Enabling Policy Frameworks for Successful Community-Based Resource Management

Proceedings from the Ninth Workshop on Community-Based Management of Forestlands

Edited by Krisnawati Suryanata, Glenn Dolcemascolo, Robert Fisher and Jefferson Fox

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ENABLING POLICY FRAMEWORKS FOR SUCCESSFUL COMMUNITY BASED RESOURCE MANAGEMENT INITIATIVES[1]

Krisnawati Suryanata[2], Glenn Dolcemascolo[3], Robert Fisher[4] and Jefferson Fox[3]

Introduction

While our knowledge of the physical and biological world has grown exponentially in recent years, environmental management is still largely characterized by decision-making under conditions of uncertainty. It is increasingly recognized that this uncertainty requires a new kind of collaboration between scientists and decision-makers, between those who gather knowledge and those who apply it to everyday problems. This new collaboration should assume a continuous, two-way flow of information, punctuated with periodic evaluations and policy adjustments based on new insights gained from the field. Documenting the lessons learned from such "action research" was a key objective of the writing workshop, "Policy Frameworks to Enable Successful Community-Based Resource Management Initiatives," held at the East-West Center in Honolulu, Hawaii between 5 February and 2 March 2001.

The workshop is the ninth in a series on "Community-Based Management of Forestlands". Since 1986, the Ford Foundation and the East-West Center have attempted to document the changes taking place in the management of Asia's forests as national governments collaborate with local communities and civil society to design win-win land management scenarios. The workshops have engaged key actors in dialogue and debate over new policies and practices. These brief sabbaticals provided an opportunity for forestry practitioners to assess and anticipate these changes within their countries, and to compare their experience with other national efforts. The writing workshops are also an important venue for busy practitioners to the take time to reflect upon and document their experience for wider analysis and sharing.

The 2001 writing workshop brought together fifteen participants from eight countries. These people have all been involved in promoting collaborative approaches to environmental management. Though emphasis is generally on forestland management, this year's workshop was expanded to include irrigation management (papers by Pangare, Parajuli and Tan KimYong) because of the long history of institutional development in the management of irrigation resources. In all cases, participants are operating within a policy framework that espouses varying degrees of decentralization.

Although decentralization holds the promise of administrative efficiency and more equitable distribution of benefits (Cheema and Rondinelli 1983), many decentralization efforts have neither empowered local communities nor improved forest management. Agrawal and Ribot (1999) have argued that, in order to realize many of the lauded benefits of decentralization, powers need to be transferred to lower level actors who are both elected and downwardly accountable. Empirical analyses of the lines of accountability are key to our understanding of the nature of decentralization and community-based resource management initiatives. Equally important is an examination of the conditions that facilitate downward accountability such as policy environments and local socio-political institutions.

[2] University of Hawaii, Department of Geography, Honolulu, Hawaii
[3] East-West Center, Research Program on Ecosystems and Governance, Honolulu, Hawaii
[4] Regional Community Forestry Training Center (RECOFTC), Kasetsart University, Bangkok, Thailand

Contrary to the popular notion that depicts policy making as linear process, Lindayati (2000) argues that policy making is actually a struggle over ideas. As such, it involves many interest groups and political positioning by the so-called "policy makers". The role of research in this process is necessarily different than that imagined to apply in the linear model of policy making. Furthermore, she explains that policy research can be separated into two basic types of research. The first is *research on policy.* This includes studies that examine or evaluate the effects of existing policies, as well as research about the policy making process itself. The second category is *research for policy.* This category includes research intended to explore possible options, to test their viability and identify potential problems. Naturally, there is often some overlap between the categories. The papers in this collection are of both types.

Lessons from the field

The complexity involved in developing and implementing appropriate policy frameworks is reflected in the variety of themes that emerge in this collection. The first theme relates to *the extent to which forest laws and policies have enabled or impeded community-based initiatives.* A number of the papers show how policies and legislation can have unintended consequences, and often result in the opposite effect than that which was intended. The goal of decentralizing forest management is continuously subject to political battles that could result in contradictory and ineffective policies.

In the case of the Philippines, people-oriented forestry policies and programs have been in place for at least twenty-five years. The level of implementation, however, has been limited. De la Paz, Ballesteros, and Canivel each explore some of the reasons for the "logjam". The key factors they identify include the complex policy structures resulting from a rapid succession of programs that experiment with community-based management systems, the ambivalence of state and local governments in enforcing the policies, and the contradiction between the various laws and policies that govern the management of forest lands.

Alma De la Paz uses her analysis of the management of Mount Apo, a protected area in Mindanao to illustrate this problem. Here, national goals of decentralization are pursued though the granting of tenure to local communities under the Community-Based Forest Management (CBFM) policy. But granting tenure is insufficient to lead to change. She concludes that the policies are burdensome for both community groups and implementing agencies; even more so because communities rely on local governments to provide support in technology, finances and markets. Further, because the laws do not recognize existing interests, notably those of long-settled non-tenured migrants, enforcement of national laws would mean a re-settlement. Not only would this be socially unacceptable but also politically unpalatable. Finally, national policies do not distinguish clearly between the jurisdictional boundaries of local government and the Department of Environment and Natural Resources making implementation even more complicated.

