



***Exclusion and Inclusion in Latin American Forestry:
Whither Decentralization?***

**Abbreviated Version of the Final Report for the Project
“Forestry Decentralization in Latin America: Looking to the Future”**

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Abstract

Forestry decentralization offers new opportunities for participation in decision-making regarding natural resources and for greater local resource control. Yet previous research has found that decentralizations, at least in the way that they are implemented, may also have detrimental effects on forest-dependent peoples. Far more needs to be done to understand how decentralization affects livelihoods through changes in governance institutions. This effort requires a comprehensive understanding of both the national context and specific local dynamics. This paper represents a synthesis of the findings of research on forestry decentralizations in Bolivia, Brazil, Guatemala, Honduras and Nicaragua. It has two principal goals: to propose a theoretical framework to conceptualize more effectively the relationship among decentralization, governance and livelihoods; and to assess the current state of forestry decentralizations in Latin America, with particular attention to the role of sub-national governments and the effects on “marginalized” forest-dependent groups.

With regard to current trends in decentralization, the research finds both gains and losses for sub-national governments, often within the same country. The greatest gains in terms of decentralized decision-making over forests have come primarily through contractual arrangements between sub-national governments and forestry institutes and through certain land tenure policies. With regard to marginalized groups, however, the research found that forestry in general is not a sector in which small producers are able to improve their welfare without specific policies operating in their favor, and for decentralization to have a positive effect, it has to come hand in hand with other measures—particularly those that address structural inequities, such as property rights and access to financial resources and technologies. That is, forestry decentralizations do not necessarily benefit these groups and appear to do so only when this is a specific policy goal.

Introduction¹

Local governments are increasingly important actors in forest management, due to a progressive move towards decentralization of responsibilities and decisions affecting forest resources. To date, over 60 countries around the world claim to be decentralizing some aspect of natural resource management (Agrawal 2001). Even when forest sector decentralization is not part of national policy, some local governments have become involved in forest resources management without formal mandates to do so (Larson 2005a, Mearns 2005), and some are demanding a greater role in natural resource decisions, particularly in contexts in which central governments still resist sharing responsibilities and control.

In recent years, an important body of knowledge has been generated regarding the structure and process of forestry decentralizations around the world (Colfer and Capistrano 2005, Ferroukhi 2003, Ribot 2002). That research has principally aimed to understand the new institutional configurations and new balance of power relationships emerging from decentralization; the implications for forest resources and for the welfare of forest dependent people; and the interactions established between local governments and local institutions in place for managing natural resources (Andersson 2002, Gibson and Lehoucq 2003, Larson 2003, Pacheco 2003, Ribot and Larson 2005, Toni and Kaimowitz 2003).

More research is needed, however, to better understand the way in which decentralization shapes forest governance and, in particular, how it affects the livelihoods of forest-dependent people. This requires a more comprehensive understanding of the context in which decentralization takes place – for example, regarding forestry sector development, conditions reproducing social marginalization and the role of institutions in shaping conditions for governance – and specific local dynamics, such as institutional

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arrangements for forest resource access and use, property regimes and local conflicts and power structures. All of this demands a conceptual framework that clarifies, more explicitly, the interactions between governance and livelihoods.

This article represents a preliminary effort in that direction, while providing an overall picture of current trends, problems, constraints and opportunities in Latin American forestry decentralizations. The research upon which this article is based took as its premise that a principle goal in decentralizing resource responsibilities and decision-making should be to promote a more equitable distribution of economic benefits among forest users, while contributing to the maintenance of forest goods and services.

This work is based on research in Bolivia (Pacheco 2006), the Brazilian Amazon (Toni 2006), Honduras (Vallejo and Guillén 2006), Guatemala (Larson and Barrios 2006) and Nicaragua (Larson 2006) and represents a synthesis of these national case studies, as well as comparisons with former research in the same countries carried out in 2003 (Ferroukhi 2003). With regard to decentralization as a whole, this research found both gains and losses for municipal governments, often within the same country; this results from the nature of decentralization processes and local responses, which are subject to numerous political forces pushing in different directions at different times based on the particular negotiation at hand. With regard to poor and marginalized groups, the research found that small-scale producers are not able to improve their welfare from forestry-based activities without specific policies to overcome existing structural inequalities. Hence, for decentralization to have a positive impact, it has to come hand in hand with measures such as those expanding participation and accountability and secure access to forest resources, financial capital and technologies. That is, forestry decentralizations do not necessarily benefit marginalized groups and appear to do so only when this is a specific policy goal, either at the national or at the local level.

This paper is organized in seven sections, including this introduction. The second section reviews concepts of decentralization, then outlines a conceptual framework for the relationship among governance, decentralization and livelihoods. The third section examines legal and institutional frameworks for forestry decentralization in the five countries. The fourth assesses national decentralization policies in general. The following section looks at the implementation of forest policies and the role of municipal governments in forest management. Section six reviews and analyzes the situation for marginalized sectors. This is followed by the conclusions.

A framework for decentralization, governance and livelihoods

Conceptions of decentralization

Decentralization and governance have different meanings to different people (see also Larson 2005b, Meynen and Doornbos 2005). These differences often go unstated or even unidentified but they can be grouped into two main approaches to linking institutions and economic development. One highlights the need for improving institutional conditions for the promotion of private investment as the essential condition for economic development and growth. The other stresses the importance of securing local livelihoods, promoting collective action for forest resources management and building a civic culture for democracy and citizen participation. While the two are not necessarily incompatible (with a clear understanding of the differences, and through extensive negotiation and compromise), in practice they suggest very different political, economic and social priorities.

In particular, state downsizing combined with economic liberalization, in line with the first of these two approaches, has not only reduced the scope of the state's functions but may also have weakened the ability of states to meet their responsibilities to citizens (Fukuyama 2004). That is, the nature of the

institutional reforms undertaken under neoliberal policies may not, in fact, lead to more efficient states but simply weaker states – the opposite result to the one expected. Effective decentralization, however, requires strong central states (Cousins and Kepe 2005, Ribot 2002). It does not mean strengthening local level governments at the expense of central government, but rather building new legitimate working institutions (Larson and Ribot 2005). While this neoliberal approach has been dominant, institutionalizing popular participation and securing local people’s livelihoods have also been part of the public policy agenda as ways to move toward more effective poverty alleviation strategies. Hence, development in practice often consists of different combinations of these two views.

Decentralization is usually referred to as the transfer of powers from central government to lower levels in a political-administrative and territorial hierarchy (Agrawal and Ribot 1999, Manor 1999). This official power transfer can take two main forms. Administrative decentralization, also known as deconcentration, refers to a transfer to lower-level central government authorities, or to other local authorities who are upwardly accountable to the central government. In contrast, political decentralization refers to the transfer of authority to “representative and downwardly accountable” actors, such as elected local governments (Ribot 2002). Though political decentralization is often seen as equivalent to democratic decentralization, it is not enough to assume that elected bodies necessarily guarantee democracy, representation and accountability. Rather these questions of representation and accountability must be examined on a case by case basis.

In addition, to merit the term “democratic decentralization,” representative and accountable local actors should have an autonomous, discretionary decision-making sphere with the power – and resources – to make decisions that are significant to the lives of local residents (Ribot 2002). Democratic decentralization is often the yardstick against which power transfers in practice are measured and is used as such in this research.

Decentralization is a tool for promoting development and is aimed at increasing efficiency, equity and democracy. Efficiency should increase because greater local input should result in better-targeted policies and lower transaction costs (World Bank 1997). Decentralizations designed primarily with efficiency concerns in mind tend to be less preoccupied with democracy and equity, or the participation of marginalized actors as a specific priority, except to the extent that public investment decisions can be better linked with local needs. But the equity and democracy benefits, specifically, greater control over livelihoods and a greater share of other natural resource benefits (Edmunds *et al.* 2003), are likely more important to most local peoples. These are expected to come about by bringing government “closer to the people” and increasing local participation as well as government accountability (World Bank 1988, 1997, 2000, Manor 1999).

Most scholars now agree that local participation is essential for effective and sustainable natural resource management (Carney and Farrington 1998, Enters and Anderson 1999, Gibson *et al.* 2000, Edmunds *et al.* 2003). This does not mean, however, that greater participation necessarily leads to greater resource sustainability; in fact, there are clearly circumstances under which local people would choose forest conversion if given the option (Larson 2002, Resosudarmo 2005, Tacconi *et al.* 2005). Rather, the recognized importance of participation is based in part on experiences suggesting that *lack of participation* often leads to contrary results. For example, because of the failure to integrate local livelihood needs into outside interventions, integrated rural development projects were often ineffective (Lutz and Caldecott 1996) and many protected area projects actually increased biodiversity losses as well as social conflict (Enters and Anderson 1999). In addition, local people often ignore or filter rules imposed from outside; under the right circumstances, they are much more likely to respect rules that they had some role in creating (Gibson *et al.* 2000). Hence, in theory, the institutional framework of democratic decentralization could provide the conditions for greater local participation in the face of these kinds of problems.

