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COMMON PROBLEMS, UNCOMMON SOLUTIONS

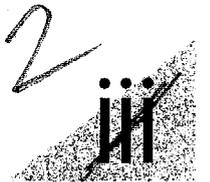
*Proceedings from the NGO Policy Workshop on Strategies
for Effectively Promoting Community-Based Management
of Tropical Forest Resources: Lessons from Asia & Other Regions
Villa la Maja, Baguio, Philippines, May 19 to 23, 1994,
Sponsored by the Legal Rights and Natural Resources Center-
Kasama sa Kalikasan (LRC-KSK/Friends of the Earth-Philippines),
Quezon City, Philippines and the World Resources Institute,
Washington, D.C., USA*

Marshall S. Berdan and Judith P.A. Pasimio, Editors

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DEDICATION

These proceedings are dedicated to the spirit and memory of William Henry Scott whose years of academic and humanitarian activities in furthering the cause of indigenous peoples in the Philippines was — and continues to be — a source of inspiration for development and human rights workers not only in his adopted country, but throughout Asia. In tribute to “Scotty”, who passed away in 1993, the field trip participants paid a visit to his gravesite in the cemetery of St. Mary’s Church in his beloved Sagada, Mt. Province.



ACKNOWLEDGMENTS

These proceedings and the NGO Policy Workshop on Effective Strategies for Promoting Community-Based Management of Tropical Forest Resources: Lessons from Asia, the Pacific and Other Regions were underwritten by generous grants from the Ford Foundation, the International Development Research Centre, and the Asia Foundation. The United States Agency for International Development (USAID) Asia/Near East and Global Bureaus provided substantial and consistent support to the World Resources Institute's initiative on promoting recognition of community-based tenurial rights. Their support is greatly appreciated.

We are also beholden to the staff and facilitators of LRC-KSK (a.k.a. "the Secretariat"). They provided dedicated and congenial support before, during and after the workshop. Special thanks goes to LRC-KSK staff members Melis D. Macato, Rita R.

Geronimo, Lio San Buenaventura, Fay V. Gumba, and Joey B. Villamor. We would also like to acknowledge the way behind-the-scenes logistical assistance provided by Washington-based WRI staff members, especially Catherine Veninga and Oretta Tarkani, who coordinated the travel arrangements of all the overseas participants and expedited the flow of money and materials.

Lastly — and ultimately — we would extend a sincere round of appreciation to the 42 participants themselves. Had it not been for their energy, enthusiasm, and willingness to engage in meaningful and candid discussions, this workshop, no matter how well funded and coordinated, could not have been the success that it was.

Marvic Leonen, LRC-KSK
Owen J. Lynch, WRI

EDITOR'S PREFACE

The NGO Policy Workshop on Effective Strategies for Promoting Community-Based Management of Tropical Forest Resources: Lessons Learned from Asia, the Pacific, and other Regions was held in Baguio City, the Philippines, on May 19-23, 1994. These proceedings, therefore, are based on the tape-recorded transcripts of that workshop.

As suggested by its title, the primary purpose of this workshop was to allow local and national level advocates of community-based forest management to share their experiences — both positive and negative — with their counterparts from throughout the region. As such, the emphasis was on the exchange of ideas and the stimulation of thought rather than on the formal presentation of academic studies or theoretical arguments.

During the planning of the workshop, it was determined that the overall mission of disseminating practical information would be substantially enhanced by producing a written proceedings. The

audience for that document, however, was expanded to include the two principal parties of effective community-based forest management throughout Asia and the Pacific — local-level practitioners of community-based forest management and those government officials charged with administering public forest lands. Again, the mission was not to inundate with facts or browbeat with exhortations, but to encourage innovation and provoke constructive new initiatives in the sustainable management of rapidly dwindling forest resources.

In achieving that goal, a verbatim reproduction of all the presentations and discussions that took place during those four days would have been of limited use. Besides being much too long, and in many cases much too esoteric, such renditions would prove difficult to follow in that the discussions themselves introduced, analyzed, revisited, and tabled topics over the course of the workshop — all in no particular order and often without any tangible resolution.

As the editors of this document, our objectives were twofold: to make the information more accessible in both an organizational and discursive way, and to highlight those systems and strategies that have a proven record of effectiveness in field-level implementation. To that end, therefore, we have not only substantially edited the original transcripts, but creatively “reconstructed” them.

To make them more accessible, presentations have been greatly reduced, fractured discussions have been connected, and extended ones have been substantially condensed. And in the anticipation that many of our readers will not be native English speakers, the often elaborate language of some of the participants has been simplified.

Highlighting the most significant of the experiences and expertise shared during the course of the workshop was definitely the more difficult objective to fulfill. Distilling four days worth of panel presentations, group discussions, and interpersonal exchanges into a relatively brief and accessible document clearly required substantial winnowing.

Not only did we have to choose from a number of exceedingly worthwhile experiences and personal vantage points, but we had to reduce each of those to a manageable length. The sampling that follows is certainly not meant to imply that only the countries or comments highlighted were of substantial value to the participants. On the contrary, had the transcripts been allowed to speak for themselves, it would have been clear that every country had valuable lessons to teach and every participant worthwhile perspectives to contribute. But in any sort of reduction — which these proceedings of necessity are — priorities had to be set.

Once the difficult process of winnowing had been completed, we still had to cast all of the material into an effective rhetorical framework, one that accurately captured the flow of the workshop but did so in a way that was in itself cohesive and progressive. Given the informal nature and casual structure of the actual workshop, that necessitated a good amount of editorial innovation. Suffice it to say that what much of what follows is neither an accurate chronological progression of speakers and topics nor a verbatim reproduction of specific verbal interplays.

Given the extent and nature of all the creative and sometimes extensive editing that has gone into these proceedings, two caveats particularly warrant repeating. First, despite the way in which the reduced discussions in these proceedings flow somewhat smoothly from topic to topic, we do not wish to imply that the actual workshop was any bit as fluid — nor was it designed to be. The lack in fluidity, however, was more than compensated for by its expansiveness and wealth of information, much of which had to be omitted from these proceedings in the interest of brevity.

Second is the matter of consensus. Rarely was there universal agreement among the participants on anything but the most broad and philosophical of points. Globally accepted advances in the literature and documentation of effective community-based forest management does not mean that all practitioners and promoters are of a single opinion about the underlying principles and their practical implementations. Opinions, even among practicing professionals from the same region of the world, often vary. Though many of those variations can be attributed to historical and political differ-

ences between countries, not all of them can — a fact that was made readily apparent by the differences of opinion often expressed by participants from the same country. And so in many cases, equally knowledgeable and experienced proponents of community-based forest management could only agree to disagree.

But as the workshop itself aptly demonstrated — and as it is hoped that these proceedings reflect — divergent but equally deeply-held differences of opinion were respectfully aired. Despite these differences, the macro-level agreement counts for substantially more than all the micro and interpersonal disagreements and discrepancies. In recognition of that basic threshold of agreement, the Baguio Declaration concludes these proceedings in the same way that it concluded the workshop — as the wide-ranging, common resolution of all 46 personally distinct, politically and culturally diverse participants from varied geographical origins.

Marshall S. Berdan (consultant), WRI
Judith P.A. Pasimio, LRC-KSK
Editors

Throughout this work, the comments of the editors are distinguished from the actual proceedings of the Workshop by being set in type like this.

FOREWORD

The following is a procedural explanation for the benefit of those interested in how the workshop was actually arranged and how these proceedings are derived:

Marvic Leonen of LRC-KSK/Friends of the Earth-Philippines and **Owen Lynch** of WRI, as convenors, welcomed the participants to Baguio and the workshop. After eliciting the various expectations brought by each participant, it became apparent that people were particularly interested in sharing their knowledge, advocacy skills and experiences on the ground and in policy making. By examining tales of success as well as of failure, the participants hoped they would be able to develop and improve workable strategies. A need to develop and identify criteria for measuring success of the advocacy was also expressed as was the possibility that an Asian network of public interest lawyers and other advocates of community-based management of forest resources be formed.

Over the course of the next day and a half, country-specific presentations were given by four geographically-determined panels of participants which are presented in Chapter II. The purpose of those presentations was threefold:

- 1) to present working examples of how legal and policy innovations have bolstered and in some cases legitimated and bolstered community-based resource management practices in their countries;
- 2) to identify, analyze, and highlight the major components of effective strategies for promoting community-based management; and
- 3) to disseminate information about both the successes and failures of those strategies to like-minded practitioners from other countries.

After each of the panels had made its presentation and fielded questions from the floor, a traditional Filipino token of appreciation, the *bagsak* (an open-faced slap of hands on tables) was extended to all the presenters. The session was then expanded into an open forum in which all the participants were invited to reflect upon, expand on, and brainstorm over whichever aspects of the presentations sparked their interest. These open forum discussions are summarized in Chapter III. It was in these open forums that many of the most memorable and enlightening observations and commentaries took place.

On the third day, breakout sessions went into greater and more extensive detail about three broad areas of consideration that became evident during the panel presentations and the open forums. Participants were free to join whichever of the three groups they wished. Later that day, the plenary session reconvened and rapporteurs from each of the breakout sessions presented a synopsis of their group's collective deliberation. Questions were entertained from other participants, resulting in a further refinement of the principles and strategies that emerged. The highlights of those presentations are given in Chapter IV.

On the morning of the last day, it was the consensus of the participants that enough had been agreed upon of a specific nature to warrant drafting a series of principles to guide promoters of community-based forest management. These principles were hammered out through extensive collective discussions and cast into appropriate language by the legal experts of the LRC/KSK-WRI consortium. The resulting set of ten principles, christened "The Baguio Declaration", was approved by consensus and disseminated to the participants before they made their way back to Manila and on to their homelands and local communities, the real testing grounds of sustainable community-based forest management.

At the conclusion of the "formal" workshop, fifteen of the participants went on a three-day field trip to the village of Sagada in Mountain Province. There, in the midst of the magnificent Gran Cordillera range, they were able to observe firsthand the prospects and constraints of community-based forest management in the northern Philippines.

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THE ROAD TO BAGUIO: KEYNOTE ADDRESS

MABUHAY! WELCOME TO THE PHILIPPINES!
AND WELCOME TO THE NGO POLICY WORKSHOP on Strategies for Effectively Promoting Community-Based Management of Tropical Forest Resources: Lessons from Asia, the Pacific, and other Regions. WRI is pleased to be co-hosting this workshop with LRC-KSK. And we are delighted to have each and every one of you here with us.

Community-based management of tropical forest resources is increasingly being recognized as an essential component of sustainable development, not only in Asia and the Pacific, but throughout the developing world. During the past ten years, much experience and insight has been gained, and in some countries, significant progress has resulted from the efforts of a growing number of public interest law groups and other non-governmental organizations in promoting local empowerment and sustainable development.

Unfortunately, many of these initiatives have been poorly publicized and their promoters remain isolated from kindred spirits in other parts of Asia and the Pacific. One of the primary goals of this workshop, therefore, is to disseminate information about the status and prospects of community-based forest management so that those actively involved in its promotion might have their thinking stimu-

lated and expanded, and thereby become even more effective advocates. Although differences in culture, political and legal systems, as well as local environments make comparisons difficult, it stands to reason that specific strategies that work well in one country have the potential of being useful in other countries.

The major objective of this workshop, therefore, is to provide a conducive atmosphere where you, the participants, will be able to refine, improve, and expand your policy-making tools, including your ability to facilitate the enactment and implementation of national laws and policies that favor community-based forest management. Perhaps equally importantly, we also want each of you to be reassured in the knowledge that you are not alone. Instead, we hope that you will take comfort in knowing that there is a widening network of like-minded practitioners and advocates who are dealing with the same institutional, economic, and motivational obstacles — and doing so with encouraging results.

Though chosen for its relaxing and forested, upland setting, Baguio is also an extremely appropriate setting for this gathering of community-based forestry advocates. Located in Benguet Province in the Cordillera Range of central Luzon,

Baguio is the unofficial summer capital of the Philippines. Its prominence began in the early 1900s, when the American colonial elite began coming to “the Pine City” to escape from the oppressive summer heat of coastal Manila. Today,

Baguio and a sophisticated city of nearly 200,000 people.



But Baguio’s rise to prominence often ran roughshod over some people for this is the ancestral homeland of the Ibaloi, an indigenous tribe of pastoralists and agriculturists who have been here since the dawn of recorded history. In a scenario that has been played out time and time again, not only in the Philippines, but elsewhere in Asia and the Pacific, those with the power — and the authority that power confers — essentially took this land they wanted from those clearly in possession.

In Baguio’s case, that taking was prompted by both the its increasing prominence as a summer resort and the discovery of gold deposits nearby. The Baguio experience, however, is hardly unique. Starting in the fifteenth century, European colonial powers began to interject themselves into the human dynamics of the region, “taking” where they could. In the accomplishment of this mission, they were aided by technological advances, particularly those in the realms of ordnance and transportation. The former allowed them to “take” more efficiently, the latter to carry away what they had already “taken.”

One of the most efficient ways of “legitimizing” their acquisitions of forest products was by expropriating them from indigenous populations. In this, they were aided by the prevailing conceptions of western (a.k.a. Roman) law that had come to dominate contemporary European jurisprudence. According to this doctrine, all land, and hence all natural resources, belonged to the acknowledged sovereign and were his to use, abuse, or parcel out as he best saw fit.

Though such authoritarian systems also existed among indigenous populations, they were generally mitigated by prevailing doctrines of community-based resource management. According to these systems, natural resources, including forests, were to be utilized for the collective good according to usage rights and regulations promulgated by traditional leadership bodies. As the long-term survival of the entire community depended upon the prudent and sustainable use of the surrounding resource base, such systems naturally ran counter to the “cut and carry” practices of the extract-minded Europeans.

Though many of these usurpers sincerely believed that they were “entitled” to these resources by virtue of an innate intellectual and cosmological superiority, their authority as colonial masters came primarily as a consequence of their military might. Since the end of the second World War, that might has been assumed by the legal successors of the colonial administrators — the political and economic elites of the modern nation-states. Forest use policies, as far as they exist, are generally predicated on the prevailing assumption that the national interest generally means trading natural resources for consumer goods via the national or interna-

tional marketplace. Restrictive new laws have been written which have made it even harder for those not engaged in government-favored enterprises to gain or maintain legal access to national forest reserves. When expropriation occurs, it usually does so without any local-level consultations, due process, or just compensation.

