverty reduction also raises profound questions as to what constitutes pro-poor economic growth. The experience of forestry in countries such as Indonesia demonstrates that high-growth approaches based on large-scale industrial investment are not always coterminous with social development. Box 4 examines the legacy of massive investment in export-based forest production in Indonesia.

However, experience from a number of countries suggests that the forest sector is capable of supporting a broader set of pro-poor growth strategies, with more certain outcomes for social development. For example, innovative approaches are being tested to compensate the poor for their role in protecting the environmental service values that forests offer. In Costa Rica, farmers living high in watersheds, and whose actions affect water supplies and the generation of electricity at lower altitudes, are compensated for conservation through taxes on hydropower. Brazil is experimenting with ecological taxes. At Bwindi National Park in Uganda, local people are compensated for the protection of local animal species through revenues from a Trust Fund. Rural fuelwood markets in Sahelian West Africa are intended to benefit poor producers by bringing markets to them, to trap value at source, rather than expecting them to take or sell fuelwood into town.
improve the price they can get for certain products, and to improve the market position of poor forest producers. As infrastructure and market access. It is important to protect the capacity of small-scale forest producers to compete on the open market, as well as external factors such as existing forest resources, the capacity of small-scale forest producers to compete on the open market, as well as as infrastructure and market access. It is important to protect and improve the market position of poor forest producers. Producer associations and unions have helped the poor to increase the price they can get for certain products, and to press for pro-poor change. The Gum Arabic Association in the Sudan has been effective in this and the Burkina Faso Fuelwood Association obtained a 30% price increase for rural people. 

Whether these strategies work for the poor depends on a variety of factors, including the value of existing forest resources, the capacity of small-scale forest producers to compete on the open market, as well as external factors such as infrastructure and market access. It is important to protect and improve the market position of poor forest producers. Producer associations and unions have helped the poor to increase the price they can get for certain products, and to 

Box 3: Forest Sector Reform in Cameroon

Despite the great wealth that the timber industry generates, Cameroon’s forest dwellers are among the poorest groups in the society, and the least well provided with public services. There is, moreover, no right of public redress for citizens against the agents of the state, and very little against the excesses of the forest industry. Popular land reform would be one way of improving citizen rights, but such a radical step has few advocates and would harbour many risks. A more restricted approach has been sought. A provision was introduced into the 1994 Forest Law to allow for community forestry – in the sense of community management of state forest lands for a variety of commercial and livelihood purposes. The initiative for this reform came largely from external sources, especially the World Bank. Other donors, particularly DFID, provided support on the technical side, to assist the government to develop the legislation and implement its provisions. 

The initiative suffered from the start from low national ownership. This was evident in a number of ways: community forests were restricted to the least valuable timber areas (the ‘non-permanent forest estate’); inadequate staffing was committed by the Ministry; and the complexities of Cameroon’s legislation led to excessive delays in the enactment of the legal provisions. Additional challenges lay in the interpretation of the law. ‘Communities’ were to be asked to take on a range of new tasks, well outside of their experience, in a situation in which there was no existing legal definition of the community, and no community institution on which to call. 

The production, with DFID support, of an authoritative ‘Manual of Procedures’ was a key development. This put the emphasis on participatory processes involving all legitimate interest groups. Two further legislative developments, unforeseen when the law was first passed, were also crucial in shifting authority towards the local communities and away from the logging industry: 

- The delegation, to forest-dwelling communities, of the Minister’s right to exploit a forest in the public interest, avoiding the need for a licensed timber operator. 
- The passing into law of a new regulation under which communities were permitted a two-year period in which to establish their claim to an area of forest, before it was offered to the loggers. 

Important linkages have also been made with two political processes, local government decentralisation and the poverty reduction strategy. These stand to bring new resources to community forestry development (which is very demanding in terms of both capital and skills), and make an important connection with national strategy. Public accountability has been enhanced by the publication of the national press of the annual municipal and local forest tax receipts. This has given rural dwellers access for the first time to information on the incomes of their local councils (and this, in turn, has had a considerable impact on the political process, coming just before the mayoral elections). 

Significant challenges still remain. Regulation and standard setting are problematic. There is a danger that the governance challenge has not been overcome, but merely transferred from state/private sector to the (perhaps even more complicated) community/industry interface. Still, what looked five years ago to be an almost impossible enterprise now appears to offer the prospect of significant benefits to rural communities, as well as many lessons to the society at large. By the end of 2001, 138 applications had been made, 68 community forests reserved, and 39 management conventions approved or signed.