Though the definition of decentralization does not say anything about the way in which power transfers occur, it implies – and is often conceptualized by policymakers as – a top-down process. But participation and democracy are, at least in part, bottom-up processes. Development that includes effective poverty alleviation through livelihood strategies (Ellis 2000) and local empowerment (Chambers 1997) depend on bottom-up processes. Based on these considerations and what they have found in practice, some researchers have defined decentralization “from below” to refer to decision-making by local actors without any specific authority to do so (Larson 2005a), or *de facto* decentralization to refer to situations where local actors make decisions in a vacuum left by the loss of central government authority (Mearns 2005).

In practice, nonetheless, decentralizations have often been implemented to respond to both economic and political crises, sometimes at the same time: to cut central government costs during fiscal crises, while also seeking to maintain legitimacy and offer a (controlled) solution to political discontent (Selee 2004, see also Bazaara 2003, de Grassi 2003, Kassibo 2003, Oyono 2005a, Resosudarmo 2004). In a study of decentralization in five Latin American countries, Selee (2004) found that “elites often seized on decentralization as a means of redirecting discontent to local arenas or recovering citizens’ confidence in the political system.” Under these circumstances, strengthening democracy and institutionalizing participation may be little more than official rhetoric, but citizens often seize these opportunities to push for greater change.

Governance and livelihoods under decentralized frameworks

This article views decentralization as a governance process that is, or should be, intimately linked to the question of local livelihoods, and hence recognizes the need to make more explicit connections between governance and livelihoods, in order to assess the way in which this relationship is shaped by decentralization. The latter is conceptualized as a process that should increase the degree of participation and effective representation of social groups, mainly of groups that were previously marginalized, in decisions that affect their lives, though this clearly does not always happen.

Some authors have studied the relationship between decentralization and poverty reduction strategies, in order to understand the circumstances under which municipal governments undertake successful pro-poor initiatives (Bird and Rodríguez 1999, Blair 2000, Crook and Sverrisson 2001, Crook and Manor 1998, Fox 2002). The most important findings for the purposes of this study is that successful experiences arose where central government was committed to pro-poor policies and was willing to engage with local elites to ensure policy implementation (Crook and Sverrisson 2001), but also where social capital is high (Fox 2002). In general, however, these studies, with the exception of Fox, accept decentralization as a top-down policy and simply examine municipal government implementation, thus failing to address the complexities of decentralization as we see it.

Several approaches to poverty and development posit an important connection between governance and livelihoods, particularly the sustainable livelihoods approach (SLA). SLA emerged in the late 1990s and is based on a series of principles – that development should be people centered, responsive and participatory, multi-level, conducted in partnership, sustainable and dynamic (Carney 2002) – and on the conception of different kinds of capabilities and assets (social, human, physical, financial and natural capital – the asset pentagon) that permit poor people overcome poverty and combat vulnerability (Carney 2002, Scoones 1998). Though these are not always incorporated by practitioners, SLA is also concerned with governance and the institutional and policy context, or “the social structures and processes through which sustainable livelihoods are achieved” or obstructed (Scoones 1998). Newell (2000) argues that “governance [should ensure] that a supportive environment for sustainable livelihoods is developed at all levels at which decision-making takes place.” He argues that natural resource management issues are

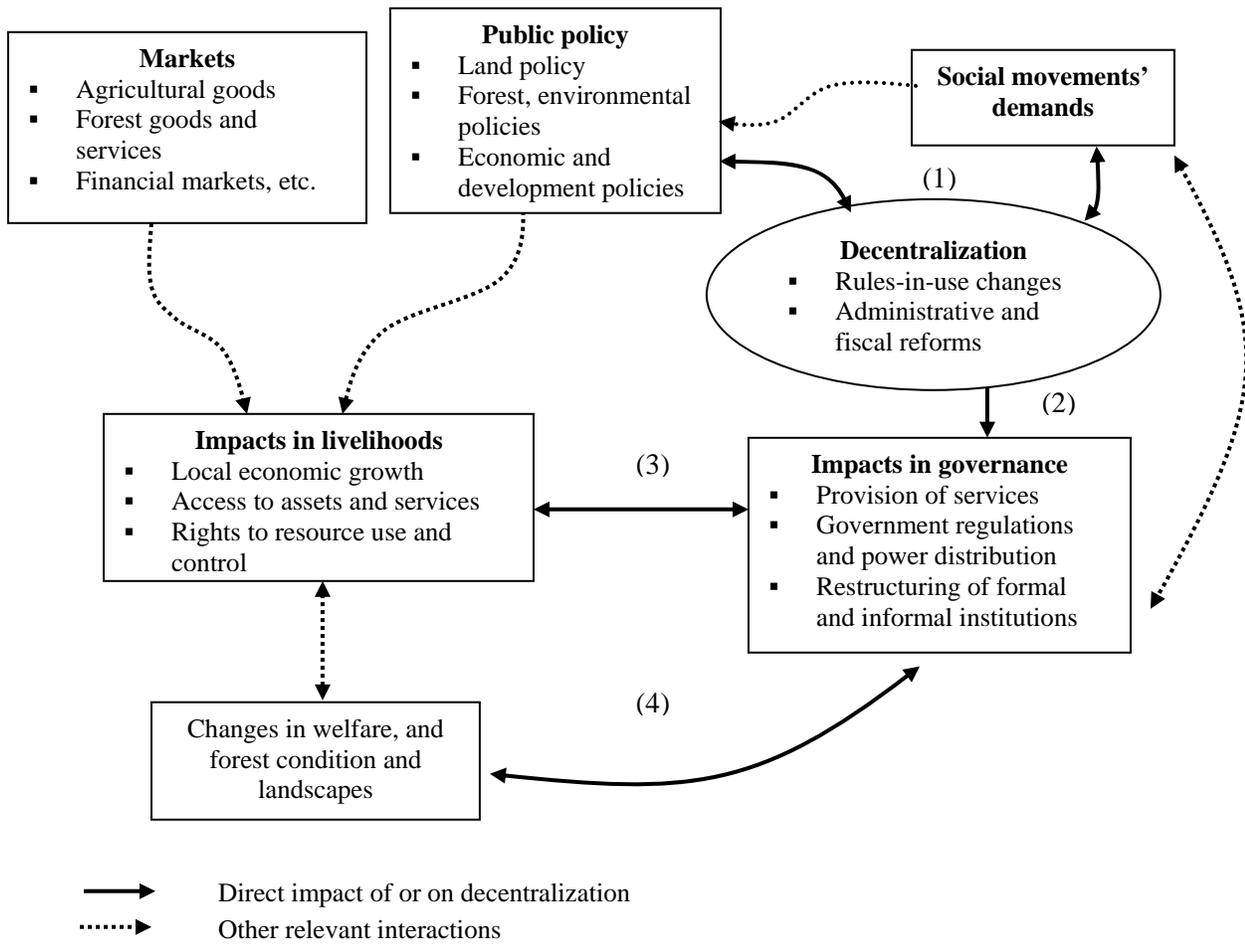
“intrinsic governance issues,” because they address questions of collective responsibility, resource distribution and conflict management, all of which imply relations of power and authority.

Scoones and Wolmer (2003) offer a critique of technical approaches to “good governance” that fail to address underlying issues of politics and power. Among these, they include neoliberal policies promoting “pro-poor growth” and decentralization, as it is implemented in practice, concluding that these “may not be good for peoples’ livelihoods”. One of the central conclusions is that assets redistribution is a prerequisite to successful rural development efforts, whatever the policy that frames these, though a decentralized institutional framework is more likely to contribute to success.

The conceptual framework proposed here (Figure 1) emphasizes some of the key variables that influence the relationships among decentralization, governance and livelihoods. We consider four specific sets of interactions. Decentralization is only one of many dynamics affecting national and local institutional structures related to forest governance; these include, in particular, a variety of sectoral policies and various aspects of markets. It should, therefore, be analyzed in its interaction with those other spheres. As demonstrated in the diagram, decentralization directly affects, and is directly affected by, institutions, public policies and social demands. This is the first realm of interactions discussed below (1).² The second set of interactions involves the effects of decentralization on governance – on both formal and informal institutions (2). Through these changes in governance relations, decentralization has indirect effects on livelihoods, as mediated by institutions, public policies and markets (3). Finally, changes in governance also affect land use-cover change and forest conditions (4).

² Numbers correspond to those in Figure 1.

Figure 1. Simplified conceptual framework



Decentralization as the conjunction of shifting policy and social demands

In contrast to the more traditional view, we define decentralization as a set of institutional arrangements among public institutions and social actors that emerge from a broader process with two principle dimensions: (1) top-down measures aimed at transferring responsibilities – political, administrative and/or fiscal – to lower levels of government and (2) the gradual opening of spaces for participation from below, induced by the actions of social movements and local governments that challenge the traditional (centralized) way in which public policy decisions have been made. In this view, decentralization is not only an administrative act involving the transfer of functions, but also a political event leading to a redistribution of powers among different levels of government, and between it and society. That is to say, it is both a policy and a process.