The impacts of the legal usurpation of community-based property rights often extend well beyond the communities most directly affected. In 1989, for example, floods swept down over denuded hillsides in southern Thailand, carrying over 300 people to their death. The tragedy riveted national attention on excessive commercial logging, much of it within indigenous territories. In an attempt to prevent the recurrence of another such disaster, the Royal Thai Government enacted a ban on commercial logging within six weeks.

Three years later, another flash flood ensued as storm waters swept down over once forested hillsides on the Philippine island of Leyte, sweeping over 5,000 people to their deaths. Initially blamed on small-scale illegal logging, it was subsequently revealed that it was in fact the extensive conversion to plantation agriculture over the past thirty years that had established the preconditions of the tragedy. And in the summer of 1993, prolonged monsoon rains led to intense flooding in Nepal and India that claimed over 2,000 lives. Once again, deforestation was singled out as the precipitating factor, not of the rains that fell, but of the severity of the floods that ensued.

Recurring scenarios such as these highlight the fact that "natural" disasters don't just happen. Nor are they strictly the result of recent events. The "legal" usurpation of community-based tenurial rights by

governments, furthermore, does not necessarily result in their practical termination. Despite expansive claims of ownership, national governments in South and South East Asia are generally unable and/or unwilling to control or manage most forest areas. Conspicuous among the constraints is the inability/unwillingness of governments to pay, train, or maintain the number of forest department staff necessary to effectively survey, patrol, and manage the vast areas classified as public forest land. In Indonesia, for example, there is only one forest officer for each 20,000 hectares — and even then, he or she is drastically short of the tools of the profession, most notably any form of transportation.

The ongoing depletion of South and South East Asia's forest resources highlights the failure of exclusive state-management paradigms. In many locales, once vast forest resources are simply no longer available to satisfy profit-oriented extractive and commercial industries, be they state or privately run.

The loss of forest resources, however, has meant a lot more than just the loss of once thriving timber industries. For literally millions of rural peoples in South and South East Asia, forests are an irreplaceable source of the basic subsistence needs of food, fuelwood, fodder, and building materials. The depletion of national reserves has meant that many rural people are increasingly hard-pressed to meet their daily needs.

Especially vulnerable are those historically marginalized, indigenous peoples who have continued to live outside the mainstream of contemporary society. For centuries, these peoples opted to retreat further and further into the forests,

“ The ongoing depletion of South and South East Asia's forest resources highlights the failure of exclusive state-management paradigms. ”

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when their traditional areas were infringed upon by the more powerful, dominant local culture. But today there are few places left to hide. Denied equitable arrangements by the nation-state in which they dwell, many of these forest-dependent peoples have had no choice but to assert control over their local forests — either quietly or via acts of open defiance. In light of numerous, and increasingly well publicized instances of the desperation born of dispossession, even the most entrenched and centralized of national governments have become aware of the failure of state-managed systems.

In Baguio this all-too-familiar story took a peculiar twist eighty-eight years ago, in 1906, when Don Mateo Cariño, an Ibaloi leader, filed suit against the U.S. colonial regime for not recognizing customary rights to land that had been in his family for generations. Cariño claimed that the colonial government had abrogated its commitments to protect indigenous territories and he demanded recognition of his community-based rights. His case would eventually make its way to the U. S. Supreme Court.

In a decision written by no less an icon of Anglo-American jurisprudence than Associate Justice Oliver Wendell Holmes, the court unanimously decided that when land has been occupied since time immemorial, it will be presumed to never have been public. Holmes went along with the view that Spain in its early decrees “embodied the universal feudal theory that all lands were held from the Crown.” But he dismissed these laws as “theory and discourse.” The simple fact was “that titles were admitted to exist that owed nothing to the powers of Spain beyond this recognition in their books.”

Furthermore, Holmes emphasized, even if Spain refused to recognize the undocumented property rights of indigenous peoples, it did “not follow that, in the view of the United States, [Cariño] had lost all rights and was a mere trespasser.” Holmes considered such a perspective to be repugnant: “The argument to that effect seems to amount to a denial of native titles . . . for the want of ceremonies which the Spaniards would not have permitted and had not the power to enforce.” Holmes was particularly appalled that the U.S. Government “was ready to declare that ‘any person’ did not embrace the inhabitants of Benguet, or that it meant by ‘property’ only that which had become such by ceremonies of which presumably a large part of the inhabitants never had heard, and that it proposed to treat as public land what they, by native custom and by long association — one of the profoundest factors in human thought — regarded as their own.

Ninety years later, Don Mateo’s ancestral lands are at the center of a new, but equally significant controversy. Although Don Mateo theoretically won his case, his land still became part of Camp John Hay, an American military base dedicated to rest and recreation. Today the extensive tract, complete with run-down but still functional facilities, most notably two golf courses, is now in the hands of the Philippine military. In early 1994, the Philippine government began negotiating with a consortium of Taiwanese businessmen. If the sale goes through, Don Mateo’s ancestral lands will be converted into a deluxe resort, not for the benefit of his descendants or even other Filipinos, but for Taiwanese elites who, because of the extensive use

of their own island, now come to their poorer neighbors for more affordable recreation opportunities.

And so in Baguio, as it is throughout much of the Asia and Pacific regions, the past is prologue to the present. For centuries, those with the power — be it military, economic, or financial — have taken forest lands, either forcefully or through legal maneuverings, from those who have been occupying and sustainably using them since time immemorial. If anything, the problems are more severe and numerous today than ever before.

And so it is fitting that social and legal activists from throughout the region have come to discuss strategies for promoting community-based forestry.

LRC/KSK-Friends of the Earth-Philippines and WRI welcome you to this workshop with great pleasure and excitement. We look forward to four days of lively and constructive discussion in this healthy mountain air. Through the sharing of personal experiences and insights, we hope to be able to generate enough new ideas so that when you return home, each of you will be even more effective at promoting community-based forest management. And by fostering a network of regional community-forestry promoters, we hope that the relationships initiated here at Baguio will not only be continued on an individual basis, but expanded exponentially as each of you share his or her experiences with your colleagues back home.

Owen J. Lynch, WRI

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FOCUS COUNTRY REPORTS

Largely as a result of common biogeophysical features and a shared legacy of colonialism, the eleven Asian and Pacific countries represented at the workshop face similar constraints and opportunities in their attempts to promote community-based forest management initiatives. On the assumption that in-depth presentations by a few of the more illustrative countries would be of greater benefit in depicting the range of community forestry initiatives and constraints currently being faced throughout the region, four countries were given special prominence, both at the workshop and in these proceedings.

India and the Philippines were chosen because they are at the leading edges of the multifronted efforts to promote community-based forest management in South and Southeast Asia; India because of its history of "spontaneous takings" and the extent to which joint forest management initiatives have spread, and the Philippines because of its creative legal "solutions" to an established and entrenched legacy of dispossessing community-based

forest communities. Indonesia was chosen because of the vastness of its forest resources and the alarming rate at which those resources are being diminished — all in the virtual absence of any effective community-based forest management initiatives. Papua New Guinea was included to show that while the legal recognition of community-based tenurial rights is important, by itself it is not sufficient to guarantee that forest resources will be managed sustainably.

All of the focus country presentations have been abbreviated for the sake of space and recast into a single, continuous narrative, regardless of the original number of presenters. In addition, relevant country-specific information that emerged during the question and answer sessions immediately after each panel presentation has been incorporated as deemed appropriate. As a result, these synopses do not necessarily reflect the actual sequence of topics or speakers, although all efforts have been taken to be faithful to both the words and tone of the presenters.

INDIA: Solutions Born of Necessity

PRESENTERS: *Vasudha Dhagamwar, Executive Director, Multiple Action Research Group; Shyamala Hiremath, Project Coordinator, India Development Service; Neera Singh, Forestry Programme Assistant, Vasundara; and Madhu Sarin, Consultant, National Support Group for Joint Forest Management*

Throughout India's early history, people simply used the forests, they did not manage them. That use turned into abuse as colonial policies of appropriation were compounded by post-independence policies that placed a high priority on industrialization. Today, about 23 percent of the India's land area is classified as forests, and there is severe pressure on those dwindling forests from rapidly increasing populations.

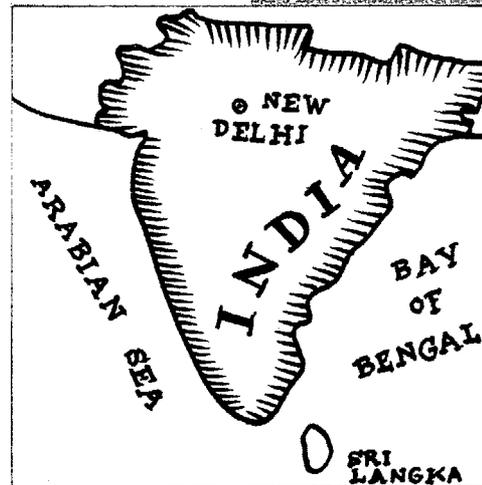
As a major source of fuelwood, fodder, and non-timber forest products, forests supply subsistence and income goods to vast numbers of India's rural poor. According to one estimate, about 30 million people — most of whom are classified as "tribals" — derive some part of their livelihood from forests. In addition, forests play an important role in maintaining village economies by conserving environmental quality and the productivity of agricultural lands.

Usage rights depend on the legal classification of the forest land in question. In reserved forests, there are no community rights whatsoever, while in protected forests, some utilization rights are allowed. In village forests, utilization rights are

generally recognized. Unfortunately, these forests are either totally gone or have been seriously encroached upon. Because they have relied upon various combinations of hunting, gathering, and subsistence agriculture for thousands of years, deforestation and ecological degradation have severely impaired the health and livelihood of tribal communities.

Besides having less forest resources to draw upon, India's tribals have also lost much of their control over forests through nationalization programs that curtail their traditional rights, the transfer of tribal lands to non-tribals, and displacement by large-scale "development" projects such as the infamous Narmada dams. Official figures and other studies indicate that although tribals account for only eight percent of the total population, they account for approximately 40 percent of those displaced.

The inevitable result of all these trends has been the increased poverty and deprivation of tribal peoples and India's other rural poor. While some have been absorbed into the market economy (though generally at the lowest rung of the socio-economic ladder — as wage or plantation laborers), others have been forced to migrate in search of seasonable labor.



Given the continuing dependence of tribals and other marginalized communities on forests, it is not surprising that it has been in the less developed forest regions of central and eastern India that community-based forest management has been instituted on a relatively large scale.



This has taken two general forms. In one, state Forest Departments have actively encouraged local villagers to protect forest resources by promising them tangible benefits in return, typically a portion of the proceeds from the regenerated land. In 1989, the national government officially recognized the inappropriateness of traditional state management regimes and began promoting Joint Forest Management (JFM). West Bengal contains the best and most extensive examples of JFM: as of mid-1994, over 2,300 forest protection committees were actively protecting an estimated 320,000 hectares of public forests.

In the second form, villagers seized the initiative themselves, without the encouragement of the state Forest Department or the presence of any economic incentive. Generally speaking, these “spontaneous initiatives” occurred because the government was simply not living up to its obligation of protecting the forests for those who depended upon them for their very survival.

The most well-publicized example of these “spontaneous initiatives” is the Chipko Movement of Uttar Pradesh in the early 1970s. This movement is derived from the Hindi words meaning “to hug” as that is how the women of these communities

prevented the trees they depended on for a variety of material and ecological services from being cut down. This dramatic illustration of an active and successful women’s intervention in forestry management received extensive international coverage and inspired community activists in other parts of India.

Today, self-initiated forest protection is taking place on a significant scale in the eastern states of Orissa and Bihar, and to a lesser extent in Gujarat, Rajasthan, Karnataka, Madhya Pradesh, and Andhra Pradesh. Faced with what these on-the-ground facts, state Forest Departments have little alternative but to formalize these community-based organizations.

As of May, 1994, 15 state governments have issued Joint Forest Management resolutions. Those 15 states account for 72 percent of the country’s 75 million hectares of public forest land and 91 percent of the country’s tribal population. More than 1.5 million hectares of forest land are already being protected by villagers through more than 10,000 community institutions. Even if JFM is extended to only the estimated 40 percent of “degraded” forest land in those states that have officially adopted it, it would signify a major re-empowerment of forest-dependent villagers.

Though the JFM program still accepts the colonial and post-Independence assertion that the state is the legal owner of all public forest resources, it is an important step toward reducing the gross inequities in access to forest resources. Supporting this advance is the National Forest Policy (1988) which specifies that one of its objectives is meeting

the fuelwood, fodder, minor forest produce, and small timber requirements of rural and tribal populations.

The incentive to manage forest resources for greater livelihood security and improvement in their quality of life has led to an observable upsurge in the efforts of local communities to protect their remaining forests. This is particularly evident in Orissa, one of India's poorest states, and consequently one in which there is a high degree of dependence on forest resources.

In these arrangements, villagers pool their resources in a communal fund which is used to pay the salary of a village forester who is deputized to render protection services. The system is also characterized by the formulation and enforcement of elaborate forest protection rules which are binding upon the members of the community.

These efforts seem to have a "ripple effect" — once one village starts protecting its forests, nearby villages soon follow suit. To date, approximately 4,000 community groups have regenerated over 200,000 hectares of degraded forests. As a result, large tracts of forest area in Orissa are currently under *de facto* community management even though *de jure* they remain state property.

As exemplified in Orissa and some other states, community-based forest management in India, whether under the auspices of JFM or not, is an idea whose time has come and whose momentum cannot be reversed. Despite its spread and acceptance, however, JFM is an imperfect system. For one, the government continues to retain ownership rights over all the trees and the authority to manage the forests. In addition, management agreements

can be changed or canceled by the state forest department at any time for the most subjective of reasons. As there is no official appeal or arbitration process, community groups are powerless to redress the nonfulfillment of Forest Department commitments. Given the widely divergent nature of these programs and the village needs they are designed to meet, the more JFM programs become standardized, the more troublesome they become.