Source: RDFN Mailing No. 25; Brown et al. (2002)

Box 4: Learning the lessons of industrial pulp production in Indonesia

Indonesia’s pulp and paper industry contributes 7% of annual foreign-exchange earnings, and represents a combined investment of US$15 billion and 120,000 jobs. The New Order state under Suharto strongly supported export-based forest industries and, between 1987 and 1997, pulp and paper production capacity expanded nearly seven-fold to 7.2 million tonnes per year under a system of heavy state subsidies. 

Producers, including Asian Pulp and Paper (APP), expanded production capacity far in excess of sustainable wood supplies, relying on political connections to guarantee access to an apparently endless supply of natural forest. Even today, natural forests feed 75% of APP’s operations, and the company hopes to expand its industrial plantations by a massive 60,000 ha per year to achieve sustainability by 2007. But over-expansion comes at a cost. Production by Indorayon – a US$600 million pulp mill in North Sumatra – sparked violent protests by local communities over forest degradation and environmental pollution, forcing closure of the mill in 1999 pending an internal audit. The conflicts cost the company net losses of US$40 million in 1998 alone.

Bitter experience has forced awareness amongst the industry’s creditors of the importance of sustainability and social impact. APP itself faces crippling debts of US$13.9 billion due to its inability to match production capacity with supply. With the Suharto regime gone and decentralisation proceeding apace, the industry has lost important political patrons, and now finds itself faced with a complex set of newly empowered local actors. As with Indorayon, creditors agree that the success of its operations depends to a great extent on re-orienting its relationships with the communities.

Source: Barr (2002)
is, historically, a heavily regulated sector. Complex regulation can work against the interests of the poor, disenfranchising them of land and resources, and forcing them into illegality. Even where their resource rights are recognised, the transaction costs of compliance can be prohibitive (costs of formulating management plans, charges for permits and taxes along the production chain). Complex regulation also encourages rent-seeking behaviour by officials, increasing the transaction costs for the poor.

Regulatory reform (Box 5) may present a greater challenge than simple de-regulation. Realising the potential of a variety of pro-poor growth strategies, including community-based logging, out-grower schemes, non-timber forest products and environmental service payments – all within a sustainable livelihoods framework – means having to regulate for multiple goals (perhaps with varying regulatory thresholds), and this increases the costs of supervision.

Theme Four: International initiatives, forest concerns, and the national level

It is perhaps at the global level that the governance problems of forest management are greatest. There are a number of reasons for this. The global goods aspects of forests are increasingly recognised and valued, particularly in terms of environmental services (climate change mitigation, biodiversity conservation, watershed management, etc.). Almost without exception, however, forests are managed within sovereign territories. Bringing forests under the control of multilateral environmental agreements (MEAs) has proven particularly difficult.

Nor has international action always helped to engender national responsibility. Mechanisms to compensate for the public goods values of forests are as yet underdeveloped, and those which are already operative have not so far been able to benefit the forest-dependent poor. Likewise, the balance struck at international level between conservation and development has done little to further local ownership, with vast swathes of the tropical landscape being taken out of the productive economy by fiat, without reference to their historical owners or users, mainly to satisfy northern preoccupations with global biodiversity, at minimum cost to industrial societies.

The key start-date in the attempt of international initiatives to improve the governance of the world’s forests, under the threat of global forest loss is the Earth Summit of 1992. But what went before it is very important, since it united two very different streams of experience.

The first, forestry stream, is defined in a number of ways:

- by the FAO ‘Forestry for Local Community Development’ programme (1978);
- by the Tropical Forestry Action Programme (TFAP) from 1985 – an attempt to persuade donors to fund forestry in developing countries more collaboratively and effectively;
- by the adoption of the International Tropical Timber Agreement (ITTA) in 1983 – a commodity agreement on timber trade and resources signed by both producer and consumer countries.

The second stream came from a range of environmental concerns which were always global rather than national or local. Key milestones here are the 1972 Stockholm Human Environment Conference and the 1983 Brundtland Commission on Environment and Development. These, together with a series of Conventions drafted by IUCN on Wetlands (Ramsar 1971), World Heritage (1972) and Endangered Species (CITES, 1973), defined the focus of the Rio conference.

There were two results: the conference undervalued both the national level and sustainable use approaches to forests. The conference was dominated by protection rather than sustainable use concerns, largely because the actors who came into play at this juncture – IUCN, WWF, and many smaller conservation NGOs – had been dealing with tropical moist forests, while TFAPs and Master Plans had dealt more with drier countries and sustainable use issues. At the same time, the national and sub-national focus of the forestry stream was replaced by an almost exclusively global focus.