Decentralization, therefore, under this definition, does not constitute a linear top-down process of functions reallocation, but is rather motivated by more complex relations between political and legal reforms and institutional interactions. These interactions motivate the formation of new institutional arrangements among different levels of formal government (the public sphere of political and administrative government), local governance institutions not included in the previous sphere (such as indigenous populations and their traditional authorities) and other informal institutions that sometimes constitute a key ingredient in governance, such as informal reciprocity arrangements, clientelism or corruption³ (Helmke and Levitsky 2003).

This definition draws on Fox's interactive approach to state-society relations and the failure of formal institutions alone to promote pro-poor policies (Fox 2004). Rather, informal power resources such as social and political capital are central to outcomes. Fox argues that positive outcomes arise where "pro-reform" actors both within and outside government form coalitions to confront those opposed to change, such as elites who capture power and resources and fail to open participatory spaces to civil society. He also argues that local groups' successes will be fairly limited unless they scale up "to address problems throughout the chain of institutional decision making" (*ibid.*). Scaling up involves the formation of networks and broader-scale social movements. Social movements have played an important role in opening up opportunities for participation and empowerment and legitimizing new property rights regimes (Selee 2004, Tulchin and Selee 2004, Van Cott 2003).

Hence, decentralization does not occur in a vacuum. Rather, its emerging outcomes are intimately related to existing and historical social, economic and political conditions. As a policy, decentralization is also just one of myriad other public policies in place at the same time, such as fiscal or sectoral policies (as in agriculture, forestry, environment, poverty alleviation, citizen participation), which also shape institutional relations, generating both synergies and tensions. More often than not, this leads to institutional imbalances and policy contradictions. These other policies may not take local governments into account in the assigning of responsibilities or authority, or may only do so partially. It is also possible that these policies fail to take an active role in supporting marginal groups in the resolution of their structural disadvantages.

Decentralization as a key factor shaping governance

From this perspective there is a functional connection between decentralization and governance. Governance is understood as the formal and informal institutions through which authority and power are conceived and exercised (Oyono 2005b). The exercise of authority and power in the local arena is

³ Informal institutions are understood as socially-shared norms, usually unwritten, that are created, communicated and practiced outside of officially sanctioned channels.

affected not only by these institutions locally but also by their interaction with broader scales of governance. In relation to forests and forest resources in particular, then, governance refers to all the formal and informal, public and private institutions, working rules and modes of action, at multiple scales, that affect access, management and control over forest resources in specific socio-historical contexts. Since governance is a neutral concept, “good governance” consists of the agreements, interactions and forms of exercising authority that lead to greater equity in the distribution of available resources by society while maintaining the stock of forest goods and services (see Keck and Sikkink 1995, Manor 1999, Oyono 2005b).

Decentralization affects the existing governance framework at different levels of government by introducing changes in the balance of powers, new institutional structures, a new allocation of resources and new ways to address social demands. In particular, these affect: (1) the production and provision of public services and infrastructure (Crook and Manor 1998), (2) the distribution of powers and resources among government institutions (*ibid.*) and, at least in some cases, in society as a whole (Crook and Sverrisson 2001) and (3) the way in which both formal and informal institutions operate to obtain determined group or individual goals (Fox 2004). At the local level, decentralization is expected to make services more accessible to citizens, increase local participation in resource allocation decisions and decrease clientelist behavior or corruption. But in contrast, it also can reinforce tendencies in which power and the benefits derived from its exercise are retained by local elites. Decentralization can also promote partial changes in the operation of institutions without substantially altering the arrangements that define local governance, such as opening spaces for participation that are highly limited or ineffective. Thereby, the outcomes of decentralization depend on the place-specific pre-existing socioeconomic and political conditions that have an influential role in shaping its final outcomes.

But it is not easy to isolate the effects of decentralization on governance. Changes in governance regimes can also occur as the result of public policies other than decentralization, such as – with regard to natural resource management – those reinforcing local property rights, or changes in rules and regulations for forestry and the environment or in funding priorities for economic development or social policies. Social demands can also affect governance with or without decentralization. Understanding the influence of all these factors on governance demands not only better knowledge of existing governance conditions, but also in-depth analyses of decentralization as a factor shaping governance, in relation to other relevant policies.

The influence of governance on livelihoods

Forest resources are important for local livelihoods because they permit access to products for direct consumption, generate income through the marketing of forest products, create jobs and generate environmental services such as clean water supplies, soil protection, etc. (Kaimowitz 2003). Access to these resources, markets and services depends to a large degree on governance relations. Ribot and Peluso (2003) move beyond the idea of property relations as a “bundle of rights” to access as a “bundle of powers” that limits or facilitates the ability to act on those rights, or access in practice. Access mechanisms include not only the groups’ acquired rights, or those that are legally legitimate (such as with land title), but also illegal or semi-legal means of access (which may or may not be seen as legitimate⁴). But even physical access to forests does not guarantee full access to their benefits. This is still limited or facilitated by other structural or relational mechanisms, such as markets, technology, capital, labor, knowledge, etc., and/or may be mediated by social identities or through negotiated social relations (friendship, trust, reciprocity, clientelism, dependence, obligation), including access to authority (*ibid.*).

⁴ These include, for example, membership in a social group with traditional resource access that is not always legally recognized and hence is classified as informal (or even, at times, illegal).

Following Scoones and Wolmer (2003), these access mechanisms represent the “institutions and policies [that] affect the way people gain access to assets and how, in turn, different livelihood strategies are played out.” That is, the definition of structural mechanisms such as markets, technology, capital, etc. raises the central question of who has access to these access mechanisms, and how and why. Hence, in our formulation, the rules, modes of action and institutions that shape access are affected by the exercise of authority, or governance relations. In this line, by increasing the power and authority of municipal governments, decentralization can have direct implications for governance when it redefines those factors shaping access to assets and decision-making. This may happen when municipal governments intervene in the allocation of land and forest use rights, provide forestry services and develop infrastructure, among other activities.

Decentralization thus creates opportunities and obstacles for social groups to gain access to forest resources, or to legitimate that access. Decentralization can lead to shifts in governance that favor securing property rights for local communities and increase their opportunities and negotiating power to make demands on their own behalf. Furthermore, municipal governments can facilitate access to credit and technology, promote local organization and/or enhance opportunities for local participation in decision-making regarding forest use and management and the allocation of benefits. On the other hand, they can impose new taxes and rules on forest use, restrict access or even sell forest resources that communities consider their own.

Decentralization not only may affect the way in which forest users obtain access to forest resources but can also influence their degree of decision-making power over forests – that is, their autonomy to decide how to benefit from those resources, including through their conversion to other uses. In this regard, in some cases decentralization has been accompanied by a devolution of rights and decision making to local populations, but in many, though they have access and even sometimes ownership rights, local populations have little scope for certain decisions due to the design and enforcement of regulations at the central level.

Governance and land use

The different institutional arrangements that result from changes in governance conditions can also influence forest condition. Institutional changes that improve local livelihoods may not necessarily be good for forests (Resosudarmo 2005, Tacconi *et al.* 2005). That is, increased local access and decision-making may include conservation practices or be characterized by sustainable use, but it may lead to the progressive destruction of forests and their conversion to other uses.⁵ Some policy-makers fear decentralization will lead to forest destruction, particularly in agricultural frontier areas, where pressures to convert forests to agriculture and ranching are often high, whether driven by wealthier ranchers or poor peasants. Similarly, some conservationists fear protected areas will be destroyed by poor local populations if they are given greater decision-making power. But often such problems are deeply rooted in other factors such as markets and national development policies (Angelsen and Wunder 2003, Kaimowitz and Angelsen 1998, Larson 2002).

In addition, as mentioned earlier, the *failure* to grant local participation in decision-making has been demonstrated to have adverse effects for both livelihoods and forests. Furthermore, decentralization and enhanced local access to resources should not imply free access to forest users without rules. Under the right circumstances, both rule-making closer to home, especially if based on local traditions (see Gibson *et al.* 2000), as well as improved local benefits from forest access should lead to greater sustainability. Also, decentralization that increases local rights to *prevent* forest access by outsiders can lead to significant improvements in both livelihoods and maintenance of the resource.

⁵ Nevertheless, it should not be assumed that all forest conversion is necessarily bad (Kaimowitz *et al.* 1998).

Decentralization and livelihoods in this research

The conceptual framework presented here both shaped and was shaped by the research conducted for the national studies that are analyzed in the rest of this paper. It was not possible to cover each of the interactions discussed in equivalent level of detail; in particular, this study did not address the effects of decentralization on forests and landscape change. It focused on a limited set of sectoral policies based on those that seemed most relevant in each country, and sought in particular to define forestry decentralizations in the context of the forestry sector as a whole and of broader national decentralizations, poverty programs and development policies.

The researchers identified important governance effects of decentralization in various local contexts, but given the nature of the study, did not conduct research specifically on the micro-politics of local governance. Our assessment of specific livelihoods effects is preliminary, based on extensive interviews but not rigorous economic data. We hope that the findings put forward below sufficiently demonstrate the validity of the framework and hope that the many interactions presented in it will prove useful to future research.