The primary problem is that institutions and communities are trapped between the central and local government. Government programs are generally implemented and planned from the top, thus leaving the communities essentially out of critical decision-making processes. In their absence, traditional governmental prejudices in favor of commercial corporations tend to prevail.

A particularly illustrative example of this predisposition was the 25,000-hectare "captive plantation" of eucalyptus awarded by the government of Karnataka to an industrial paper company. Public access was denied, the existing forest was bulldozed, and the land was then replanted with eucalyptus. Despite a supreme court decision in favor of the original community grantees, the state persisted in supporting the interests of the corporation.

In an attempt to regain control over the disputed forest land, the community engaged in a variety of strategies including: a public education program, public interest litigation (which is usually quite expensive), campaigns directed at international funding institutions and development banks, and a letter-writing campaign. But all these efforts failed to deter the state authorities. Finally, in an act of defiance, the villagers pulled up the eucalyptus

“Government programs are generally implemented and planned from the top, thus leaving the communities essentially out of critical decision-making processes.”
- Vasudha Dhagamwar

“ By empowering communities to control their resources, community-based management may be the key to affecting lasting and genuine changes in the political landscape. ”

seedlings and replaced them with species of more use to them. In October 1992, a court order officially dissolved the company, seven years after funding had been cut-off, and the community finally succeeded in expelling the plantation from their area.

Although it did not work in this particular case, as a strategy, popular education is critical. For instance, the distribution of literature such as brochures and booklets is very effective in disseminating information which communities can then use to assert and defend their rights against more economically and politically powerful interests. Appeals to the legal system are of limited use in India as communities do not have access to affordable legal services and the judicial process is often a protracted one.

As India's forests become increasingly commercialized, the concept of community-based common property needs to be broadened to include not just trees, but all the resources contained in the area claimed by the community. In 15 of the 22 states, the central government has issued a directive that Joint Forestry Management be established throughout the state, and not just in forested areas. In these states, communities must be organized and empowered. Voluntary organizations are frequently relied upon to act as facilitators.

In theory, community-based forest management should be able to address this problem, but until existing political equations are changed, inequities will continue to exist. By empowering communities to control their resources, community-based management may be the key to affecting lasting and genuine changes in the political landscape.

Philippines: Policy Advocacy – An Option for the communities

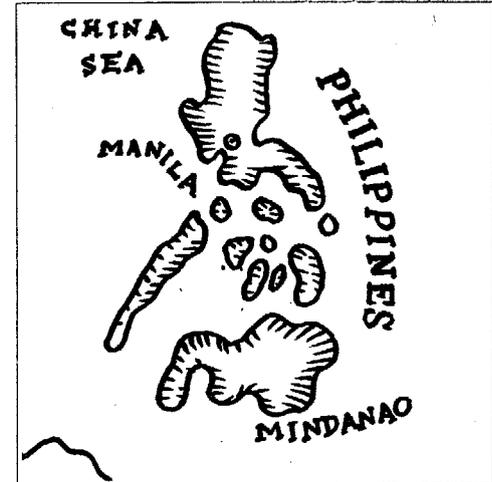
PRESENTERS: Dennis Uba, Upland NGO Assistance Center; Marvic Leonen, LRC-KSK; Basilio Wandag, Kalinga Bodong Association.

The perceived opening of the Philippine's political environment after the departure of Ferdinand Marcos facilitated the rapid growth of non-governmental and peoples organizations and their various activities. Federations of peoples organizations, many led by activists who emerged from the underground movement, quickly reached national consensus on the need to gain government recognition of ancestral-domain rights, most of which are located within government-classified forest zones.

In terms of activities, many groups began to specialize not only in community organizing, but in its support activities such as training, research and advocacy. Organizing and campaigning skills learned during the repressive years of the Marcos regime contributed to greater and more effective technical expertise in setting up institutions and articulating positions. This rapid expansion of non-governmental activity was facilitated by the availability of financial and other resources coming from both private foundations and official development assistance.

While the growth in numbers and policy-advocacy capacities strengthened the effectivity of those promoting community-based forest management, it also spawned a host of problems. The government, responding to a strong and articulate lobby, created new prescriptions that took many forms. "Master Plans" became in vogue. Presidential and other executive proclamations took on the rhetoric of people empowerment as well as the language of the peoples movement. Legislative and administrative fiats typically included more equitable and appropriate policy pronouncements, but most sorely lacked detailed strategies and enforcement measures.

Worse, many programs were contradictory and inconsistent, such as the Philippine Strategy for Sustainable Development, the Master Plan for Forest Development and the National Physical Framework Plan. Policy pronouncements and implementation activities were often inconsistent. Worse, many of the projects envisioned in these pronouncements failed to take into account local needs and aspirations, not to mention local ecological variations.



Particularly glaring examples of the failure to take local dynamics into consideration are the Asian Development Bank's First Forestry Program Loan (Contract Reforestation) and its Low Income Upland Development Project on the island of Mindoro. Even Department of Environment and Natural Resources (DENR) Administrative Order No. 2 of 1993 which sought to institutionalize a process of recognizing ancestral domains (territories of indigenous communities) through an elaborated process of delineation was an example of a well intentioned program that did not have an operational budget nor a workable means of implementation.



One result of the lack of policy coordination is a system of *de facto* forest management in the Philippines that consists of four types: corporate or commercial, government driven, NGO supported, and community initiated. Many business interests, in natural resource exploitation, operated and were very well politically and socially entrenched prior to the EDSA revolution in 1986. The "revolution" did little to weaken their political and economic bases. Large commercial logging interests still lord it over large swaths of land in the rural countryside. Many timber concessions, in anticipation as well as in reaction to the Total Logging Ban Campaign, have ostensibly transformed into tree plantations.

Government initiated programs have also multiplied in the Philippines, in part due to official development assistance. Much of the financial

assistance, however, has ended up with business oriented groups disguised as environmental NGOs. On the other hand, some genuine organizations (i.e. those accountable to basic communities) have had to deal with problems regarding their perceived authenticity as a non-governmental organization and the labyrinth of overlapping government programs and management structures in specific sites. The general orientation of the main agency involved—the Department of Environment and Natural Resources—that trees, reforestation and contracts are more important than people, has not helped.

In spite of this, Philippine NGOs still continue to: 1) support multi-disciplinary approaches; 2) attempt to find the more strategic allocation of resources; and, 3) make use of existing legal instruments to support recognition of ancestral domain rights and the granting of tenurial rights to migrant upland dwellers.

NGO supported and/or community initiated resource management programs dealing with forestry resources still attempt to go beyond the parameters set by government programs. The general perspective is that existing government programs are merely tools that can be used to legitimize access to forest resources in order to meet the immediate needs of community development. Community organizers and NGO-support staff, therefore, by necessity use multi-disciplinary approaches. The government bureaucracy, being too specialized, meanwhile, is focused on key result areas that are defined for various agencies and are typically too narrow to meet most community needs.

Many government programs are only availed of after a community has successfully initiated its own project. For instance, the Kalinga Bodong Council initiated efforts to demarcate *bogis* (boundaries) corresponding to various community territories before it submitted applications for Certificates of Ancestral Domain Claims (CADCs) from the Department of Environment and Natural Resources.

Land and other resource management in the Cordillera Region in general, and in the *bodong* (peace pact) holding/practicing villages of Kalinga, in particular, have always been *ili* (village) based. Indigenous systems of resource management have always been relevant and viable yet the Philippine government has long thought otherwise and has taken and given away management rights over community resources to outsiders. This approach has failed miserably. The *Kalingas* have realized that making use of their customary laws and indigenous institutions is an effective and viable path to sustainable resource management and genuine peoples empowerment. It was in this context that the drawing up of their *bogis* was done.

Formally undertaking this project has enabled the elders holding *bodongs* (peace pacts) to either “warm” or re-articulate the various terms and conditions in the pacts as well as resolve existing conflicts. Done independently of government programs, this makes it possible to avoid cumbersome bureaucratic procedures. Getting government recognition of the *bogis*, however, is still an uphill battle.

This and other efforts to promote recognition of community-based property rights at the policy level has led to a few conclusions about the uses of the official national legal system (as opposed to the dynamically evolving indigenous norms, structures and processes). Support groups on the level of advocacy found that:

First, the role of the policy and legal advocate must be clearly articulated and agreed to within the context of local empowerment and community initiative;

Second, the advocate must recognize that given present political realities, no legal instrument can adequately facilitate the dynamic development of community initiated activities;

Third, legal instruments must be carefully used and only primarily as a tool to guard against future encroachments. That is, if they are not yet necessary they have to be avoided;

Fourth, there should be a systematic effort to change policy but community initiatives should not start and end with legislation;

Fifth, advocates and lawyers should always be aware that official policy evolves from a different culture—what may be common sense to the lawyer may not be so for the everyday realities that a community faces; and

Sixth, in this context advocacy in the Philippines still needs to be institutionalized.

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INDONESIA: Problems in Need of Solutions

PRESENTERS: Ika Krishnayati, Information Officer, KONPHALINDO; Iwan Tjitradaja, Professor of Anthropology, University of Indonesia; and Bambang Widjojanto, Advocate, Indonesian Legal Aid Foundation

The island nation of Indonesia has 350 million acres of tropical forests, roughly 10% of the world's total. In terms of tropical rain forest, Indonesia is the world's second largest country after Brazil. According to the State Department of Forestry, there are 143 million hectares of forest; 64 million of which is designated for production forest, 31 million for conversion forest, and about 30 million for conservation forests.

By virtue of its location between two oceans and two continents, Indonesia's approximately 13,700 islands contain some of the world's richest and most diverse ecosystems. The country is home to more than 500 species of mammals, 1,500 species of birds, and 10,000 species of trees.

But Indonesia is also the fourth most populated nation in the world. Over 140 million people put a great deal of pressure on the country's natural resources, especially its forests. So bad has the overcrowding on the main island of Java become, that the government is moving people (either through encouragement or direct funding) to the less populated Outer Islands, especially Sulawesi and Kalimantan. Needless-to-say, the Transmigration Program, which once received substantial

funding from The World Bank, has contributed to the destruction of forest lands, not only through the process of meeting the needs of the transmigrants, but also by virtue of the fact that many of these people brought with them land management practices that were unsuited to their new environment.

The second major deforestation factor is the timber industry. The government claims that the utilization of the nation's production forests provides needed jobs and products that can be exported to earn equally needed foreign revenue. Under the Basic Agrarian and Forestry Laws the government owns most of the archipelago's primary forests to the detriment of traditional indigenous tenure regimes. Owners of community-based adat rights (which are often to individually owned tracts that are passed down among family members though with the understanding that the land was granted by the village and suku or tribe) are required to obtain a land certificate from the regional government in order to secure their rights. As formal registration means having to pay a land tax, many traditional rights holders refuse and/or cannot afford to register their rights. Many others don't know about the requirement. Perwalian lands (primary forest lands that had no individual owners but were under the control of the nearest village), meanwhile, have also been converted to state lands.



In the 1970s, the government began granting logging and plantation estate leases to outside commercial enterprises.

Besides the out-and-out destruction of forest lands, many negative impacts result from these timber activities. The most significant of are social, cultural, and economic in nature.

For example, once logging activities are initiated, there is generally a competition between timber and non-timber exploitation. Indigenous communities who survive by trapping, hunting, fishing and collecting forest products are soon faced with disappearing resources. In addition, most foreign-controlled logging companies further compromise indigenous communities by prohibiting the collection of *damar* (tree sap), honey, bamboo, *ulin* (ironwood - used for building houses and roofs), and *tengkawang* seeds which are used in many local industries. In Irian Jaya, the sago palm is the staple food of the Irianese but sago palm swamps are no longer legally accessible once an area is under a logging concession.

When the concessionaires have logged over an area, industrial forests and plantation estates usually take over. However, when a logged over area is not suitable for other uses, it typically reverts to the state on the premise that it can be logged again in 20 years. The decrease in quality and amount of forest, meanwhile, reduces biological diversity, increases soil erosion, and affects river drainage patterns.

Unfortunately, the promotion of more intensive land use seems irreversible at both local and national levels. The government plans to convert 20% of forest lands to farms for rice, soybeans, and

corn; and plantations for teak, mahogany, albizia, and the construction materials needed for houses and highways.

Government statistics indicate that the area of tropical rainforest on Kalimantan decreased from 41.5 million hectares in 1958 to 36.7 million hectares in 1984. After logging concessions remove the tree cover, the land is generally used for estate crops and industrial forests. Of the remaining forest, 11.4 million hectares have been designated as limited production forest, and 14.2 million hectares as permanent production forest. This leaves only 6.9 million hectares as protected forest and 4.1 million hectares as wildlife reserves and recreational forests.

The Ministry of Forestry controls the management of production forests under two different forms of what it calls "sustainable yield" management. On Java, production forests are organized into state-managed forest plantations, some of which are over 100 years old. Java's forests cover some three million hectares or nearly a quarter of the island. These forests are scattered throughout the island and are typically surrounded by densely populated, predominantly agrarian settlements. The managing body, the State Forestry Corporation, historically has viewed forest-dependent subsistence peasants as threats to the forest and to the state's management goals. Peasant farmers living near production forests and forest reserves have been formally excluded from all but the most limited forms of access to these forest



lands ever since the beginning of Dutch rule in the early 1800s. These policies threaten forest-based peasants' livelihoods because they restrict their access to agricultural land, their development of agroforestry systems, and their participation in the official timber trade.

On the Outer Islands, state forest management is predominantly indirect: the Ministry of Forestry leases large tracts of forest to concessionaires, including some state companies, who are responsible for its management. Local peoples' legal and customary access to the forest varies widely.

In addition, the mapping of logging areas has been problematic as many Dayak villages have inadvertently been included in concession areas. Although the concessions do not often disturb the village land because the forests contained within have few trees desirable for logging, the Dayak protect their lands from what they consider to be unauthorized interference.