Jose Canivel argues that the complexity of legal and bureaucratic processes that surround CBFM promote, rather than impede, rent-seeking and irresponsibility. Division of authority in the CBFM policy remains unclear. As a result, there is a general absence of participation and accountability, and forestlands become open-access resources that are further degraded. He explores the potential of various types of developmental legal assistance (including paralegal training for communities) as a step towards an effective assertion of community rights in the management of forestlands.

Suhardi Suryadi examines community forestry in Indonesia, comparing the official policy with locally initiated efforts. He argues that the 1994 Community Forestry decree has provided a framework for a few local pilot initiatives that were supported by universities, NGOs, and various

donors. Government support for community initiatives, however, is still on an ad hoc basis and needs to be institutionalized. Paying particular attention to the case of one community initiative in Nusa Tenggara Barat, he shows how failure to devolve power effectively to local communities has left the community unable to effectively enforce sanctions against outside interests. In the absence of such capacity, community forestry initiatives have faltered.

Shen Maoyin analyses the impacts of China's bans on timber harvesting on community forestry initiatives. The policy for protecting the remaining forests in the upper Yang Tze River was imposed by central and provincial governments, and has caused unintended consequences at the local level. The logging ban affected not only state forests, but also undermined the authority of community groups or village management committees that have effectively managed community forests in the past. As a result, the livelihood of communities who live close to state forests have worsened since the ban was implemented.

A parallel case comes from the United States. Jennifer Graham shows how federal laws intended to protect forest resources have actually worked against the interests of local communities whose livelihoods depend on these forests. In the case of the Allegheny National Forest, opposition from environmentalists, who often do not represent local interests, have drawn the local community into protracted legal battles. In this case, the Allegheny Defense Project, one such environmental group, uses proficiency in the legal system to its advantage. In her analysis of alternative forms of conflict resolution, Graham reminds us that national laws and policies fail to resolve underlying value conflicts. She argues for a commitment to better understanding of underlying differences and improved conflict management as a way forward

The papers reiterated the argument that policy development is a struggle over ideas. Competing interests at the national, regional or local level assert themselves in the processes policy formulation and implementation (Ballesteros, Graham). An example is presented by Pearmsak Makarabhirom, who reviews the history of the debate over community forestry in Thailand, showing how different concerns have dominated the debate at different times. An implication is that the struggle over competing ideas and interests has had a nullifying effect in terms of the development of community forestry policy. Finally, Graham asks whether any forest policy can resolve conflicts over fundamental value differences.

A second theme is *the impact of forest policies and related land policies on particular groups in society.* Several of the papers (e.g. Danks, De la Paz, Graham, Meenakshisundaram, Tran, Vuong) point to the importance of clearly identifying the intended beneficiaries of these policies while recognizing that stakeholder groups identity, memberships, and interests are fluid, often contested and negotiated. Equally important is assuring stakeholder participation in the earliest stages of policy development. Otherwise, programs may not address stakeholder communities' concerns or have unrealistic expectations of the community's capacities.

In the case of Vietnam, the government adopted land reform policy in 1988, which aimed to transfer land rights from the state to individual households. Tran Thi Que shows how the policy has failed to achieve equity in terms of gender. Despite clear constitutional and legal provisions and policies supporting gender equity, the actual application of land reform tends to strongly favor men. One key reason for this is that land reform is directed at household heads, which are most often men. As a result, women who lack land title as collateral are severely disadvantaged in gaining access to credit.

Vuong Xuong Tinh explores the impacts of the land reform policy on minority ethnic groups in Vietnam. The key lesson is that the policies designed to increase the labor productivity of lowland farmers have unintended consequences for mountain dwellers that have different land management traditions. In mountain and forest regions, communal ownership had always been more important than individual ownership in land use management, but the current Land Law

does not contain any provisions to accommodate this concern. The land reform has resulted in increased disputes among users accompanied by the deterioration of land and forest resources.

In the Philippines, Andre Ballesteros analyzes the implications of the Community-Based Forest Management policy on the rights of indigenous people as provided by the Indigenous Peoples' Right Act (IPRA). IPRA seeks to correct historical injustices done to indigenous peoples, and to grant an absolute right in order for the indigenous peoples to manage natural resources within the ancestral domains. He provides some clear examples of the ways in which the bureaucratic rules applied in implementation could subvert the process of devolution that had been guaranteed by the Constitution.