Legal and institutional frameworks for forestry decentralization

In the past decade, important changes in the forest policy frameworks in all five countries have taken place or are in process. Both Bolivia and Guatemala issued new Forestry Laws in the mid-1990s, Nicaragua passed a new forestry law in 2003, Honduras has a new forestry law in discussion in congress⁶, and Brazil approved a new forest concessions law in early 2006. Each of these provides some additional benefits and/or responsibilities for municipal governments and local forest users with respect to the past, although all are very conservative in transferring decision making over forest resources to lower levels of government. In general terms, Brazil has the most centralized forestry administration, followed closely by Nicaragua. Bolivia and Guatemala are the two countries in which greater decentralization has taken place in practice, though this is more instrumental to the forestry agency in Guatemala. Honduras falls somewhere in between.

In the first two cases, however, there are exceptions to centralism. Brazil has decentralized, by contract, forest management responsibilities and forest clearing monitoring to the states of Acre, Pará, Amazonas and Mato Grosso; the state of Rondoni has taken responsibilities without negotiating with the federal government, which has been a source of conflicts. Nicaragua, though it has not decentralized any decision-making powers to municipal governments, shares decision-making powers regarding natural resource management with the authorities of the two autonomous regions of its Atlantic Coast. In the latter case, however, this sharing of authority is not based on forestry policy but rather was part of a larger political negotiation process with indigenous authorities over the Autonomy Law.

In addition, Brazil's new forest concessions law provides benefits to municipalities from forestry for the first time, as well as making it possible to offer concessions for community groups; it also expands the responsibilities and resources of state governments. Nicaragua's new law provides an increase in the proportion of forest fees returning to local governments, regional governments and indigenous communities but otherwise seeks to limit municipal government discretion, which had expanded somewhat, *de facto*, in the absence of effective central control.

⁶ Though many people believed the law was very close to passage in early 2005, it was once again delayed indefinitely.

Bolivia and Guatemala, both operating under 1996 forestry laws, have the most advanced decentralizations to date, in that both countries have established municipal forestry offices that are supported and trained by (in Guatemala), or at least coordinate with (in Bolivia), the central forestry authority. Their actual responsibilities are limited mainly to the supervision and control of forestry activities. In neither case do municipal offices legally have decision-making powers of any kind, except to detain illegal lumber from municipal-owned lands in Guatemala and to undertake preventive confiscation of illegal timber in Bolivia. In Guatemala, permits for the domestic use of wood (of the five countries, only required in Guatemala) may be administered at the local level, but legally these must be signed by INAB; only in urban centers is this a direct responsibility of the municipal government.

Nevertheless, in Bolivia, the Forest Superintendence has gradually accepted collaborating with municipalities in order to be able to fulfill its own mandate. This has resulted, in some cases, in demands from the municipalities themselves for a more significant role in local forest management, leading to the signing of formal contracts for the delegation of certain functions. Five municipalities in the department of Santa Cruz, for example, now authorize various kinds of small-scale permits and can seize illegal forest products. Two municipalities in Pando are also progressively being placed in charge of local forest management, in this case with regard to Brazil nuts (*bertholettia excelsa*).

In terms of *legal frameworks*, however, it is probably Honduras that has gone farthest in promoting the role of municipal governments in forestry decision-making, though in practice this is still very limited. By law, the Honduran forestry institute must coordinate all decisions and permits regarding logging and other forest uses with the corresponding municipality, implying that Honduran municipalities have the right to approve or reject all requests for logging. In practice, however, municipalities only manage *ejidos*, and rarely play any role on national and private lands, which are managed by the forestry institute. Nevertheless, given that *ejidos* constitute roughly 30% of the nation's forests, Honduran municipalities do have decision-making powers over an important portion; the right of municipal governments to manage *ejidos* was granted by the Law for Modernization and Development of the Agricultural Sector in 1992.

Honduras has also made important steps toward forestry decentralization because the central forestry authority, COHDEFOR, has been highly discredited and largely gutted, and is currently being run by an Intervening Commission. Though other entities have also been given forest management contracts, mainly for protected areas, municipalities have gained ground thanks to the lobbying of the national municipalities association (AMHON). This has resulted mainly in a series of contractual arrangements with the forestry institute, in part because few municipalities have either capacity or interest in local forest management.

Exclusion and inclusion of forest-dependent groups

The policy priority in all five countries is to promote private sector forestry enterprises, sometimes based on plantations, and build a commercially-viable forest industry, with varying degrees of assistance or attention to small-scale producers or forest dependent peoples. Forest policy and legal frameworks in the five countries generally fail to recognize potential significance in the relationship between forestry and poverty alleviation,⁷ though there is still usually some kind of institutional support for forest-dependent groups.

The most exceptional case would probably be the 450,000 hectares of community concessions in Guatemala's Petén, which are administered not by the forestry institute (INAB) but by the environment institute (CONAP), since the concessions are in protected areas. These concessions were won at a

⁷ In contrast, poverty strategies and other government planning documents, in Guatemala and Bolivia, do recognize, to some extent, the important of forests or other natural resources in poverty alleviation.

particular historical moment when communities were seen as the “lesser of two evils” with regard to logging companies in efforts to promote tropical forest conservation (Gómez and Méndez 2004). There are also growing efforts in the rest of the country to include more marginalized groups in incentive programs for reforestation and the protection of natural forests. Bolivia’s forestry program now provides concessions to community groups. To date about one million hectares have been allocated as forest concessions in favor of small-scale timber producers (ASLs) within municipal forest reserves. Honduras’ forestry institute includes the Social Forestry System to attend to the nations’ 261 community forestry groups, but unfortunately it is largely marginalized within the institute overall.

In Brazil, the existing laws, costs and bureaucracy have practically excluded the poor from legal logging. Although the Constitution does not prohibit it, no by-laws or administrative procedures exist, so they are unable to get permits from IBAMA. A few groups sell timber illegally, and many others have their timber stolen by commercial loggers. Decentralization at the state level, however, potentially makes it easier for these groups to get logging permits. The state of Amazonas, for example, has created management rules that are more flexible for areas that are smaller than 500 hectares. Still, though management plans do not have to be technically sophisticated, permits are issued for a maximum harvest of only one cubic meter per hectare per year.

Nevertheless, community management is growing, with direct or indirect subsidies from the government or development organizations and efforts to make financial resources available for sustainable forest management. There have been several initiatives to formalize forest resource access for local communities and agroextractive groups, the most illustrative example for improving livelihood conditions being the creation of a system of extractive reserves. These reserves were created after years of conflict and protests led, in particular, by the rubber-tapper movement. Rules for the reserves place constraints on agricultural expansion and allow local people to make a living from the production of non-timber forest products, particularly rubber and nuts, as well as logging.

Only in Nicaragua is there virtually no formal state support for local groups in forestry, though Nicaragua is also one of the few countries in which the small forestry sector is comprised of forest owners rather than concessionaires on state lands. The passage of the communal lands law in late 2002 guarantees communal lands titles to indigenous communities who now have the legal right to own and exploit their forest resources as well; this law was the result of an international court case won by an indigenous community against the government, after it granted a concession on their lands to a logging company without following the appropriate legal procedures. Indigenous communities have also won the recognition of land rights in other countries too, particularly in Bolivia, where some 20 million hectares have been designated for titling to indigenous peoples, and 7 million have already been titled as community property.

Though, like Bolivia, Honduras, Guatemala and Brazil have signed International Labor Organization (ILO) Convention 169 on Indigenous and Tribal Peoples, the results have been more limited. In Honduras there have been important advances for some indigenous groups such as the Lenca, who have received communal titles, but in contrast, in the mosquitia no miskito community has yet received a title (Korcowski, pers comm., Sept. 9, 2005, Grunberg 2003). There have been virtually no land titles issued to indigenous peoples in Guatemala. In Brazil, indigenous people control the majority of the protected land in Amazonia⁸ (and about 20.4 % of the total) but do not have titles.

⁸ “Amazonia” here refers to the Brazilian portion of the Amazon forest.

Decentralization in the national policy framework

Forestry policies, and forest-dependent peoples as well, are embedded in broader political systems that shape forest governance through the mediating role of municipal authorities and affect local people's access to both forests and those authorities. Decentralization is more clearly a policy priority in some countries than others. Three of the five countries have recently passed national decentralization policies or laws: Honduras, Guatemala and Bolivia. In all three cases, these strategies recognize links between decentralization and poverty alleviation, but only Bolivia has fully incorporated municipal governments in its national poverty reduction strategy. This section discusses fiscal, administrative and political decentralization among the five countries.

Fiscal and administrative decentralization

In every country, with the possible exception of Brazil, there have been at least a few recent advances in the funding of municipal governments. Municipal governments receive some local income as well as central budget transfers that range from moderate to substantial. The greatest recent changes include the implementation, as of 2004, of the 5% budget transfer legislated in 1990 in Honduras, and the passage of a similar law in Nicaragua that guarantees budget transfers increasing from 4% in 2004 to 10% by 2010 (municipalities received 6% in 2005). In both countries these changes represent significant increases over the roughly 1% of the national budget they received in preceding years. Transfers in Bolivia are equivalent to 20% of total national earnings; in Guatemala, they amount to 10% of the national budget, but substantial additional funds are transferred through a national "peace tax."