Despite the lack of commercial logging potential, the lands which are classified as ancestral territories according to *adat* (customary law) often prove to be attractive to logging concessionaires and transmigrants because they are relatively easy to reach and clear, and are usually close to established markets. Without too much difficulty, 30-year leases are also being approved by some village heads.

As the Dayaks of Kalimantan and indigenous peoples on other islands lose their lands to the state, the forests become open access areas for the transmigrants. The unsustainable activities and intensive land use of the concessionaires have caused great ecological and cultural damage. The

Dayak, fighting for their survival, are often caught in frequent clashes with the concessionaires who are protected by state security forces.

But the government's encroachment on ancestral territories is not the only problem that forest-dependent communities have to face. Fighting among themselves is another. Typical of the detrimental infighting are the experiences of one Biak tribe on Irian Jaya. When it became part of Indonesia in 1969, the indigenous tribes there were denied their traditional management practices and rights. Attempts to do research, hold seminars, and advocate for recognition of their rights were made even more difficult by the fact that some tribes claimed overlapping territories and began to fight among themselves. What became apparent was the need for solidarity among traditional resource users against outsiders, preferably in the form of recognized and accepted working groups.

The longer term involvement of villagers especially on the crowded island of Java comes in social forestry areas. As of 1991, social forestry was being applied on about 20,000 hectares of Social Forestry Corporation land, with another 250,000 hectares deemed appropriate for expansion of the system. On Java, social forestry is defined rhetorically as an effort to involve forest-dwelling people as management partners, but only on certain forest lands. In practice, this has meant mainly extremely degraded forest lands, or those lands over which the state forest management agency, The State Forestry Corporation (SFC), has the least control. As a result, villagers derive few financial benefits from planting and maintaining the long-rotation, valuable teak timber whose high profitability mostly benefits the SFC. In addition, the villagers

are not allowed a major role in either decision-making or planning.

Though there have only been isolated examples of successful government-managed social forestry projects, there are some real opportunities for joint management and mutual benefit from reforestation. Unfortunately, similar endeavors to establish joint management in the most productive and most valuable teak forests of Java do not exist. Repressive modes of management and state domination of benefits characterize the large productive forests.

Community-based forest management started drawing the attention of the Indonesian government only within the past five years. Multilateral development banks played a very significant role in promoting this recognition; they were also instrumental in bringing NGOs together to push for it. Decades worth of experience show that community management of *sangeh* forest in Bali and of complex agroforests in West Lampung demonstrate that forests can be preserved and regenerated without the help of the government or NGOs.

Community-based forest management, however, encounters resistance from the government, something that is clearly manifested in the open hostilities that frequently exists between forest-dependent communities, government officials, and private licensees. Protected by the government, big timber concessionaires carry on bulldozing activities in community areas. There have been efforts by communities to fend off these hostilities. Some communities have attempted cultural translation of their practices into the language of the law and of the government. They have also sought national as well as international support by way of triangulation: the networking with international human rights groups and NGOs to amplify the problems

of the local people. But even this has generally proven to be fruitless. The communities are virtually impotent in fighting the large concessionaires.

There are several lessons to be learned from community-based forest management advocacy to date:

- ❑ the need to disseminate information about CBFM to relevant sectors, particularly the government for it to push for opportunities;
- ❑ government consists of different actors and some actors within the government are sympathetic to NGOs;
- ❑ international NGOs are important to facilitate the formation of consortia at the international level;
- ❑ there is a lot of external intervention coming both from NGOs and GOs that sometimes causes programs to compete; and,
- ❑ there is a need to evaluate what happens in field, especially the impacts of programs introduced by outsiders.

Villagers have been able to assume control of local forests by showing their sustainable management systems to the local governor and by proving that economic benefits have been derived. The poor documentation of local capacities, however, has prevented their greater acceptance. The keys to expanding community-based forest management lie in disseminating information, involving government agencies, and coordinating activities so that villages are not caught in the middle.

Community forestry often occurs under existing traditional institutions with little or no outside intervention. Hukum Adat or traditional law and its related institutions should be revived and modified to enable the community to develop its own control system.

“ The keys to expanding community-based forest management lie in disseminating information, involving government agencies, and coordinating activities so that villages are not caught in the middle. ”

PAPUA NEW GUINEA: A Problematic Solution

PRESENTER: Vincent Manukayasi, Papua New Guinea Trust

With the exception of Palau, another Pacific island nation of Melanesian origins, Papua New Guinea is unlike any of the other nations represented at this workshop in that as much as 98% of the land is actually owned by indigenous inhabitants pursuant to undocumented, private community-based rights. But in PNG we have learned that actually owning natural resources is only half the battle for promoting sustainable community-based resource management.

In the early 1970s, as independence drew near a group of prominent lawyers and other well-educated influentials who believed that traditional, community-based rights were more important than Western legal ones met to draft PNG's first constitution. Now, twenty years later after independence was attained in 1975, the government has concluded that recognition of traditional rights was a big mistake. At issue is the fact that traditional ownership hampers the government's ability to profit from the sale of rights to extract forest resources to foreign entities. As such the government is in the process of taking those rights away — and in some cases, removing landowners from their land.

A prime example of the deteriorating state of affairs is what happened in Bougainville, an island in the far east of the country where land is traditionally

owned by women. When PNG was under Australian rule, the colonial government persuaded the islanders to sign an agreement allowing for the establishment of a large-scale copper mine. About six years ago, the landowners demanded roughly 10 billion kina (about 10 million US dollars) in compensation for the environmental damage caused by the mine. The mining company refused to pay and hostilities soon broke out. Now that the company has left, it's the government and the people who are fighting.

But what is happening on Bougainville is not an isolated case. PNG has mines, logging companies, and oil palm plantations all around the country. Basically, the whole country is up for grabs to the highest bidder. But the assertion of traditional rights is posing problems for the extractors and hence for the government which believes that it needs to encourage investment at all costs.

Things came to a head again in May 1994 when a landowning company filed a 2.7 billion kina (10 million US dollars) suit against BHP, the Australian multinational which operates the Ok Tedi Gold Mine, for damages done to the Fly River. The government's response has been aggressive to say the least. The office of the prime minister issued a press release that essentially tells the world that the government of PNG intends to come down on the side of the foreign resource exploiters.

It starts by saying: "My government is concerned about the potential adverse effect which substantial claims by landowners against resource developers may have on investor confidence in Papua New Guinea." It goes on to "justify" the proposed course of action by rationalizing that trade-offs with the environment are necessary if Papua New Guinea is to responsibly address the needs of its people. According to the office of prime minister:

Our country is a developing country and we need substantial investment capital if we are to develop our resources for the benefit of our nation. It is in the national interest and in the interest of our people, including the Fly River landowners, that my Government take reasonable steps to ensure against the loss of investor confidence in Papua New Guinea.

Clearly, the status of community-based resource management in PNG is reaching crisis proportions. In 1993, a member of Parliament basically proposed giving the power of deciding logging issues to the logging companies. Many believe he was paid by the logging companies to do that. For the first time ever, the NGO community was able to get together in opposition to the proposed bill and defeat it. That was a very big accomplishment — a real morale booster. We actually fought the powers and won. But the victory didn't last very long. The very next week, we were back on the defensive again when the Minister of Forests tried to amend the current legislation.

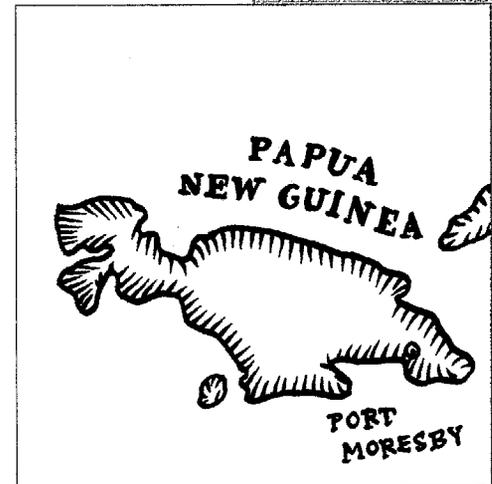
And that is the way it is for the NGO community in PNG: we are always in the position of reacting to what the other side is already doing. With so many things happening so quickly, we are always

having to play catch-up with the loggers and the government. If we don't keep up with what is happening, we will eventually lose out. Fortunately, we have a strong network of NGOs that can, within a reasonable amount of time, come together and counterattack. The constant pressure, however, can be very stressful.

Most NGOs are fairly new to Papua New Guinea, say five or ten years. But that is not to say that communities were not organized before the arrival of the NGOs. In fact, most communities were well organized long before independence. But that was before the government started siding with the resource exploiters.

Along with other development NGOs, the PNG Trust has been pushing for social justice that leads to conservation rather than a strict conservation-oriented agenda. Our primary emphasis is on raising awareness among rural and forest-dependent communities about the vulnerability of their constitutional rights to land and natural resources. As far as the people are concerned, it's their land and nobody's going to take it away from them. What they don't realize is that the government is gradually doing just that.

To this end, the government is strongly against providing landowners with the means to manage their resources. They see NGOs as the vehicles that might provide those means. Last year, for example, the government introduced what is called the Look North Policy, which means looking north toward Malaysia, Indonesia, and Singapore. Of particular



concern in this regard is last year's passage of a version of Malaysia's Internal Security Act. According to its terms, for example, the PNG Trust, could be banned and I could be thrown in jail.

That may be coming, but until then we will continue to pursue our goal of empowering local communities to manage their own resources. It is not an easy task. Our primary obstacle is illiteracy. Sixty-five percent of our people can't read and write. If you can't read and write, you are basically not in tune with events around the country. So our problem has been to enhance awareness. In a country with 869 different languages, spoken by anywhere from 200,000 to two people, education campaigns are quite a task.

Making matters even worse is the isolation of many of these people.

Our capital city is on the southern coast and is not linked by road with any other province. If you want to go to the capital you have to fly — and that isn't cheap.

When we try to draw on traditional knowledge and skills to help communities better manage their resources, we run up against what we call the colonial stronghold on the minds of the people. When the Europeans first came, they were convinced that the indigenous peoples were backward and ignorant. What they saw only confirmed their opinion — which they repeated over and over again. After a while, the people began to believe it themselves. Today, that belief has been handed down from generation to generation. One of the

most important things that we have to do is change this perception. Unfortunately, many NGOs go in with the same attitude that the colonizers had — that the indigenous people don't know anything, and that it is up to them to tell them what they should do.

Typically what happens is this. A community is approached by a multinational logging or mining company that wants to persuade the local landowners into relinquishing their rights. In return for the use of their land, the loggers or miners generally promise to build roads, schools, health care facilities and provide other material benefits. At this point, the NGO comes in and tells them not to trust the big logging or mining companies because they will renege on their promises as soon as they have taken all that they want. We tell them that not only will they be left with a bunch of unfinished projects, they will soon discover that they also have been left with a whole range of environmental problems such as soil erosion, siltification, and industrial pollution.

In an attempt to dissuade them from accepting the resource exploiters' offer, we generally make them a counteroffer. But we are giving them only an alternative, not the opportunity to decide for themselves. Some of the things we propose might not be what they want or need. What we need to do is have more discussions with the communities so that they can decide for themselves what kind of project they want. Ideally, we see ourselves in the role of catalysts or agents of change — but not change as we see it, rather change as they see it. We lay out all the options we can identify and then the



communities decide what is best for them. If they don't want to take our suggestions, that's fine: it's their decision after all.

Fortunately, we have not been in operation for very long so we haven't done much damage yet. We have good cases of actual projects that have been done by communities. Many have taken charge with little input from outsiders.

International pressure applied at the right places can help, but a determining factor is the organizational ability of national NGOs. Because there are so few of us, we are kept quite busy. And because PNG does not have an efficient transportation system, we are constantly in the field. As a result,

there is little time to organize ourselves collectively or to collaborate with our international partners. A new umbrella organization, the National Alliance of NGOs (NANGO), has recently been formed to do just that. Obviously there is a lot to be done.

We should also look at the overall context of international development, especially the World Bank, the IMF, the Asian Development Bank and other aid organizations who are pushing our government because of our debts to international lenders. One of the big projects the World Bank is pushing now is the Land Mobilization Scheme, which we believe will take away peoples' rights over their land.

In addition to the four Asian and Pacific countries, nonregional presentations from Japan and Mexico are being included here because they contribute significant "external" knowledge, i.e., knowledge that regional practitioners of community-based forest management would not generally be exposed to and that may prove valuable to their on-the-ground strategizing. Such extraregional insights, of course, only serve to highlight the value of broad-based, international workshops such as this.

SIDELIGHTS

JAPAN: Demand Side Corrections to Tropical Timber Supply Lines

PRESENTER: Narumi Hasegawa, Japan Rainforest Protection Lawyers League (JARPLL)

The Japan Rainforest Protection Lawyers League is a group of some 40 private lawyers and academics which works to help stop deforestation, particularly in those regions of the world affected by Japanese economic activities. We don't have any full-time staff and nobody is a real expert on forestry or forestry law. We adopted the word "rainforest" simply because the rainforest is a symbol for the conservation of forest resources; it doesn't mean that our interest or activities are limited to that ecological category.

Our primary mission is to make Japanese consumers aware of the problems caused by Japanese logging companies in South and Southeast Asia. Every summer, for example, we hear about the floods and landslides taking place in the Philippines, one of the major causes of which is the deforestation that was caused in mid-1950s by logging companies that were exporting to Japan. But the Japanese people are not aware of the connection. In an attempt to raise the level of public awareness through lectures, workshops, and media campaigns, we frequently cooperate with other NGOs.

As recently as the late 1980s, 70 percent of the timber used in Japan was still being imported. That accounts for half of the total timber import of the industrialized countries and roughly one-third of the tropical timber transactions in the global market. (Current figures may be a little bit lower in light of the prolonged economic recession in Japan and the relative strength of other Asian economies.)