Rio and the ensuing Intergovernmental Panel on Forests/Intergovernmental Forum on Forests (IPF/IFF) process failed to lead to a Forest Convention for a variety of reasons. The sovereignty issue was the most powerful. Many developing countries felt that the North was attempting to impose forms of hegemony over the South. More recently, some conservation NGOs appear to have tried to undermine the IPF/IFF process in order to place forests definitively under the wing of the Convention on Biological Diversity. Finally, the complexity

**Box 5: Overcoming barriers to pro-poor forestry in Honduras**

In Honduras, a number of factors including excessive regulation disadvantage small-scale forest producers, forcing many into illegality. An estimated 80% of the timber trade in Honduras is illicit. Securing management plans, harvesting permits and commercial licences is costly. In addition to formal charges, applicants may need to make informal payments for officials to facilitate the process. These, plus the costs of production and transportation, mean that local producers might make a profit of only 15% on the factory gate price for raw mahogany. Some of this profit may be lost as debt repayments to local intermediaries, given the lack of liquidity to meet up-front production costs. But even discounting the costs of compliance, the returns to small-scale forest producers are limited by the small volumes that they are permitted to harvest. And, given insufficient capacity to produce high-quality timber and the lack of alternative marketing channels, many are locked into the domestic market – already saturated with cheap, illegal timber.

There is, however, growing political recognition of the role of forests in rural poverty alleviation, and of the need to provide equal opportunities for community-based forest producers. In 2000, Honduras launched a review of its forest sector through the Honduran Forest Agenda (AHF). The AHF is a forum established by government and NGOs in 1996, for dialogue and co-ordination among a broad range of stakeholders, including producer groups, industry representatives, and indigenous peoples. The AHF review process secured a new national forest policy and law. The law is still being finalised for submission to Congress, but one of its main objectives is to secure a more equitable basis for community participation in forest management, including support for small enterprise development. In addition, the AHF is framing a new National Forest Plan, which will include a Community Development Programme. The PRSP, which was jointly formulated with civil society, also makes provision for participatory forest management.

Source: Lazo (2001)

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of the IPF/IFF Proposals for Action failed to convince most parties of the need for a legal arrangement, though there is continued interest in discussion at the UN Forum on Forests (UNFF).

The three key MEAs signed as a result of Rio – the Convention on Biological Diversity (1992), the UN Framework Convention on Climate Change (1992; Kyoto Protocol, 1997) and the UN Convention to Combat Desertification (UNCDD 1994) do not alone, or in conjunction with other conventions and the ITTA, provide the governance framework needed. Where commercial industrial timber, wood products and NTFPs are concerned, there are overlapping and competing arrangements: at the same time, there are gaps in all existing provisions on key governance issues such as forests and the poor in developing countries; and on the environmental services provided by forests (and by those who live in and near them). Thus, while MEAs form a backdrop to national level debate about forests, there is no integrated legal regime which views forests and those that depend upon them, in a holistic way. This has meant that, internationally, wealthy countries are able to escape from their commitments, and thereby set a bad example on other kinds of commitments to developing countries.

Policy development has also been heavily influenced by non-governmental conservation agencies which raise many of their funds from private sources, and have only limited public accountability; particularly in the target societies. If forest governance is to become a model for good governance more generally, then – say the critics – the rich western nations must apply the same standards to their own interventions in tropical forests as they demand of sovereign states.

Independence of funding has allowed north-based conservation organisations to focus primarily at the global level, and to avoid engaging with justice and good governance issues at the national level. Nationally, too, because of the gaps and overlaps which exist among the forest-related MEAs, governments have been able to pick and choose. Some have been tempted to avoid pro-poor, pro-transparency changes that, internationally, wealthy countries are able to escape from their commitments, and thereby set a bad example on other kinds of commitments to developing countries.

Nevertheless, the decade of the MEAs between Rio and 2002 with its intense international focus on forests – and the money to go with it – has led to huge changes in approaches to forests and forest people, all with important governance dividends. We can note the development of:

- National Forest Programmes: an attempt supported by governments has been able to pick and choose. Some have been tempted to avoid pro-poor, pro-transparency changes which are not legally essential, or not backed by ample funds, and have chosen approaches which avoid changing the poor governance status quo. Weak MEAs also send conflicting messages to competing ministries.

Concluding remarks

The forest sector thus offers a wide range of experience, not all of it positive, but instructive nevertheless. It is the combination of a concern for probity and equity in management, with the demands imposed by the highly political character of the resource, which commends this experience more broadly to those seeking for entry points to better governance. One of the key messages emerging is that the improved governance of such a crucial global resource demands responsible governance practices at least as much from the international community as it does of those who live in closest proximity to it.

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