In Brazil, there were significant advances after the 1988 Constitution, when municipal government transfers reached an all-time high of 18.5% of the financial resources constitutionally designated for public entities, after which there was a slow decline as federal and state governments found ways to decrease transfers by creating new taxes and fees that do not have to be shared by law (Bremaeker 2004). Also, central to the funding of smaller municipalities are extraordinary transfers through agreements with the federal government and its ministries, as well as state governments. Mayors must directly solicit and negotiate these funds by lobbying state and central authorities. This system lends itself to substantial abuse through clientelism and political favoritism and unfortunately tends to make a local candidate's connections to other levels of government his or her most important trait.

In every country local governments have the right to certain local tax revenues, though the specific taxes vary from property taxes to municipal sales taxes, taxes on industry and services such as water and electricity and/or local income taxes. Except in urban municipalities (in every country), these sources of local revenue tend to be substantially underused, yet many scholars consider greater local taxation a prerequisite both to real autonomy and responsible authority.

Social funds have been highly centralized in all the countries except Bolivia, where municipalities manage a substantial portion of national funds. They not only receive a 20% budget transfer but also have managed over half of the aid funds provided by sources such as those for Highly Indebted Poor Countries (HIPC) II, for example, though the amount given to municipalities is now declining. Moves to decentralize social funds have occurred on a pilot basis in Honduras (FHIS); and about 1/3 of Nicaraguan municipalities now manage their own social funds (FISE). Guatemala's numerous social funds have been doled out according to political connections under past governments, but this appears to have improved under the current administration; key social funds still tend to be "centralized" at the level of appointed governors however. Brazil's social funds – which unlike the other countries are substantially financed through the national budget rather than foreign donations – are centralized at the federal level.

Political decentralization, representation and participation

Though elected municipal authorities existed previously in some of the countries, their appearance or reappearance in all five countries has occurred in the past 20 years.⁹ And in most countries the formalization of the institutional framework that would lead to their recognition and consolidation as important and legitimate local authorities began less than 10 years ago.

In all five countries, citizens directly elect municipal authorities, and separate ballots are presented for municipal candidates (though only recently in Honduras). In Brazil, Bolivia and Nicaragua, municipal elections are on a different date than national elections, and in Guatemala, Honduras and Bolivia (the last two as of 2004), candidates who are not members of political parties are permitted to run for local office. The re-election of mayors is permitted in all five countries, though in some cases subject to limitations (in Nicaragua re-election is limited to one non-subsequent term; in Brazil it is limited to two subsequent and one non-subsequent term). Party primaries to select candidates are only officially part of the political process in Honduras. The question of the role of political parties is a central one, especially given the powerful rejection of them by Latin American public opinion¹⁰ and yet their central role in public office, but is beyond the scope of this study.

Mechanisms for citizen participation and oversight of municipal government have been increasingly incorporated into national legislation and local practice. This includes open forums, municipal development committees, sectoral councils, oversight committees and/or participatory planning processes. Bolivia and Nicaragua have passed Popular Participation Laws. Equally important are legal recourse mechanisms when municipalities fail to do their job or permit local participation. For example, both Bolivia and Nicaragua have participatory budget planning laws by which the central government¹¹ can block the annual transfer to a municipality that does not provide evidence that its budget was developed through participatory methods. Bolivia also has oversight committees that can block the annual transfer, pending Senate approval, in the case that anomalies are detected in municipal spending.

In general it would appear within countries that the degree to which available participation mechanisms are actually put into practice at the local level depends substantially on the capacity of local citizens to organize and use them, and the extent to which they are actually made available by local authorities (Fox 1996, 2002, Larson 2005c). There is some fear among citizens groups, however, particularly in Guatemala, that formalized spaces designed “from above” may be easily manipulated and controlled by local authorities.

Forestry decentralization in practice

The new forest policies and/or laws approved in Guatemala, Nicaragua, Brazil and Bolivia, and in process of approval in Honduras, all demonstrate great interest in securing sustainable forest management practices, and most of them, at least minimally, seek to increase the benefits of forest resources for local users. All of these laws have been issued within an already decentralized institutional framework, as demonstrated in the previous section; and the extent to which municipal governments play a role in forest

⁹ In Brazil, elections for mayors – though not city councilors – were interrupted during the military period (1964 – 1985) in state capitals, national security zones and mineral-producing areas; the latter two categories comprised a significant number of municipalities in Amazonia.

¹⁰ A comparison of opinion polls in 10 Latin American countries showed political parties to rank lowest among eight national institutions (Congress, Supreme Court, police, election tribunal, municipality, armed forces and the Catholic church) in nine countries and second to lowest in the tenth, scoring a regional average of 35.5 on a scale of 100 (Seligson 2004).

¹¹ Citizens can also petition to have the transfer blocked.

resources management clearly correlates to some degree with broader fiscal, administrative and political decentralization processes. This section discusses key forestry norms and regulations, the role of municipal authorities and the effects of these policies on forest-dependent groups.

New rules of the game for forest resources use

The distribution of forestry rights in the five countries has been mentioned above. They include concessions to government lands, a variety of mechanisms related to *ejidos* and private ownership rights. Forest concessions are now recognized in all five countries. Nicaragua has no concessions currently. In Bolivia, a portion of municipal forest reserves is allocated as forest concessions to small-scale forest users or ASLs. In Honduras, concessions are the primary means by which community-based forest users gain access to both national forests and municipal *ejidos*. In Guatemala, there is also a type of social forest concession for communities in the Petén region on national lands. In other parts of the country, the management of *ejidos* depends on the particular historical circumstances in each case, since these were established originally for the communal use of indigenous populations; hence some are recognized as municipal property but others are not.

All the countries also have private forests, both individual and communal. Communal land ownership is much more advanced in Bolivia than the other countries, though Nicaragua has also recently begun titling these areas. In all countries and all property regimes, regulations for the commercial use of timber requires the approval of a forest management plan by the national forestry agency, which authorizes the volumes to be harvested and the areas in which the logging will take place. Only in Guatemala do forest norms require permits for subsistence or non-commercial forest uses, though they do not require management plans.

Most countries have regulatory frameworks that distinguish between various types of forestry operations. For example, in Guatemala, simplified forest management plans are accepted for forest areas smaller than 45 hectares (ha). In Nicaragua, the forestry institute established three different types of commercial forestry operations (properties with forest areas less than 10 ha, those with areas over 10 ha, and those with unfragmented forests), and the requirements for the approval of forest management plans increase accordingly. In Bolivia, though management plans and annual operational plans are needed for all private properties and concessions, differentiated norms were introduced in order to separate commercial from non-commercial, and large-scale from small-scale, forestry operations.

In some cases, smallholders may be negatively affected by norms regulating forest resources use – particularly those who do not have land titles. Most legal frameworks do not accept the approval of forest management plans in untitled areas, making it difficult for smallholders to sell resources legally. This situation is most evident in Brazil, given that a large portion of traditional communities and local smallholders lack formal rights, though some norms have been issued to formalize small-scale logging operations in the Amazon. Even when smallholders do have formal property rights, the capital investments required for management plans and the transactions costs related to their approval make it difficult for them, as well as indigenous people, to pursue commercial forestry operations. In many cases, these groups have no alternative but to enter into agreements with timber companies to finance such initiatives.

The role of municipal forest offices

Municipal forest units, whatever the particular name they adopt in each country, are increasingly becoming key actors in local forest management. About a third of Guatemala's municipalities (116) and about the same portion in Bolivia (110) have a forestry or environmental office, though not all of them are

active. About two thirds of Nicaragua's municipalities have established Municipal Environment Commissions, which are forums of government, citizen and NGO representatives to address environmental and natural resource concerns; through numbers are not available, many have some kind of office that oversees environmental or natural resource problems and projects. Similarly, some Honduran municipalities have technical offices in charge of either forest activities or natural resources management, and in Brazil, several municipalities have set up environmental secretaries, though these are mostly active in urban areas.

As mentioned earlier, municipalities undertake a series of activities related to forestry, although key decisions regarding forest resources allocation and use still remain at the central level of government. In Guatemala and Bolivia, municipalities monitor illegal logging and forest conversion, install nurseries and promote reforestation – which in Guatemala consists principally in promoting and participating in the PINFOR forestry incentive program. In some cases municipal forestry offices issue permits for domestic timber extraction and for forest clearing for small-scale agriculture. In Nicaragua, municipalities must review and give their opinion on all logging petitions in their jurisdiction, and even though they do not have explicit monitoring functions, on their own initiative and/or through environmental protection programs they have engaged in most of the activities mentioned above, as well as fire prevention and control, watershed protection and the establishment of protected areas. In Honduras the involvement of municipalities varies highly, though at least a few have engaged in all of the above-mentioned activities; those with *ejidos* appear to be the ones more likely to have forestry offices, though their main role may be to negotiate with logging companies.