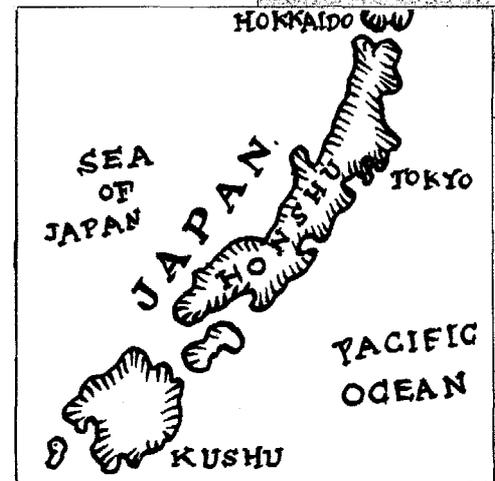
The largest amount of timber by far is used in construction. The traditional Japanese house is built primarily out of wood, and the preferred building material is domestically-produced conifer. But concrete buildings consume a lot more timber than wooden houses because we use plywood made out of tropical hardwoods as scaffolds and frames. These frames are used as molds for the liquid concrete. After being used twice or maybe three times, they are generally thrown away simply because it is cheaper to import new materials than to recycle the old ones. Cost-conscious construction companies are naturally reluctant to change this practice.

Besides educating Japanese consumers, we also seek to exert pressure on Japanese companies. We have gone to these companies and talked with the people in charge of environmental issues on several occasions, but this is a real hard sell. So far, government people seem to be more interested in what we are doing.

In an effort to gather our own information, we go on fact-finding missions to timber-producing countries. Wherever we go, we always try to talk to the people in the villages. So far, we have been to Sarawak, Papua New Guinea, and Thailand. This past March, we went back to PNG where we visited the village of Awio, on the island of New Britain. Awio is located near a logging site operated by a Japanese subsidiary. When we were there three years ago, there was a beautiful coral reef just offshore. This year, it was dead — probably the result of all the oil spilled from the ships loading logs at the nearby harbor. The villagers also complained about the destruction of their terrestrial environment.

But in Awio, as in other sites, there was some confusion as to what the villagers wanted to do about the problem: sometimes they wanted monetary compensation, other times, an injunction against the logging company. Unfortunately, the short-term desire for money seems to be a much more powerful incentive.

We were also dismayed to learn that Japanese business affiliates sometimes harass local informants. After our trip to Awio, a Japanese photographer who returned by himself was actually arrested by the police for taking photographs of the logging site. The pressure to arrest him had come from the logging company.



MEXICO: Community-Based Forest Management Goes Commercial

PRESENTER: Leticia Mereno, Civil Counsel for Sustainable Silviculture

Second in size in Latin America only to Brazil, Mexico's forests have been decreasing at an estimated annual rate of two percent over the past three decades. In absolute terms, this accounts for roughly 6 million hectares per year. Although much of the deterioration of forests has come from unsustainable logging practices, most of the actual loss has come as a result of government policies promoting the colonization of tropical forests by impoverished peasants from other areas of the country and commercial cattle ranching.

Like most South and Southeast Asian forests, the approximately 29 million hectares of forest still standing (1990 estimate) in Mexico are mostly inhabited: an estimated 17 million people depend upon them as either a source of subsistence products or livelihood. Therefore, both human presence and dependence need to be taken into account in any development strategy.

But unlike most tropical Asian forests, approximately 70% of Mexico's forests are owned collectively as the result of widespread agrarian reforms in the 1930s and 1940s. Today, there are two primary forms of social property, both of which are derived from the government's recognition of the

property rights of indigenous peoples. In *comunidades*, individuals still have particular rights over communally-owned land. In *ejidos*, the land is still community-owned, but the legal owner of the land is the state. Until 1991, neither *ejidos* nor *comunidades* could be sold, rented, or given as grant or a loan. Then the agrarian law was reformed.

Though a colony for nearly three hundred years, Mexico's independence came in the early 19th century — over a century before that of most of the former colonies of Asia and the Pacific. It was during the early independence period that the Indian communities lost their access to their traditional lands, access that had been generally respected by the Spanish. Ironically that occurred during the rule of an Indian president, Benito Juarez.

Despite a popular revolution at the beginning of this century, government forest policies continued to favor banks and concessionaires, most of which were foreign-owned. Until the early 1980s, forest enterprises were given free access to generally high quality forest resources. They also profited from a protected national market and generous tax exemptions. Local communities got nothing but a few jobs.



Beginning in the late 1970s, many of the 25 to 30-year concession periods came to an end. Forest groups from all over the country started claiming ownership and management rights. During this period, NGOs, academic groups, and even some official sectors played an important role in helping the *comunidades* and *ejidos* regain control of their resources.

The most important piece of legislation that came out of this period was the Forest Law of 1986 which not only recognized the rights of the *comunidades* and *ejidos* to use their forest the way they wanted to, but prohibited the government from extending management concessions to a third party. If the local community group did not want to manage the forest itself, it could rent it out, but only for a year and only pending the approval of an Internal Management and Sustainable Use Plan.

Since many of the local forest dwellers had worked for the concessionaires, they had acquired some expertise in how to manage a forest in a commercially viable way. As a result of the extensive rural migration of recent decades, there was now an increasing need for nonagricultural sources of employment and income. For the first time, forests came to be viewed as a large-scale developmental resource for the benefit of the communities themselves. Today, around 40% of the timber produced in Mexico comes from community-based commercial timber production. Although there are technological and capital-dictated limits to the sophistication of these operations, the results have been impressive.

During the first phase of the struggle against commercial concessionaires, the strategies were essentially political in nature since local-level users

first needed to regain control of their forest resources. This was accomplished primarily by holding meetings and demonstrations, and committing various acts of civil disobedience, such as refusing to turn harvested timber over to the concessionaires.

During the second phase, they sought to acquire the technological, administrative, and managerial skills needed to successfully operate their own timber industries. As many of the forests they received had been damaged by decades of destructive practices, especially selective cutting, their push to develop ecologically sustainable management practices was made even more difficult.

At the same time, the increased opening of the national economy as a result of Mexico's entering into the GATT agreement in 1986 and NAFTA in 1994 compelled them to become, in a very short time, competitive in international terms. Attempts to accomplish these tasks were generally undertaken without any technical or financial support from the government. Today, a number of community-based industries are not only providing employment, but have been able to provide essential and much-needed services such as schools, health care, roads, and transportation.

The Civil Counsel for Sustainable Silviculture is an umbrella NGO comprised of six smaller NGOs and seven individuals who serve as researchers and advisors to forest communities. Until recently, we were primarily involved in advising on operational skills. But the changing market system started posing an increasingly serious problem for these communities in that they now had to compete more directly with Canadian and US timber interests. So about a year ago, we shifted our

“ ... the strategies were essentially political in nature since local-level users first needed to regain control of their forest resources. This was accomplished primarily by... various acts of civil disobedience, such as refusing to turn harvested timber over to the concessionaires. ”

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strategy toward marketing. As individual NGOs, we knew that we could do very little. But as a coordinated group, we thought we could be of more substantial assistance.



At present, our name is bigger than we are. We have created a revolving fund — most of which goes to the underwriting of forest management plans — but that also provides credit at very low interest rates. The communities use these funds to develop or enhance specific capacities such as how to use a Geographic Information System to do mapping or how to manage portable sawmills. We also arrange funding for those studies which the government requires of all communities in order to get project approval, namely, a forest inventory, a silvicultural study, a forest management plan, and an environmental impact assessment.

We are undertaking a series of case studies that are trying to determine what is sustainable — not only from an ecological perspective, but from a social, political, and economical one as well. In the past, there was a heavy dependence upon outside experts from Mexico City or the United States. Though we still get a lot of suggestions from these people, we are trying to help local communities be more dependent on their own expertise and that of other local Mexican communities.

In short, we don't believe that sustainability is a quality that you acquire once and keep forever in accordance with periodic external reviews. We feel that it's a process that requires compromise from both sides: from consumers and from forest-dependent communities. Through the case studies, we are promoting the participatory evaluation of the state of the forest, and the quality of forest management being undertaken by communities. Specifically we focus on how local communities can improve their management with the help of our council or another agency. And we are currently very intrigued about the prospects of forest certification.

And finally, we are also active in intersectoral bodies. There is a much ignorance among our elected representatives about community forestry. To help rectify this and influence policy makers, we have agreed to participate in the National Consultative Forest Council. At first we were very reluctant to participate in this Council, but things have been happening at the national level that have undermined our efforts and so we are glad we are there now.

Two years ago, for example, the government revised the agrarian law and in so doing, changed the Constitution. Communal lands can now be individually privatized and when *comunidades* or *ejidos* decide to privatize their forest lands, those forests now become national forests — something that we haven't had in Mexico since the revolution. In consequence, the forest law has changed; it is now possible to have concessions in the national forest. Since the government's new objective is to promote industrial plantations, the management plans for these concessions no longer have to promote sustainability.

UNCOMMON SOLUTIONS TO COMMON PROBLEMS : HIGHLIGHTS OF THE OPEN FORUM DISCUSSIONS

In his opening remarks, Owen Lynch asked how many of the participants were satisfied with the current status of community-based forest management in their country. Not surprisingly, no hands were raised. By the conclusion of the four panel presentations, it was apparent why. Although the particular challenges and constraints faced by community-based forest management vary significantly in the 13 developing countries represented in Baguio, all of them suffer from some fairly similar — and similarly pervasive — problems. Pooling their collective insights and initiatives, the participants set out to determine some of the common — and commonly applicable — directions and strategies.

Capturing the wealth of information expressed during the course of the open forum discussions presented some problems of an editorial nature. Though the adopted policy of recognizing contributors in the order in which they

raised their hands maximized the diversity of the participation, it also insured that that participation would not follow any set pattern. Comments were interspersed with questions in a series of short discursive forays over a number of stimulating topics, but resolution on any of them was a nearly foregone impossibility.

The wealth and range of comments from the open forum discussions are loosely depicted here. Because these discussions were spread out over three days, this chapter attempts to creatively recapture some of the highlights of the sometimes brief, sometimes lengthy interplays of topics and personalities, many of which were revived on several occasions during the course of the workshop. In condensing several hours worth of often rambling discussions, many of the individual contributions have been substantially abbreviated.

Shyamala Hiremath initiated the open forum discussions by reminding the participants that the major players in community-based forest management, the local-level resource users themselves, are effectively precluded from participating in international workshops such as this by virtue of their meager economic status. **Owen Lynch** added that neither were the secondary players in attendance — the governments that are supposed to be on the other end of the bargaining table. As **Charles Zerner** reminded the group, “the nation-states have legitimate interests that are above and beyond the needs of the small-scale communities which are the focus of our work and discussion”.

An example of such an overarching need came from **Desa Boutsengam** of Laos: In an attempt to increase food self-sufficiency, the government is actively promoting livestock production. Unfortunately, the grazing of these animals will have adverse effects upon the remaining forests.

In many cases, however, no excuses can be made for government recalcitrance on the issue of community-based resource management. As **Mohammed Iqbal Mahmood Fattah** pointed out, government policy in his native Bangladesh does not even allow for the involvement of NGOs in community forestry programs. And **Lu Xing** drew the group's attention to the fact that the Chinese government assumed control over historical forms of community tenure as recently as 1982; lands are now allocated on a household basis, a system which leads to much abuse and inequity, and hence few incentives to manage forest resources on a sustainable basis.

The participants then proceeded to delve into the problems confronting community-based resource management in the Asia and Pacific region. **Leticia Merino** brought up the obvious macro-economic principle at play — not only in her native Mexico where democratic concessions and the impetus of newly signed multinational trade agreements have accelerated the trend, but throughout the developing world: too many traditional community forests have simply become more valuable for other uses. In Mexico, for example, industrial plantations have come to be the preferred use of forest resources because of perceived higher rates of return. As a result, the need for preservation via national priorities and incentives has increased dramatically.

Other challenges come from a wide range of sources. First to speak was **Desa Boutsengam** from Laos which currently has the dubious distinction of having the highest annual rate of deforestation in the world — 6%. In an assertion that was seconded by **Tran Van Chat** of neighboring Vietnam, Desa cited shifting cultivation as the primary culprit.

But **Owen Lynch** begged to differ. As traditionally practiced, he argued, shifting cultivation is sustainable, but now it is clear that population pressures, economic pressures, and especially misguided national policies had so changed the dynamics that it is no longer sustainable in many areas. In support, he noted that his institute, WRI, is preparing a policy research report that identifies and analyzes these negative stereotypes and challenges perspectives and policies about shifting cultivation from around the world.

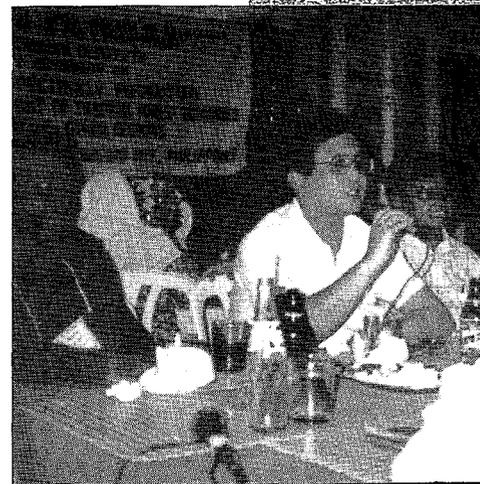
To which **Leticia Merino** added a biological perspective: “from our field work in the Yucatan Peninsula, we learned that mahogany, cedar, and some of the other valuable species were just not regenerating under existing management practices which prohibited any use of forest resources other than standard commercial practices. Now, these species are sun-loving and they were simply not getting what they needed to regenerate. As it turns out, the ancient Mayan practices, which included shifting cultivation, allowed for their natural regeneration. So now, fifteen years after shifting cultivation was denounced as being destructive of the forests, we are recommending the return to these traditional ways.”

The majority of the country presentations documented the fact that the various economic and political pressures on forest resources were combining to deprive indigenous, forest-dependent peoples not only of their traditional rights, but frequently of their very ability to survive. “To say that we need economic incentives to survive does not fit in logically — one doesn’t have to have incentives in order to survive,” exclaimed **Vasudha Dhagamwar**.