Also in the Philippines, De la Paz brings attention to forest dwellers in Mindanao, also known as 'non-tenured migrants' who are de facto stakeholders, but whose interests are generally excluded from any deliberations of the Community-Based Forest Management policy. As a result, they have the least incentive to change their farming and forest extraction practices and pose a significant barrier to implementation at the local level.

Cecilia Danks examines the issue of wildfire management in the Pacific Northwest of the United States. She argues that the current approach to catastrophic fire suppression relegates local communities to the role of the victim. By reorienting fire management to focus on an ongoing set of integrated ecosystem management activities that can reduce the wildfire threat, communities can play a more active role. This community-based approach, however, potentially excludes other groups of stakeholders such as poorly paid migrant laborers that depend on the seasonal jobs available in the old management regime.

The third theme examines *the mechanisms for decentralization policies to result in effective community-based management of natural resources.* The first factor identified by a number of papers in this collection (e.g. De la Paz; Makarabhirom, Meenakshisundaram, Suryadi, Tran, Vuong) is that while decentralizing forest management may seem like a clear political decision, developing a capacity for implementing the policy is a separate matter. Community-based forest management requires a complete reorientation of forest management paradigms as well as a new set of administrative tools for many of the middle level forest bureaucrats.

The desirability of working through existing official structures as compared to traditional organizations or specially established new organizations has been the subject of considerable debate. Pangare points out that many successful community-based natural resource management initiatives have largely remained 'islands of development'. He argues that the question of scaling up is as important a challenge as finding initiatives that work.

Based on a study conducted in the south Indian state of Karnataka, S.S. Meenakshisundaram explores the potential for involving the locally elected panchayatiraj institutions (PRIs) in the management of natural resources. At present, forests in India are managed by community-based organizations (CBOs) that operate under programs such as the Joint Forest Management outside the *official panchayatiraj* framework. Using the principles that Elinor Ostrom outlined in her book *Governing the Commons* (1990), he identified that while CBOs generally have the positive traits of enduring common-pool resource organizations, they lack mechanisms of accountability, enforcement capacity, and conflict resolution mechanisms. The PRIs, on the other hand, do have these mechanisms. The PRIs weakness is that they lack the clear boundaries of various user groups and knowledge of the areas where user groups are granted rights and responsibilities. In conclusion, he challenges interested parties to consider the possibilities for institutional collaboration between the PRIs and the CBOs so they can protect the resources as well as the interests of the user groups.

Examining the case of Participatory Irrigation Management in India, Ganesh Pangare argues that large scale implementation of the irrigation sector reform depends on political commitment on the part of the central government. Meaningful reforms, such as those underway in Andhra Pradesh, require politically unpopular actions such as increasing tax and restructuring the bureaucracy. They are also supported by an open line of communication; a legal environment that clearly defines the various roles and responsibilities of water user associations (WUAs) and the irrigation department; and capacity building among personnel in both the irrigation department and the WUAs. This example again illustrates the importance of downward accountability in assuring meaningful decentralization of resource management.

Keshav Kanel's discussion of fiscal policy for community forestry in Nepal occurs in the context of a program that is already quite large in scale. His focus is on the longer-term financial sustainability of the program, particularly as external assistance ends. He argues that decentralization must include devolving control over the collection and management of financial resources. He examines an approach to revenue assignment in which revenues generated from the sale of surplus timber are directed back to polycentric organizations that provide services to the community forest user group.

Also in Nepal, Umesh Parajuli looks at the relationships between irrigation technologies and operational characteristics, which in turn determine how and what management tasks could be devolved to water users. Examining the case of water division technologies, he argues that policies that aim at increasing community participation in irrigation management need to recognize these relationships and consider the social dimensions of technological design as well as organizational structure when designing water management systems

Concluding remark

The papers reiterated the argument that policy development is a struggle over ideas. The challenges of reconciling competing interests and ensuring that the benefits of environmental management are shared equitably among stakeholders are immense. Innovative approaches to problem solving and to designing and implementing effective mechanisms for community-based resource management are urgently needed and will no doubt continue to emerge in the coming years. These innovations will likely come from collaborative ventures, from exchanges between scientists and practitioners and from dialogue that engages local decision makers with their counterparts in state agencies. Through innovation and engagement we hope that forest laws and policies will come to enable and complement community-based initiatives and, that community groups as well as national agencies will develop the capacity to effectively manage people and the environment.

References

Cheema, S.G. and D.A Rondinelli.1983. Decentralization and Development: Policy implementation in developing countries. New Delhi: Sage Publications.

Agrawal, A and J C Ribot. 1999. Accountability in Decentralization: A Framework with South Asian and West African Cases. The Journal of Developing Areas 33 (4): 473.

Lindayati, R. 2000. Community Forestry Policies in Selected Southeast Asian Countires. CBNRM Initiative, International Development Research Centre.

Ostrom, Elinor. 1990. Governing the Commons: The Evolution of Institutions for Collective Action. Cambridge University Press, Cambridge.