In Bolivia, municipal governments play an active role in administering a portion of public forest – that of the municipal forest reserves – and to provide forest services to the local groups that have access to forest concessions there. In some cases, as the result of demands from other peasants and/or indigenous communities, the municipal forest units have had to expand their activities to include these other forest user groups. This institutional scheme is new, and as such faces numerous difficulties and constraints, but it has proved its efficacy in contributing to improving access to forest resources for previously marginalized social groups.

Several municipalities in all of the countries are developing land use plans, which include identifying the soil's best potential uses and the spatial planning of economic activities. In some cases (eg. the municipality of Cotzal in Guatemala and Ichilo and Sarah in Bolivia), municipal governments are formulating municipal forest policies; these participatory processes constitute critical mechanisms for citizen participation in relation to the forestry sector. These municipalities, however, have not yet succeeded in linking these forestry initiatives with overall municipal planning processes, and in general financial resources are not made available for implementing forest policies. In this same vein, Nicaragua's North Atlantic Autonomous Region (RAAN) set up the Secretary of Natural Resources and developed, with the support of international NGOs, a regional forestry strategy. This is now being used to negotiate both with central and local governments to articulate institutional initiatives and activities, though there is ongoing questioning of the will of central government, in this case the forestry institute (INAFOR), to collaborate with regional authorities.

Box 1. The role of municipal governments in forest management

Country	Revenues from logging taxes?	Approval of permits/ concessions?	Land owners?	Supervision?	Provide/ sell services?	Municipal Forest Offices?
Brazil	In new law for first time, law recently passed	No formal concessions yet but they are included in the new law	Only of protected areas, though state governments own other forests	No, but it is gradually delegated to the state governments	A few municipalities provide technical assistance to agroforestry	Environment offices but in many cases these do not address natural resources management
Bolivia	Yes, 25% from forest fees, and 25% from conversion permits by law, 14-21% respect to total collected forest fee in practice (1998-2003),	Only in areas declared as municipal forest reserves which consist of up to 20% of public forest within municipal jurisdictions	No, but allocate municipal forest reserves through small-sized forest concessions to ASLs	Yes, by law substantial control and supervision responsibilities and inventory of forest resources within municipal jurisdictions	Yes, mainly to ASLs, but occasionally also to smallholders and indigenous communities as result from specific demand	Yes, in 110 municipalities with forest resources, but there is a high diversity of capacities in practice
Honduras	Yes, 1% most areas, 10% hurricane Mitch areas, 20% on experimental basis	Yes by law but in practice only by contract or on <i>ejidos</i>	Yes, <i>ejidos</i> , estimated at roughly 30% of forests; in these areas can choose who to allocate forests to, and whether or not to log	Yes by law but in practice only by contract	Yes, by contract with the Honduran Corporation for Forest Development (COHDEFOR)	Only occasionally
Guatemala	Yes, 50%, but even more significant from incentive programs	No, though OFMs often administer domestic permits	Yes, in some <i>ejidos</i> , but unclear tenure issues with indigenous communities (total communal and municipal areas roughly estimated at 23% of forests)	Yes, by agreement with the National Institute of Forests (INAB)	Yes, in some cases this is an important source of OFM income	Yes, in one third of municipalities, official support program through INAB's Municipal and Communal Forests Project
Nicaragua	Yes, 25%-35%; in autonomous regions, 25% to regional government, 25% to indigenous communities	Opinion on all contracts; autonomous regional governments must approve all contracts	Yes, but only small areas remaining, though municipalities can purchase land for protected areas	By law, only by contract; autonomous regional governments, yes	Only in exceptional cases	Only occasionally, environment offices more common than forestry personnel

It is noteworthy that, in all the countries, the sub-national governments may sign agreements with national forestry agencies in order to expand their functions to areas not originally covered in the forestry laws. This is particularly the case in Honduras, Nicaragua, Bolivia and Brazil. In Guatemala, the law specifically prohibits decentralizing decision-making power over forests, even through specific agreements. In Bolivia, the Forestry Superintendence has signed collaboration agreements with a few municipalities to transfer responsibilities for issuing permits for small-scale forestry operations and controlling forest fees collection. IBAMA in Brazil has signed contracts to transfer certain functions to several Amazonian states. In Nicaragua, the new forestry law leaves open the possibility of signing this kind of agreement, but none had been signed as of mid-2005. Such contracts are also common in Honduras, but not all involve the municipal governments; some have been signed, for example, with NGOs or forest user associations.

At the municipal level, grassroots participation in the monitoring of local authorities and their decisions and in the definition of policy priorities is still more rhetoric than reality, particularly with regard to forestry. Nicaragua's Municipal Environment Commissions are not always effective. None of the other countries have specific, ongoing forums for citizen participation in these issues at the local level. Nevertheless, several local innovations have developed in Honduras, particularly around conservation issues. In Guatemala, a successful "Table for Dialogue" was established at the regional level in Las Verapaces and is now being reproduced in others at the initiative of the forestry institute INAB. In Bolivia, in spite of important participation mechanisms created at the municipal level, mainly for planning, there is no other formal forum that could motivate participation in forestry debates.

Forest dependent groups, decentralization and livelihoods

Forest-dependent groups face numerous obstacles regarding forest access and management. Because decentralization affects governance relations, it has both direct and indirect effects on some of those obstacles, though it may have little effect on others such as markets. This section discusses a set of key forest-related issues and conflicts that affect forest-dependent groups then reviews common barriers to access. This is followed by a discussion of the role of decentralization with respect to each of these conflicts and barriers.

Forest-related conflicts and access barriers

Land tenure. Land tenure is clearly one of the central problems, or variables, affecting poor rural groups. Though in all of the countries there are problems with land distribution, titling, overlapping claims, and so on, the specific tenure issues or conflicts of relevance to forestry and forest-dependent groups are different in each country.

In general terms, tenure rights affect security and forest access. Though in all the countries landowners now also own the forests on those lands, in Honduras it is still illegal, according to the forestry law, to title forested land.¹² Hence the vast majority of the nation's forests are owned by the national and municipal governments, and community groups, poor peasants and even some indigenous peoples (though by law these should be receiving titles) have to negotiate access with these state owners, often in competition with logging companies.

The central land tenure problem in Guatemala is extreme inequity in land ownership, arising from historical anti-indigenous policies. This history, the country's recent war and ongoing discrimination – together with the failure to address the roots of inequity – shape the socioeconomic and political context

¹² Agrarian law, in contrast however, allows such titling.

and hence influence natural resource policies and reactions to them. As in the other countries, forest management emphasizes increasing controls on logging, but Guatemala has made important efforts to regulate domestic firewood consumption as well. These controls combine with fears of land loss by Guatemalan indigenous peoples and a culturally-based rejection of logging that are poorly understood by technocrats and forestry professionals. Skewed land tenure relations, and the predominance of minifundios among the rural poor, have also made it far more difficult for indigenous people to participate in the main national reforestation incentive program because of land area requirements.

In Nicaragua, where the state owns little forested land outside of protected areas, the principle tenure-related problems include the lack of registered titles (though lesser legal documents are now accepted for logging activities), overlapping claims and the invasion of protected areas. The most salient problem for forest-dependent groups specifically is probably the invasion of indigenous lands, usually forests, by peasant colonists. Though indigenous groups sometimes have historic titles or agrarian reform titles to part of all of their lands, the titling of indigenous territories is central to struggles for indigenous rights in Nicaragua and is seen as an important part of the process for protecting their borders from invasion. In practice, however, little has been done to resolve the colonization problem.

In Brazil, the lack of clear land tenure has been a major driver of deforestation and illegal logging. Claiming land based on fraudulent titles is a strategy commonly deployed by loggers and ranchers to increase their landholdings. Besides its environmental consequences, massive land grabbing also generates or exacerbates conflicts between these actors and smallholders. In recent years such conflicts have been particularly salient in mahogany-rich areas in the central part of the state of Pará and along the BR163 highway. Land grabbing and conflicts in Brazil have been closely correlated with road building (see Margulis 2004) or road paving, as in this case, due to expectations of rapid increases in land prices and easier access to natural resources.

Land tenure claims in Bolivia are being addressed in a national titling and “clean-up” (*saneamiento*) program aimed at legitimating land rights for all proprietors, including indigenous territories, communities and individual properties of all sizes. Though the vast majority of lands pending titling are still in the clean-up process (identifying exact borders, resolving competing claims, etc.), some 20 million hectares have been claimed by indigenous peoples, 2.8 million by small colonists, and 2 million by agroextractive communities. In addition, concessions in public forests have been given to logging companies (5.3 million), small-scale foresters (2.4 million) and for non-timber forest products (2.5 million); another 14.5 million is set aside in protected areas. Pending problems include the invasion of indigenous areas and parks.

Land distribution locally influences social relations and, hence, governance relations through the distribution of power and authority. Though further comparative research is needed, it appears that colonization areas with a more egalitarian land distribution are more likely to result in greater democracy in local government and greater participation in local policies. In contrast, where land distribution is highly unequal, relations with the state are more likely to be based on clientelism.