Anandalal Nanayakkara brought to the group’s attention a discouraging situation that had developed in his native Sri Lanka. “Over the years, many local communities have lost their dependence on forest communities. This all goes back to the (British colonial) Act of 1847 which decreed that all forests to which title could not be shown were

deemed to vest in the state. Since very few people could ‘prove’ their customary titles to the satisfaction of the colonial administration, the state ended up with 80% of the forested land. This extensive control was reinforced in post-independence policies. As a consequence of several generations of noninvolvement in forest management, we now have the unusual predicament of having to recreate that original dependence. In addition, individual titling has already begun to set in, thus causing problems if attempts are made to revert to community titles. How can you set up a community-based forest management program without dependency?” he concluded, leaving the question for the group to ponder.

Some insight into this dilemma came from **Joel Miles** from the Palau Resource Institute. According to historical evidence, he explained, the population of tiny Palau was somewhere between 50-100 thousand as recently as 500-700 years ago. “Apparently, there was some depletion of resources: archaeology has shown decrease in the size of shellfish and fish. This may have contributed to the strong conservation and management ethic most Palauans currently have.” Obviously, no one one wants to wait for this kind of history to repeat itself.



Miles went on to relate some of the unusual, but still challenging problems that Palau, the only country represented that was still ruled by a colonial power, had. Unlike the situation that persists in the crowded and impoverished nations of South Asia, “most Palauans (who like the Papua New Guineans own their own resources) are doing alright. They are feeding their families and they have a house to live in.” But that doesn’t mean there isn’t any economic pressure in Palau where some of the best underwater diving in the world has exposed the islands’ 16,000 people to the temptations of massive profiteering.



As independence approaches, exploiters and “fly-by-nighters” are hoping that under the new government, environmental laws will not be as stringent, and that there will be somebody that they can talk — or bribe into surrendering their customary rights. “When someone walks into their living room and opens up a suitcase containing \$100,000, it is very difficult to say “no”, observed **Miles** sympathetically.

In Papua New Guinea, the problems of holding on to customary rights of natural resource ownership in the face of lucrative, and often duplicitous, offers from foreign exploiters has had nearly twenty years to develop into crisis proportion. According to **Vincent Manukayasi**, “there are so many things happening so fast, that if we don’t keep up to date with what is happening, we will lose out eventually. And we are always playing catch-up with the loggers and the government. That is very stressful on us, the NGO community, because most of the time we are reacting to what the other side is doing.”

Though their attendance at the workshop — not to mention the dedication of their professional lives — attested to the commitment of the participants to the principles of community-based resource management, it was clear that a blanket recognition of customary community-based rights would not be a cure-all for the ravages of unsustainable practices.

Leticia Merino pointed out one of the more obvious flaws in such thinking: “just because a community is managing its own resources does not mean that it is doing so in an ecologically sustainable manner.” **Owen Lynch** carried the logic one step further: “The state paradigm has failed miserably. But the alternative might also fail. Although we have examples to suggest that community-based forest management is much more promising as an economic alternative, the fact of the matter is that we really don’t have sufficient evidence to prove that it is.” “In any case”, he concluded, “community-based ownership is a more equitable safeguard against expropriation of the land by self-serving elites”

Joel Miles added another asset — the benefits of fragmented ownership. In assessing a problem that is of particular significance to Palau on the eve of its independence, but obviously of concern to a number of other countries as well, he pointed out: “The greater the number of people who are involved in the ownership of land, the more difficult it is to acquire a large tract of land, the kind needed to do the ‘big development’ projects that have such disastrous effects.”

Besides the problems of misappropriation that continue to beset Papua New Guinea, the actual devolution of community-based forest management to local-level resource users can have its own pitfalls. As evidenced in the experiences of Nepal, and as presented by **Shantam Khadka**, the incomplete “hand-over” of forest resources has resulted in a number of problematic situations as legitimate users’ groups are often at the mercy of local forest department officials — whose integrity and co-operation are not to be assumed. The same situation prevails in Bangladesh according to **Mohammed Iqbal Mahmood Fattah**: the bureaucracy and narrowness of some forestry department officials is an obstacle to extending community forestry onto degraded areas.

Marvic Leonen focused in on a more subtle danger: the very process of forming users’ groups turns the equation around ever so slightly in favor of the facilitators, most of whom are lawyers. “Integrating with the system inevitably changes the system”, he explained. “But since policymakers speak another language, there is an unavoidable need for lawyers,” he concluded. Well aware of the

fact that Marvic himself was a lawyer, a perceptible rumbling of muted laughter could be heard emanating from the corners of the room.

Leonen was quick to point out that such an indulgent response was not always what awaited disinterested legal activists. “As political power is not likely to be gained by supporters if forest-dependent people — the votes just aren’t there — the strategy becomes how to whittle down the power of the elites,” he continued. Returning to a comment that **Chip Fay**, a Ford Foundation program officer based in Jakarta had made during the Indonesian country discussion in his service as facilitator, **Janis Alcorn** cited the critical role of international pressure.

Fay then spoke for himself. “Manipulating policy at the national level is the focus of the international groups, but it doesn’t resolve the more practical question of how to prepare the communities in the position to take over resource management do to so effectively.” **Neera Singh** agreed: “it is not the national level that is truly important; unless the impetus comes from the local level, there will be no force behind the national action.” But there is a clear difference between impetus and authority, interjected **Shyamala Hiremath**, expanding upon her compatriot’s observation. “Generally speaking,” she observed, “the women of India prefer challenging national institutions instead of the often repressive local ones.”

“Change is inevitable. Development [should be] change for the better, in this case, the improvement of all peoples’ lives.”
- Joel Miles

Madhu Sarin helped in explaining why: “It is not necessarily safe to just leave it up to the local communities; after all, people emigrate to the cities in order to escape from the stifling social conditions that often exist in rural areas.” This point was expanded upon by **Charles Zerner** whose years of experience in coastal resource management in Indonesia have convinced him of the less-than-perfect nature of many local-level institutions: “People tend to flow out of the rural areas for sound economic reasons — the local communities are simply not always such great places to be.”

Despite the group’s overall support of community-based forest management, therefore, it was clear that they considered it to be vitally important *how* such management was actually carried out. Naturally reluctant to take upon themselves, as outsiders, the role of mediator or arbiter in a process that essentially involved the state and the resource users themselves, the solution seemed to be to let the communities decide for themselves how to define users’ groups and determine what they wanted out of any arrangements negotiated with the government. And it was readily appreciated that such a simplistic solution was fraught with danger given the often inequitable cultural and social norms of many resource-using communities.

Though the men of the group were clearly sympathetic, it was the women who were the most vocal about the adverse gender implications of well-intentioned, but poorly conceived, policy interven-

tions. “Neutral interventions”, declared **Madhu Sarin** in reference to policies that purposefully seek to avoid contentious gender issues “can actually add to the cultural disempowerment of certain groups by effectively reinforcing the status quo.”

The participants were in wide agreement that effective advocacy for and promotion of community-based management requires a multiplicity of strategies. Not only will this multiplicity need to extend across the appropriate range of players and policies, it also needs to be multilayered and encompass local, national, regional, and international components. But as **Shyamala Hiremath** was quick to point out, the roles of the NGOs functioning on these various levels are quite different. “And there is a tendency in workshops like this to deal only with the national and international NGOs.”

Among the most high-profile of recent international strategies is the practice of certifying sustainability through eco-labeling, a concept first touched upon in the presentation of the Japan Rainforest Protection Lawyers League. But as the JRPLL’s own limited success demonstrates (see Chapter II), eco-labeling is hardly a promising proposition, especially in the near future.

Owen Lynch went on to detail the discrepancy between North Americans who claim to be environmentalists and those who are willing to put their money where their mouth is. “When self-described environmentalists are asked if they are willing to pay more for products that are sustainably produced, many say ‘no’. In the United States there just aren’t many people — at least yet — who are willing to pay hard money to buy more

expensive products that have been made in environmentally sound ways. Will the consuming public in the developed world, or minority world as I would prefer to call it, eventually exercise their purchasing power and only buy products made with resources extracted and manufactured from sustainable enterprises? Only time will tell.”

As a thought-provoking corollary, **Leticia Merino** mentioned the prospects of socio-labeling: “I think there are people who are willing to pay not only for ecologically sustainable products but those that are produced in a way that benefits local communities as well.”

Not surprisingly given the vast diversity of the countries and cultures represented, the participants were able to share a number of creative initiatives that had proven successful in local campaigns. Although it was clearly understood that such initiatives were often not just country-specific, but frequently locally-specific, and that there was thus no reason to believe that they would work anywhere else, the fact that they had been effective at least locally merited their communication. Even if they were strictly unique, they were certainly reflective of the creativity (and desperation) of local resource users.

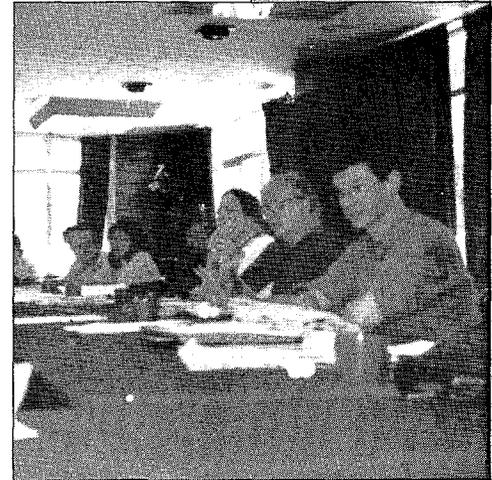
Of these novel initiatives, undoubtedly the most unusual was related by **Ika Krishnayati** of Indonesia. In an act of desperation over the threatened seizure of traditional community property by agents of the Indonesian military, the women of a small, provincial village took a position between the men and the forest and hoisted their skirts. Given the strict Islamic culture that predominates

in Indonesia, such an act of impurity compelled the soldiers to retreat, thus quite effectively preventing them from completing their assignment.

On a more aerial level, **Neera Singh** told of a postcard writing campaign that literally inundated a local judicial office in India while **Tasnee Anaman** related a massive three-year replanting program to be launched in commemoration of the 50th anniversary of the King of Thailand’s coronation.

Whatever the strategies used or avenues pursued, there was no disputing the need for immediate action. Despite the growing acceptance of Joint Forest Management in India, it is hardly a perfect system — and it represents the current high water mark of official, on-the-ground community-based forest management in the region.

Clearly the conditions and trends in the region are not cause for great optimism: despite the increased promotion of sustainable development in international forums in the wake of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro and the increased documentation that equates community-based management with sustainability, the governments of the region continue to drag their feet when it comes to implementing effective programs. Sometimes this is out of ignorance; other times it is for less justifiable reasons.



There was widespread agreement that something needs to be done, and done quickly. Not only are precious forest resources continuing to be diminished to the detriment of all who depend upon them for subsistence and livelihoods, but the political pots in many countries is in danger of boiling over. According to **Tasnee Anaman**, there is a definite danger of rebellion again in Thailand if the conditions of the rural poor are not improved, a sentiment seconded by many of the participants for their own countries.

A case in point is to be found in the Nepal where decades of state-management of forest resources and burgeoning human and livestock populations have resulted in an annual forest degradation rate of two percent. As related by **Amrit Joshi**, the government finally recognized that its centralized programs could not effectively manage the nation's forest resources. The 1989 Master Plan for the Forestry Sector clearly enumerated that the first priority of national forest policy is to meet the basic needs of the Nepalese people. Forest resources are to be managed on a long-term, sustain-

able basis with community forestry taking priority over other forest management practices. Tourism that affects the environment is to be kept within the carrying capacity of the ecosystem. The central provisions of the Plan call for:

- “handing over” accessible forests to the forest users’ groups irrespective of political boundaries, and empowering them and training them to manage to their forestry needs in a sustainable manner;
- recognized users’ groups receiving all the income generated from those resources; and,
- retraining the entire staff of the Ministry (both field and central) so as to shift the primary role from enforcer to extension worker.

Unfortunately, the actual “handing over” of forests to community-based users’ groups has been slow. As a result, forest resources have continued to be degrade. A similar scenario is unfolding in Vietnam according to **Tran van Chat** where the government continues to retain ownership of lands and trees according to the most recent (1993) land law.

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THE BREAKOUT SESSIONS

One purpose of the country reports was to give the participants enough specific information to begin brain-storming their way through some of the more prevalent and pervasive regional issues affecting community-based forest resource management in Asia and the Pacific today. The open forum exchanges helped stimulate that process by eliciting a wide range of comments, suggestions, and observations. But by their very nature, the open forums precluded in-depth considerations of any single topic, much less of any of the comprehensive issues upon which effective, community-based forest management must be based.

In an effort to begin addressing that second issue, three breakout sessions were concurrently held when the workshop reconvened on Sunday afternoon. These round table discussions focused in on three broad areas of consideration that had emerged during the course of the previous two days. The participants were free to join whichever of the three discussions they wished.

The specific objective of each of the breakout sessions was to devise a list of strategies that community-based resource users could use in their attempts to establish and maintain equitable and sustainable community-based forest management systems. Led by a facilitator recruited from the participants, each of the three groups was charged with: identifying, and if possible, developing, a consensus on some key principles and strategies to effectively promote community-based resource management, and, discussing ideas for next steps for collaboration among the participants and others.

Rapporteurs were chosen to present a summary of the group's discussion to the plenary session when it reconvened later in the day. As each of those presentations made frequent use of overhead transparencies, substantial editorial license has been exercised in transcribing the official transcripts into the synopses that follow. It also bears keeping in mind that these were all off-the-cuff presentations delivered by volunteer rapporteurs without the benefit of advance preparation.

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Synopsis of **A** Breakout Session

FACILITATOR: Denis Uba; RAPPOREUR: Neera Singh; PARTICIPANTS: Ted Bonpin, Lafcadio Cortesi, Mohd. Iqbal Mahmood Fattah, Sithichai Hamvanichvech, Amrit L. Joshi, Asis Perez, Therese Desiree K. Perez, Antoinette Royo-Fay, Mavis Heremath, Karin Gollin and May Celine Vicente.

What criteria and processes should be and can be used to ensure that strategies to promote community-based forest management benefit the majority and/or disadvantaged sectors in a community or regime?