Conservation as exclusion. Though conservation and development are not necessarily at odds, conservation ideologies, particularly those promoted by foreign conservation organizations, often present exclusion-oriented policies. These are particularly apparent in Honduras and Nicaragua, where a combination of factors has led to important initiatives to place a moratorium on logging. These factors include the perception that logging is out of control and in the hands of corrupt “mafias” and that rampant logging is the cause of water shortages. In Honduras, this has led to the Movement for Life in the department of Olancho, one of the poorest departments of the country and one of the most logged, which has mobilized thousands of citizens to march on the capital, on several occasions, in favor of a forestry moratorium. In Nicaragua, recent initiatives for a logging moratorium have come from citizens groups as

well as municipal governments, national assembly representatives and the autonomous regional government of the North Atlantic coast. A moratorium law had passed the first stage of approval in the National Assembly at the end of 2005.

Much like Honduras and Nicaragua, in Brazil, international NGOs also promote some exclusionary practices. The concept of parks as uninhabited areas cannot be easily applied to the local context, for even in such a vast territory like Amazonia, there is hardly any land unclaimed by indigenous people, extractivists or smallholders. On the other hand, predatory elites also use a developmentalist rhetoric to accuse environmentalists of holding back the country by limiting the expansion of cattle ranching and logging. This is a curious scenario, wherein the most fragile sector of the rural population is trapped between the crossfire of a polarized conflict between the discourses of conservation and development. The extractivist reserves were proposed as an option to overcome this dichotomy, but more than a decade after the creation of the first reserves, there is still no consensus as to whether they have actually done so. Also, supporters of a development model based on free market forces still see the reserves as a burden to economic growth on the agricultural frontier.

In the case of Guatemala, this issue of conservation is less an imposed ideology of conservation organizations. Rather, many indigenous people reject logging for a variety of reasons. Some of these are cultural, in the sense that mayans historically identified closely with the natural world and took “only what they needed,” after performing the appropriate rituals. There has been a broad attempt by many indigenous leaders to reaffirm this culturally mayan identity. Other reasons are more political¹³, in that poor people often identify logging with privilege and/or corruption, and may relate that with their historic oppression in general.

Access to other assets. The land tenure problems mentioned above are some of the central issues defining forest resource access for marginalized groups. After all, the legal right to access these resources constitutes a first step for acting on that right and actually acquiring the resource or benefits from it. But even with tenure guarantees, either through titling or secure concession rights, forest-dependent groups are not necessarily able to fully access the benefits of forest resources (see Ribot and Peluso 2002). The most common problems found include access to credit (financial capital), to market information and markets, including technology, road and other transport infrastructure (physical capital) and training for product transformation (human capital), and to the state bureaucracy (political capital).

In no country were there specific sources of capital or loans available for forest-dependent groups except occasionally through projects or NGOs. Like logging companies, small-scale foresters are usually expected to pay, up front, the cost of the forest management plan as well as taxes on logging. These requirements often force these actors into informal credit schemes and/or dependency relations with the logging companies or intermediaries to whom they intend to sell. Capital is also required for technological improvements or investments in sawmills or other equipment that would increase local added value.

In part because of these dependency relations and the difficulty of adding value locally and in part because of poor negotiating skills, forest-dependent groups in every country complained of inadequate market information and access. In Honduras, markets for timber, resin and other forest products are controlled by national oligopolies that set low prices. In one case in Nicaragua, the intervention of an international NGO resulted in a net four-fold increase of one community’s sale price. Market access is also related to problems such as isolation and poor road infrastructure, particularly in more remote agricultural frontier areas. In some areas, such as Nicaragua’s Atlantic coast, logging can only take place for about three months of the year due to rains.

¹³ Though it is important to recognize that reaffirming a mayan identity is not only cultural but also political, too.

The forestry bureaucracy, particularly where it is minimally decentralized, usually requires additional expenses and time simply to travel, often several times, to the required office for the necessary paperwork. And even when the forestry institute has special offices to handle the petitions of community foresters, such as in Honduras, these groups still find the bureaucracy daunting. All of these problems together provide incentives either to operate illegally or to sell standing trees to logging companies or intermediaries, both of which are likely to result in lower income than could otherwise be obtained. These problems also suggest an overriding structural exclusion that is unlikely to be resolved without specific policies to support inclusion.

The role of decentralization

Based on the model proposed earlier in this paper, decentralization does not just change the role of municipal governments but also induces shifts in institutional relations of all kinds. Some of the changes are direct and transparent, such as placing municipalities in charge of forest management on municipal lands in Honduras, and clearly have direct livelihoods implications for local user groups. Similarly, the implications of land titling programs are fairly straightforward. But decentralization affects livelihoods through shifts in other aspects of governance that are much less direct, and with implications that depend on numerous other variables. The direct responses and actions of municipal governments or their forestry offices refer to changes in formal institutions, but the many responses to shifts in available spaces, incentives and power relations are examples of changes in informal institutions.

Land titling programs are not usually part of decentralization policies but have granted indigenous and other communities the legal right to properties that they have occupied sometimes for generations. Though this may not bring direct and immediate economic returns, there are clear benefits in terms of empowerment and tenure security; and in some cases these changes have brought financial benefits by, for example, increasing local communities' negotiating power with logging companies. Also, these groups need no longer be concerned with fines for operating illegally, nor are they subject to a central government decision to sell their forests in concession to a logging company. Tenure rights give them the legal right to choose whether or not to log or extract other forest products, as well as to exclude others from their land.

Where municipal governments now manage their own forests, such as in Honduras, community foresters on *ejidos* now have to negotiate not with the central authority but with the specific municipality for access rights. It is likely that these groups, particularly as clients of the forestry institute's Social Forestry Program and often as members of national organizations, had greater negotiating capacity with the national forestry authority. At the local level they must compete with logging companies for forest access, in cases where cash-strapped local governments are sometimes inclined toward those who can pay more up front. The results are increased vulnerability for forest-dependent groups.

In Bolivia, local forestry groups must also negotiate land access through municipal governments. In contrast with Honduras, however, these groups were precarious and illegal occupants of logging concession lands previously and now have access rights of their own, hence their vulnerability has decreased. The legal framework also specifies that the "municipal reserves" are to be distributed to these local groups, whereas Honduran law leaves the decision regarding concessionaire to the municipal government, as landowner.

Aside from these situations, it is worth noting that municipal governments have very little official role to play in general regarding land tenure issues, such as tenure disputes, overlapping claims, land invasions or titling. At best they may try to operate as facilitators and lobby the appropriate central government agency

to address local problems. At worst they may informally foment disputes or invasions out of personal or political interest.

Decentralization can also shift the particular conservation/development balance, but the outcomes of this depend on numerous factors, particularly the nature of that balance: the actors and interests involved, the value of forest resources, and so on. Often, conservation interests fear decentralization in forested frontiers either because elected offices tend to be dominated by powerful leaders with logging (or mining, etc.) interests, or because pressure from colonists may force the opening of forests to conversion. Most often it appears that, at least where there are economically valuable forest resources, local governments rarely promote conservation, unless there are influential donors or NGOs doing so, serious problems with water supplies, indigenous populations that defend conservation ideologies and/or extractivist populations that depend on non-timber forest products. In the latter two cases, however, these groups must control or have some influence over government in order for their interests to affect local policy.

Decentralization can bring government controls closer to local populations and make them easier to enforce. Where those controls are considered just, this may not be a problem for the vast majority of local people, but, unfortunately, poor resource-dependent people often believe the rules are biased against them. In fact, municipal governments may find it easier to enforce rules with the poor because wealthier actors may be too powerful or have support from the capital. In contrast, however, some authorities bend rules for the poor precisely because their needs are greater.¹⁴

Municipal forestry offices can help make forestry less technocratic and respond better to local social concerns, because they have more direct contact with the local population and because local government as a whole has to respond to myriad needs, not just forest management. On the other hand, forest management decision making is still so centralized that there is little maneuvering room to make such responses possible. Rather, municipal foresters are primarily charged with carrying out duties assigned by central forestry institutes and may be trained in the same professional schools, where there is very limited, if any, education on the social aspects of forestry. Even in Nicaragua's autonomous regions, where there is interest in formulating integral management plans rather than logging plans, legally it is the national forestry institute that defines the nature of the plans that must be developed; nor do forestry schools train professionals in such alternatives. In Guatemala, logging companies and the forestry institute see municipal offices as making their job easier by promoting *their* conception of forest management.

In some cases, decentralization has resulted in more interesting solutions to local problems. This appears to occur when responsible local governments attempt to respond to conflicting local interests while seeking to protect natural resources over the long term, and also *have the authority* to do so, such as in the case of Bonanza, Nicaragua. In that case, a conservationist municipal government evolved from a firm anti-logging stance to one supporting a local organization demanding the right to log sustainably with the goal of adding value locally. It is important to mention here, however, that the Bonanza municipal government did not have the *legal* authority to make its own forest management decisions, rather this was the result of informal institutional dynamics that were later negotiated through both formal and informal channels.

Municipal governments can have some effect on issues of access to capital, markets, roads and the state bureaucracy. Directly, of course, some municipal governments are in charge of road infrastructure within the municipality, but they may have to petition central government for other roads. With regard to capital, we know of no case where municipal governments have made credit available for local forestry activities,

¹⁴ This can be done responsibly or not. In one Nicaraguan municipality people referred to forest management as a free-for-all. The municipal government enforced no rules in hopes that the population would turn a blind eye to its own questionable activities (Larson 2005).

but municipal foresters may develop forest management plans for free or at a lower price for marginalized groups. Some municipal authorities have supported the formation of local organizations and lobbied NGOs or donors to provide funding and logistical support to those groups; they have also supported petitions from such organizations to establish local sawmills, for example, and have donated land for these projects. With regard to the state bureaucracy, municipal forest offices can serve as intermediaries with central offices and save local groups both time and money on trips to the nearest forestry institute office.

Municipal governments in Guatemala have backed local groups in their efforts to gain access to reforestation incentives by providing municipal land for reforestation or signing papers as the legal landowner but allowing them to collect the funds. One Nicaraguan municipality has allowed a local community free access to a municipal forest reserve for firewood, including for commercial purposes, in exchange for fire protection. In Bolivia, municipal governments lobbied the forest superintendence to make exceptions for forestry operations within the municipal forest reserves, since small-scale timber producers were not able to meet all of the legal requirements demanded by law. These cases suggest a set of actions that municipal governments *can* take to support local forest-dependent groups in a context of decentralization, but it is important to note that these are more often the exceptions than the rule.

Decentralization that actually shifts power to the local level can clearly increase local social conflict. Increasing local authority over resources, such as through the titling of indigenous and/or communal lands, increases opportunities for the abuse of that authority. Returning funds from forestry to the local arena generates competition for the use of those funds. Land titling and decentralization raise the local stakes for forestry. The object of demands is no longer the state but is rather located within the same community (Peluso 2002). But the failure to make these changes perpetuates these communities' powerlessness. They grant opportunities for local control over resource management and greater local benefits. The issue becomes not whether local communities will benefit but rather how those benefits will be distributed. These are the kinds of issues that could be better addressed on the ground if forestry was seen less as a merely technical exercise.

Conclusions: trends in Latin American forestry decentralizations

Decentralization is not a linear process; rather, gains and losses are the result of ongoing political negotiations, grassroots struggles and the particular correlation of forces in specific contexts and moments. As such, decentralization in general and in forestry specifically has moved both forward and backward in Latin America, often in the same country at the same time. This back-and-forth movement, as well as the mixed results for local governments and forest-dependent groups, is also based in part on the different conceptions of decentralization, and development priorities, discussed in the second section of this paper.

Decentralization has moved forward in some way in all of the countries studied. Central governments have passed decentralization policies, officially delegated greater funding or decision-making powers to local governments through fiscal and administrative policies and/or strengthened election frameworks and accountability mechanisms for political decentralization. With regard to forestry and forested lands specifically, at least some sub-national governments and local populations have benefited from more inclusive policies.

Decentralization has also moved backward in some ways, or stagnated. Advances in some areas are combined with retreats in others, such as the decrease in forest taxes and social funds going to municipalities in Bolivia, and tighter guidelines for municipal government "opinions" on forest management plans in Nicaragua. In Guatemala many argue that three important decentralization laws

passed in 2002 have only barely begun to be implemented; Honduras' pending forestry law once again failed to pass by the end of 2005. In Brazil's Amazonian region, the demand for decentralization or a greater role for municipal governments in forest management is rarely heard.

The decentralization of decision-making power over forests is usually the result of other policies outside the realm of forestry specifically. As we have seen, decision-making power over forests is rarely decentralized. The exceptions are the governments of the two autonomous regions in Nicaragua, which have been granted clear authority over natural resource management, and those enjoying new proprietary rights to lands and/or forests. These include indigenous communities in Nicaragua and Bolivia and municipalities in Honduras (which previously owned the land but not the forests), all of whom now have the right to exclude others from their forests and to choose whether or not to log.

Forestry laws do not decentralize decision-making power over forests, but some forestry institutes are doing so on a case by case basis by contract. Several states in Brazil and municipalities in Bolivia and Honduras have been granted the power to authorize certain types of permits and/or to control and sanction forestry activities. The new Nicaraguan forestry law also opens the possibility of granting responsibilities to municipal governments by contract. Though Guatemalan law specifically prohibits decentralizing decision-making authority, these rules have been bent in some cases and a current initiative in Congress could bring about a change in the law.¹⁵

Forestry in general is not a sector in which small producers are able to gain significant livelihoods benefits without a combination of specific policies in their favor. Even once they win the right to forest resource access, marginalized groups generally have serious problems regarding credit and marketing, which make them dependent on logging or other non-timber-based companies for both; without effective negotiating skills, this usually results in very low incomes. Forestry policies and institutes that promote community forestry and/or forestry as a poverty alleviation strategy appear to provide a framework that better recognizes the specific needs of these groups. Donor and NGO support is often essential to provide investment funds and training in forest management, transformation technologies and organization and administration.

Forestry decentralizations do not necessarily benefit marginalized or forest-dependent groups, rather these groups are more likely to benefit directly from specific policies outside the forestry sphere. The greatest direct benefits to forest-dependent groups have come from policies guaranteeing access to land and forests, particularly as a result of indigenous struggles. For example, indigenous peoples in Nicaragua, Bolivia and, to a much lesser degree, Honduras have benefited from policies to grant land titles to their territories. Guatemalan communities have directly benefited from access to large portions of the Petén forest through community concessions granted in the interest of conservation. Local groups in Bolivia have also won the right to legal forest access through concessions, though in this case – the most decentralized country overall – it was the forestry decentralization process itself that was used to respond directly to these demands of local populations.

¹⁵ Decentralizing powers on a case by case basis is a way to guarantee that those receiving authority have the capacity to wield it effectively and responsibly. Nevertheless, some experts have expressed serious concerns about such policies. Ribot (2004, 2005) points out that powers allocated in this way become a discretionary decision of ministers and administrators and are thus established as privileges that can be withdrawn rather than rights. The local government receiving these powers is thus upwardly accountable to the office allocating them. But the transfer of secure rights to resource management encourages both local governments and citizens to invest in them over the long term, and it is downward accountability to these constituents that is the basis for democratic government.

Access to forest resources, however, does not necessarily mean that these same groups have then immediately been able to benefit in more substantial ways from forest management. Rather, forestry policies have often failed to recognize and address sufficiently the other needs of these groups that would make their full participation in forestry activities possible.

Forestry decentralizations that do not take into account the needs of forest-dependent groups may increase their vulnerability. In Honduras, it is the municipal governments, rather than local peoples, that have benefited substantially from land policies that increase their control over forests. Forest-dependent groups who live on *ejidos* must now negotiate with municipal governments, often in competition with logging companies, for their rights to forest resources. Similarly, poor indigenous Guatemalans feel their vulnerability has increased from policies to control firewood use, in light of their highly conflictive historical relationship with the state.

Important obstacles, both to decentralization in general and to achieving positive outcomes for small producers, remain. Some countries still fail to recognize the importance of integrating decentralization and poverty alleviation, though others have made great strides to this end. In none, however, is forestry part of that equation. Related to this is the on-going resistance of some central governments to decentralize forestry responsibilities, and particularly decision-making power. National efforts to establish and raise municipal forest management capacity in countries like Guatemala and Bolivia demonstrate a significantly different vision than that of the other countries.

At the local level, land use planning often includes forests but is not necessarily linked to the development of long-term forest management goals. Nor are land use plans or forest management integrated into broader development policies and annual investment plans, which still mainly prioritize the construction of infrastructure. Those who provide technical support to forest management and planning – forestry professionals – often have limited training in either the social aspects of forests or the management of forest products other than timber. Finally, questions of local government capacity, transparency and accountability are ongoing concerns, though in many countries the general assessment is that these continue to improve.

There are numerous opportunities for moving forward. Legal frameworks in every country support municipal autonomy, and in some cases, legal frameworks and national strategies promote decentralization, including in forestry. Civil society – including new organizations, associations and alliances of small producers, indigenous groups, etc. – is increasingly willing to engage with municipal governments to voice interests and demands. Hence, from both above and below, this level of government is becoming a recognized and legitimate interlocutor for citizens, NGOs, donors and central governments.

Some municipal governments are increasingly interested in engaging responsibly in forest management, including for the benefit of marginalized groups, and some central governments are supporting these processes. There are numerous and varied municipal and grassroots initiatives from which to learn, analyze institutional dynamics and seek replicable models. Grassroots organizations and networks are improving access to information and markets, increasing both trade volumes and negotiating power.

It is apparent that forest-dependent groups can benefit from forestry decentralizations under the right combination of policies, in particular those that take into account structural inequities, such as with regard to land tenure, and increase the downward accountability and responsiveness of state decision-makers to poor sectors. Results will likely be limited, however, without the adoption of more inclusive conceptions of development, and greater support to the on-going struggles for inclusion by these groups.

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