Before starting the discussion, which was boiled down to "how do you achieve equity in community-based forest management?", the group agreed that it was important to stress that this is a community-level issue that must be handled at the community level. NGOs and other external agencies, whether governmental or otherwise, certainly have a role to play in facilitating the resolution of equity issues, but it is the community itself that must be ultimately responsible for resolving the crucial issue of what constitutes equitability in their particular circumstances. Obviously such a determination

should be in keeping with the UNCED definition of sustainability — that this generation should not use up more than its share of the resources and thereby compromise the ability of future generations to meet their own needs and expectations.

All of which begs the question of just how do you define a community? The answer to that remains unresolvable, especially in view of the fact that the most qualified, and hence best, one to define the community is the community itself. But we should certainly not limit the definition to a pre-existing or recognized political units; the best possibilities seem to lie in the form of a geographical or users' group definition.

Having stipulated all that, the group went on to determine what equity consists of. True equity would include the four main aspects of natural resource management — access and control, profit-sharing, benefit-distribution, and decision-making processes. But as is well known, inequities abound. As a result, even in a single village, the higher strata of the community usually end up paying less in terms of their total wealth for forest protection than do the lower ones. And when the system fails, the distribution processes are often such that the result is the co-optation of the resources by the most privileged few. And so all equity arrangements need to be targeted toward those segments that have been the most disadvantaged historically. This generally means women, lower classes and/or castes, distinct ethnic groups (such as the tribals in India or the Indigenous Cultural Communities in the Philippines), and small, specific users' groups, for example, bamboo basket weavers.

Rather than attempting to identify or prescribe specific strategies, the group opted to identify issues and tasks related to the promotion of equity that should be examined within the context of a local community. The agenda included the identification or creation and examination of various tasks, processes and institutions, including:

1) **Promotion of Equitable Decision-Making**

Identification and analysis
of decisions-making processes
Gender analysis/planning
User groups analysis/planning
Natural resource value assessments

2) **Intercommunity Equity**

Definition of community
and/or user group(s)
Conflict management mechanisms,
including the existence
of third-party mediators, if any
Existing or necessary confederation(s) or
umbrella intercommunity organization(s)

3) **Informational Equity**

Paralegal training
Mapping areas
Networking with government,
private companies, international NGOs,
and other communities
Transparent process, especially finances

4) **Political Equity**

Community power
(awareness raising, networking)
Using existing law
International/national advocacy
Legal status for the community

5) **Other Factors**

Conducive policy enabling environment
Limits of state power
Limits of community power
(national interest, larger equity issues)
Role of capital
Role of NGOs
Pseudo and/or government NGOs
Donor agencies
Super-structure of NGOs

Since there will always be overlapping demands placed on the resource base, conflicts are inevitable. Conflict-solving mechanisms thus become very important. The first step in achieving equity is to analyze the existing decision-making processes. It is crucial that these be both open and participatory for this is the only way that the members of the community will be able to accept the decisions that are reached, regardless of whether they are completely equitable.

Once the decision-making process to be used has been understood and agreed upon, it can then be called upon in specific cases.

The first order of business in any practical adjudication is to do a special analysis in which all the users' groups who are dependent on the particular resource are identified, the conflicting demands on that particular resource are enumerated, and the various needs of those users' groups are specified.

After this is completed, the concerned parties should try to resolve their differences internally through the process of compromise and consensus. Most of the time, they will be able to do this themselves. However, there will be times when third-party intervention will be necessary — or

desirable. In such cases, local NGOs or those state-level departments which are responsible for implementing community-based forest management systems, can help facilitate the process, though it was stressed that the specific terms of any agreements should be worked out at the community level.



The group felt that inter-community equity is a very crucial issue because until all concerned parties are satisfied with the trade-offs and compromises that are reached, the entire system will likely not be sustainable. More often than not, these conflicts can be resolved at the community level. But much more often is the case in intra-community disputes, third-party intervention becomes invaluable in inter-community conflicts.

It might well happen that the process of resolving inter-community differences will lead to the building or strengthening of permanent local-level institutions. This should certainly be encouraged. But it is very important that the emphasis be on helping the communities to develop their own organizations, not on imposing an outside "super organization" upon them.

The group also felt that the community, however it is defined, needs to be further empowered through increased accessibility to information. The more information that is available to a community, the greater the opportunities for the community to

empower itself. Unfortunately, there is a lot of inequity with regard to the sharing of information. Among the more prominent strategies that can be employed in this regard are: paralegal training, mapping areas, networking with government, private companies, international NGOs, and especially other communities. This last avenue is particularly beneficial in the spread and adoption of effective benefit-distribution and conflict resolution mechanisms.

The group also felt that the vast majority of forest-dependent communities do not have enough influence over the political process or enough representation in the established political structure. To counter this, they need to foster and use "community power". To do this, communities should mobilize themselves, either through networking or lobbying. In one remote Indian state, an old man said, "I will vote for the party who will help me in protecting our forest." This kind of awareness can come about, and when it does, it can be a strong political force.

In their efforts to become a strong political force, communities should use existing national laws whenever possible. International and national advocacy can help in this regard. Often more important is establishing the legal status or legal personality of communities so that a formal agreement with the government can be reached. It is frequently only for the convenience of the state that Indian communities form forest protection committees. Under those circumstances, they are

generally at the mercy of the forest department and the privileges granted by the government can be revoked at any time.

Although the group did not identify them as strategies, a number of other factors were identified that need to be taken into consideration if true equity is to be achieved. First in this regard is the existence of a conducive enabling policy environment, especially one that minimizes the conflict between activities on the ground and government forestry agencies.

There is also a need to define the limits of state power. To what extent can the state interfere in community institutions and their decision-making processes? And what are the limits of community power? This is intricately linked to the fundamental question of whether forests and other natural resources are essentially a local or a national resource or both. Many people felt that forests have to be treated essentially as a local resource because the fortunes and often the very survival of the village depends upon them. Others argued that promoting local interests also promotes the national interest and the two goals should not be considered to be mutually exclusive.

And finally, the group came to the role of NGOs in promoting equity. It was the general consensus that most decisions should be made by communities but there is also a need to be aware local traditions are often inequitable. So there should also be some kind of a public, external monitor as well a process whereby intracommunity decisions can be appealed to an outside institution. This need not be an NGO, but NGOs offer an effective and often efficient counter to government institutions that are mired in bureaucratic red tape and/or are controlled by the established forces of inequity.

Unfortunately, the whole NGO movement is being discredited by all the pseudo-NGOs that are coming into the picture. The group strongly felt that donor agencies have an important role to play in monitoring and controlling the NGO sector and that co-ordination among donor agencies needs to be increased. To further that protective end, a super-structure of legitimate NGOs can help keep the pseudo-NGOs from disrupting the process.

Synopsis of Breakout Session

B

FACILITATOR: Tony La Viña; RAPORTEUR: Chip Fay; PARTICIPANTS: Janis Alcorn, Tasnee Anaman, Bjay Angeles, Desa Boutsenggam, Vasudha Dhagamwar, Shantam Khadka, Anandalal Nanayakkara, Iwan Tjitradaja, Tran Van Chat, Basilio Wandag, Bambang Widjojanto, and Charles Zerner.

How can official state legal processes be used and made more relevant?

The group agreed at the outset that it would be difficult to be specific because state legal systems vary considerably. In an effort to accommodate the wide range of legal systems that exist in the Asia and Pacific region, they devised a simple matrix which lists the various strategies that can be used to deal with each of the eight basic problems, threats, and opportunities that face community-based forest management initiatives and activities. Naturally, many strategies are applicable to more than one, and sometimes all, of the identified problems. Media, for example, is certainly widely applicable, as are lobbying and litigation.

Principles

In coming up with specific strategies to deal with the eight general problems identified, the group also came up with a set of guiding principles for promoting sustainable community-based forest management. These are:

1. *All development processes must be participatory.* This is nothing new, but certainly worthy of repetition. Unless people are actively involved in the planning, implementation, and review and evaluation processes of any development activity, that activity can not possibly succeed.
2. *All development processes must be equitable, gender- and bias-free, and child-just.*
3. *All development processes must be based on sound, scientific, and objective analysis and biased toward the community and the majority of society.* The group had a lot of discussion on this and that led to basic philosophical questions. Can anyone really be unbiased? Can anyone be completely objective? Although the group concluded that this was probably not possible, it also agreed that people certainly can use sound and scientific analysis in as balanced a way as possible.
4. *All developmental processes must be open, innovative, and practical.* This is an attitude that any intermediary should have when working with local communities. For example, what can be achieved in a certain amount of time, and what can that lead to, strategically speaking? Clearly, you must be open to collaboration with government on a very limited and strategic basis. No one — at least at the outset —

should enter into a situation and say, “there’s no room for collaboration and there’s no room for dialogue.”

5. *Let communities define themselves.* This can be done in a variety of ways such as articulating management systems that already exist, letting them define themselves through the process of actually presenting themselves, or a census saying who they are, how many they are, this is what they do, and this is where their community is. This is where the various forms of mapping and other articulating of boundaries can be appropriate.
6. *Let communities decide for themselves.*

Strategies

1. *Public awareness*
 2. *Transparency in information* — There is a large development project planned in Baguio for the John Hay Military Reservation and the biggest problem that the people of Baguio are having is trying to find out what’s really going on. The people are not getting access to the information they need because the development process here is not transparent — in fact, it’s deliberately opaque.
 3. *Information dissemination* — There was resistance in the group to call this “information management” because it is difficult to determine what constitutes good management and where mismanagement begins. So it was left at “dissemination” with the expectation that it is to be done in a systematic and organized way.
4. *Participatory process*, i.e., consultations and public hearings to deal with the inevitable conflicts. Consultation is very important, especially public hearings at the local level that are well organized, culturally appropriate and conducted in ways which communities are given ample opportunities to present prepared statements and testimonies and ask questions.
 5. *Lobbying*, especially nationally and internationally, but also locally depending on the prevailing political system.
 6. *Use of the media*
 7. *Direct community action*, e.g., protests, civil disobedience, spontaneous taking overs.
 8. *Independent studies.* Indonesia provides some interesting examples here. The University of Indonesia is collaborating with the government and national-level NGOs to produce studies that demonstrate the viability of traditional management systems and then using those studies to legitimize those systems. Something like this is also being done in the Philippines. So under this category, for example, would be the development of pilot areas to demonstrate the traditional use and sustainable management of systems and the use of tenure instruments as a step in the recognition of long-term rights within these pilot areas.
 9. *Informal collaboration with government officials.* This gets back to the lobbying process, both formal and informal. Certainly there is a time and a place for public hearings and organized meetings. But informal collaborations are generally much more effective because an advocate gets to know more people and know

them better. In such circumstances, they often provide more information, sometimes including documents — things that they would not be available in more formal settings for fear that the provider would be held accountable. Just having a regular dialogue, or information flow between government officials is therefore often highly beneficial. Although developing these interpersonal connections takes time, it is also one of the most effective means of disseminating information.

10. *Litigation.* Not only are there different forms of litigation, there are different purposes behind litigation. Sometimes the objective is to get local systems recognized, sometimes it is to delay specific projects; sometimes it is to get local systems to participate in a more effective way, sometimes it is to clarify the law, and sometimes it is primarily a tool for information dissemination, consciousness raising and lobbying. For example, if there is a problem with a public company that has stockholders, then that company is vulnerable to the threat of litigation in so much as investors are reluctant to buy into a company that is being sued by local communities. Even if there is little possibility of actually winning the case, litigation can bring about dramatic results.
11. *Legislation.* Promotion of legislative reforms is one of the more fundamental and widely practiced strategies. Among the most ambitious forms it can take is trying to create new laws, like the recognition of ancestral domain that is occurring in the Philippines. The object of such legislation should be to identify and

document customary law — not necessarily to codify it or freeze it at one point, but to identify it as a viable, dynamic system.

12. *Identification and documentation of problems and case studies.*
13. *Direct community implementation,* i.e., just going ahead and putting into practice what the law or policy directs without waiting for the proper bureaucratic or administrative hurdles to be cleared.
14. *Affecting community-oriented budget allocations.* Often good laws cannot be implemented because the government says it does not have any money. Again, the delineation of ancestral domain in the Philippines provides an example. Both the communities themselves and the advocacy organizations worked very hard to get this program in place. They then had to work for an additional two years to get it budgeted because no one wanted to pay for it. In this case, they had to get involved in the budgetary process, especially prioritization hearings in which the appropriate department determines which of their various programs will be getting how much of the overall allotment. This gets into the overall budgetary question of how much money is available for development, especially community-oriented development. In the Philippines and Indonesia, more than 40% of the budget annually goes to public and government debt servicing alone, leaving a meager amount for community-based initiatives.
15. *Promotion of funding for quality legal assistance.*

16. *Formation and promotion of professional legal associations for legal aid.*
17. *Community organizing.* This is another overlapping, broad-reaching strategy in establishing and advancing the process of local-level empowerment.
18. *Collaboration with social movements.* Though the group saw this more often in South Asia, there is a social movement developing from below, pushing for land reform in the Philippines, for example. There are certainly opportunities for NGOs to collaborate effectively with these social movements.
19. *Articulation of management strategies.*
20. *Identification and definition boundaries through mapping or census exercise.*

Problems, threats, and opportunities

The group identified eight general problem areas. Listed below each of the eight are the strategies that were identified as perhaps being appropriate in helping to resolve that problem.

- I. *Lack of recognition of community-based management systems*
Strategies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
- II. *Disenfranchisement* - i.e., the direct relocation or ignoring of the fact that there are people living in the forest area.
Strategies 4, 5, 6, 7, and 10

- III. *Conflicting Legislative Proposals*
Strategies 1, 2, 3, 5, 6, 8, 13, and 14

- IV. *Non-implementation of Good Laws*
Strategies 1, 2, 3, 6, 7, 10, 15, and 16

- V. *Lack of Access to Justice and/or Power*
Strategies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20

- VI. *Lack of Unity within the Community/Defining a Community*
Strategies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 21, and 22

- VII. *Conflicting Statutes/Overlapping Authorities*
Strategies 13 and 14

- VIII. *Community-based management in conflict with national policies:* This is very similar to the responses and strategies listed for No. 1 but with the additional need of reconciling the two systems in appropriate ways, both locally and nationally.



Synopsis of Breakout Session

FACILITATOR: Mary Racellis; RAPORTEURS: Joel Miles and Shyamala Hiremath; PARTICIPANTS: Belinda Arcilla, Francelyn Begonia, Ika Krishnayati, Vincent Manukayasi, Leticia Merino, and Lu Xing

What economic benefits should accrue to communities from resource management and what strategies should be used so that these benefits can be obtained?

The state has generally usurped most large-scale opportunities, leaving communities with relatively small-scale ones. The first step in any community-based resource management system therefore has to be to establish and secure the rights of communities to manage their natural resources on whatever scales are appropriate. Once the communities have done this they will be well-positioned to assess how to best meet their own needs and the extent (and potential) of the natural resources that are available. Then, and only then, can they begin to devise management plans that are locally appropriate and sustainable.

Obviously, this begs the question of how does one define sustainability? The group talked about this a lot, but without any clear resolution. At this point, there is no general definition of sustainability that

fits in every local context. What has been studied in some detail is the sustainability of commercial timber species, but not the sustainability of fodder or firewood species.

It was the group's conclusion that there is no practical way of defining sustainability. Nevertheless, it is known that people have been living in forests long before the arrival of commercial loggers. Many of these forests must have been used in a sustainable manner or there would not have been any forests left for the loggers to cut.

The group also concluded that sustainability should be determined by a combination of factors, including traditional local knowledge, the input from independent, outside studies, and local people learning to study these things themselves. Whatever the localized definition of sustainability proves to be, it is the community itself that must be responsible for monitoring the use of the resources in so far as they are the ones there on the ground and the ones with the largest stake in the success of the management activity.

In determining what benefits should go to the community for its efforts, the group divided economic benefits into two groups. The first group was classified as "basic needs" under which comes direct use of the products by the community itself, environmental quality, cultural integrity, biodiversity, and productive activities. The second group was called "income generation", i.e., how can money be brought into the community? It was determined that this could be accomplished either through employment in various activities or commercial production from the resource base.

Principles

- 1) *Priority should be given to local needs.* The group decided that priority must first be given to local needs, i.e., those biomass and other resources that are directly used by members of the community such as food, water, and firewood.
- 2) *All people should benefit equitably.*
- 3) *All planning and decision-making should be done by the community itself.*
- 4) *Commercial and productive activities should be within the management capabilities of the community, and that capacity should continue to grow.* For example, people may begin by just selling the rattan they collect. After a period of time, they may learn to sell it more profitably, and eventually, to make the rattan products themselves. Then they should learn how to market these products. This procession naturally develops according to its own dynamics. However, local communities should not be encouraged to begin by selling finished rattan products. Instead, assistance may be given for the community to grow and keep the constraints within their capability.
- 5) *Management plans should include all legitimate interests especially those of neighboring communities and seasonal users.* In achieving this, other legitimate interests also need to be considered, especially those of nearby communities and seasonal resource users such as migratory shepherds, or people who come only during droughts.

Strategies

- A. *Involvement government officers directly with local communities wherever possible.* This will help them gain a first-hand understanding of what the problems, resources, and capabilities are.
- B. *Documentation.* The community must learn to document whatever is going on so that it can learn the right lessons from its experiences and so that others can learn from them as well. Almost everything is documented now because there has been so little documentation before.
- C. *Consciousness-raising among the communities of their situation and rights.* One of the things people need to understand when they enter the market is the value of their product and the dynamics of the marketplace. They also need to understand the impacts of their activities. In short, they need to be conscious of all that is going on around them.
- D. *Helping the community be aware of political candidates' positions relating to natural resources.* One of the things the group agreed upon is the need to have more direct impact on the political situation. If the state system is not working, it is from the community where change will have to come about. Part of the role of NGOs is helping the community



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understand where various political parties or candidates stand so that they can vote in a more knowledgeable and beneficial way.

- E. *Lobbying with decision-makers.* This is done in various ways in particular countries. Included in this are efforts to get those laws that are not supportive of community-based management changed, efforts to get new laws enacted, efforts to get advantageous policies implemented, and efforts to replace disadvantageous policies with better ones.
- F. *Networking between and among NGOs, academics, and government officials.* Alliances are useful with all sorts of interested and potentially valuable people whether they are inside or outside government, at the university, or other sectors. The objective is to build both a knowledge and a support base: the knowledge base as a resource and the support base for what will have to be done in terms of marketing, especially in working with the government.
- G. *Learning from our successes and failures.* Most of all, what must be learned from both our successes and our failures is that they should not be repeated, but there must be an attempt to improve the process.

Strategies to enable communities to interact with the market economy in profitable and sustainable ways

The following list of management options is comprised of things that NGOs can do to help local communities promote sustainable resource management. The basic activities can be either what the communities themselves can do, or what government agencies can do for them. Because each location requires different responses, the group listed only broad strategies. Though not all of these will apply to all communities, it is important that each individual community:

- 1) consider the various management options that it has and what commercial income-generating options exist;
- 2) assess these options in terms of what kind of management inputs will be needed and what kind of labor will be needed; and
- 3) assess what kind of impacts these activities will have, both on the society and on the environment.

Once these three assessments have been made, the community can then start to develop a management plan.

The following list of marketing strategies can be summarized into this simple maxim: study a market and develop appropriate production and marketing practices. More specifically, identify the target market for the particular product to be sold. On a more practical level, some of the things that a community will want to consider include:

1. *Establishing the rights of communities to manage natural resources sustainably.*
2. *Assessing community needs and resources.*
3. *Listing and assessing management options.*
4. *Developing a management plan and implementing it.*
5. *Monitoring the implementation of the management plan and modifying it as necessary.* But it is important to realize that it is not enough just to develop these plans; we all know of hundreds of plans that are just sitting on shelves somewhere. Once we develop a plan and implement it, we must continue to monitor it to see how it is working — and then modify some more.
6. *Recognizing and utilizing traditional management knowledge and practices and link them with newly acquired knowledge.* Traditional management knowledge and practices are often not appreciated by western science. There is a need to link these with newly acquired knowledge.
7. *Studying markets and developing appropriate production and marketing practices.*
8. *Utilizing group production and marketing practices.* Too often people operate strictly as individuals in producing certain products. But there are many products which are difficult to produce as individuals or that one person cannot produce in sufficient enough quantities to gain access to international markets. In such cases,

group production practices such as cooperatives are desirable, but those do not have to be the only alternatives. As mentioned earlier under “principles”, management capabilities should be enhanced but not exceeded so that production and management can be more effective.

9. *Enhancing communities management and marketing capabilities.*
10. *Facilitating planning and management activities.*
11. *Investigating eco-labeling possibilities.* Generally speaking, this is not something that national governments can do, nor is it something that communities can do on their own — some sort of recognized international body is needed. There needs to be monitoring, and of course, that begs the question, who is going to pay for that monitoring? Labeling requires labeling fee; who will provide for this?
12. *Producing high-quality products.* Success in marketing requires high-quality products. This is what the Japan Rainforest Protection Lawyers League talked about — educating the consumers as to why they should buy and even pay more for products being produced in a sustainable manner.



THE BAGUIO DECLARATION

On the last day of the workshop, the participants agreed that enough had been resolved of a specific nature to warrant drafting a series of guiding principles for promoters of community-based forest management. During the extensive discussions that took place that morning, these principles were articulated and cast into appropriate language by the legal experts of the LRC/KSK-WRI consortium. The resulting set of ten principles was christened "The Baguio Declaration", and approved by consensus. It was then printed and disseminated to all the participants before they made their way back to Manila and on to their homelands — the real proving ground of sustainable community-based forest management.

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PREFACE

FORTY-TWO PEOPLE WITH WIDE RANGING EXPERIENCE AND KNOWLEDGE IN COMMUNITY-BASED NATURAL RESOURCE management from sixteen countries, including thirteen from Asia and the Pacific, gathered in Baguio to reflect on their work and to share experiences and insights on the more effective strategies they employ. Their number included lawyers, anthropologists, historians, agriculturalists, biologists, foresters, and community organizers.

The participants welcomed the growing interest in community-based natural resource management. Nevertheless, they felt strongly that broad-based structural reforms are necessary throughout the region and the world, but are stymied by an array of philosophical, institutional, political and social obstacles, which vary from country to country but often include: national development policies and programs that continue to favor unsustainable and inequitable resource exploitation activities; national legal systems that benefit the privileged

few and further marginalize the already marginalized sector of the society; and entrenched national and local bureaucracies that continue to see their mission as protecting, managing and/or exploiting natural resources by indiscriminately excluding or restricting the access of local communities.

The participants emphasized the importance of acknowledging the value and legitimacy of community-based management and its place as an essential component of any viable effort to conserve and develop forest resources in an equitable and sustainable manner. They also agreed that there is a need to articulate a set of principles to guide policy makers and people who work on community-based resource management in their collaborative efforts to facilitate just negotiations between governments and local communities. In the view of the participants, the principles enunciated in this declaration and adopted by consensus apply to communities dependent upon ecosystems other than forests including, but not limited to coastal, estuary, and marine resources.

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THE BAGUIO DECLARATION

- WHEREAS we believe that conservation and sustainable development are human activities that occur on local levels and almost always within the context of a community; and,
- WHEREAS many national governments continue to rely on legal systems that vest the state with ownership over vast amounts of natural resources; and,
- WHEREAS state-centric management and conservation strategies have been marked by widespread failure, in large part due to the lack of appropriate and fair involvement by affected communities; and,
- WHEREAS many areas claimed by states are covered by and managed pursuant to community-based natural resource rights which are not recognized by states; and,
- WHEREAS national laws and international covenants and declarations guarantee full respect for the civil and political rights of all peoples; and,
- WHEREAS the Earth Summit Declaration of 1992, the Convention on Biological Diversity, and other international conventions and agreements mandate states to recognize the rights of indigenous and other local communities to the natural resources on which they depend; and,
- WHEREAS the rights and capacities of local people to manage their resources in a sustainable manner are still not adequately appreciated by most governments and development institutions; and,
- WHEREAS the required conditions for social and ecological sustainability of most environmentally important and/or threatened areas include tenurial security, informed and organized local participation and decision-making; and integrated resource use and management approaches;



NOW THEREFORE, in consideration of the foregoing premises we call upon national and state governments in Asia, the Pacific, and the world, non-government organizations on global, regional, national, and local levels, industry, and international donor and financing institutions, to recognize and support community-based natural resource rights. We also commit ourselves — and call upon others — to abide by and take action according to the following principles as we strive to develop effective and equitable strategies for promoting socially just and ecologically sound community-based resource management:

- PRINCIPLE 1 Community-based natural resource rights of indigenous and other long-settled communities should be recognized and protected as are the rights of other sectors.
- PRINCIPLE 2 Government recognition of existing community-based natural resource rights is preferable to rights based on government grants.
- PRINCIPLE 3 Priority should always be given to meeting local needs, with particular attention being given to subsistence.
- PRINCIPLE 4 Measures, mechanisms, and transparent processes need to be established and improved to ensure that the rights of all peoples to participate meaningfully and benefit equitably in community-based natural resource management are guaranteed.
- PRINCIPLE 5 Intra- and inter-community differences such as gender, class, ethnicity, and age should be acknowledged.
- PRINCIPLE 6 Disadvantaged sectors in and among communities have the right to participate in decision-making processes and must share equitably in the use of internal and external resources.
- PRINCIPLE 7 Special attention should be given to the unique problems of migrants, ecological refugees, and other displaced people and involuntary resettlement should be avoided.
- PRINCIPLE 8 International organizations and national governments should not finance — nor should NGOs participate in — externally initiated economic, developmental, or conservation activities unless all processes concerning the design and implementation of the activity are open, participatory, and transparent, and the community gives its informed consent to the activity.
- PRINCIPLE 9 Development and conservation initiatives must guarantee that any affected community will receive an equitable share of any benefits and not bear disproportionate costs arising from the activity.
- PRINCIPLE 10 The development of new and innovative community-based resource management systems should be encouraged as an alternative to state control, especially where community-based systems do not exist.

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ticipants drew from a vast reservoir of shared knowledge of common property regimes and community-based forest management. Those interested in learning more about this rapidly-expanding communal pool are directed to the following sources, some general, some country-specific, including many by workshop participants. By no means exhaustive, the following list is offered as a suggested reading list.

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B. WORKSHOP ITINERARY

DAY 1 (THURSDAY, MAY 19TH)

Arrival and Registration

DAY 2 (FRIDAY, MAY 20TH)

Morning

Welcome from LRC/KSK -
Friends of the Earth -
Philippines and WRI

Orientation to
workshop objectives

Coffee Break

Introduction of Participants

Expectations check

Review of the agenda

Logistical briefing

Afternoon

First Panel Presentation:
Nepal and Sri Lanka

Open forum and review
of salient points

Break

Second Panel Presentation:
India

Open forum and review
of salient points

DAY 3 (SATURDAY, MAY 21ST)

Morning

Review/synthesis
of Day 1 presentations

Third Panel Presentation:
Pacific Islands

Open Forum and review
of salient points

Break

Fourth Panel Presentation:
Philippines and Indonesia

Open forum and review
of salient points

Afternoon

Fifth Panel Discussion:
Mainland Southeast Asia

Open forum and review
of salient points

Evening

International Support Group
Function at Bonoan Restaurant

Unchaperoned Group Forays
into Baguio

DAY 4 (SUNDAY, MAY 22nd)

Morning

Optional Excursion
around Baguio

Afternoon

Orientation on Strategy
Workshop Group Discussions

Strategy Workshops (3)

Presentation of Strategy
Workshop Results

Evening

Solidarity Dinner
at Villa La Maja

DAY 5 (Monday, MAY 23RD)

Morning

Review of strategy workshops
Drafting of Baguio Declaration

Closing remarks

Afternoon

Departure for Manila

Briefing for Field Trip
Participants

DAY 6 to 9 (TUESDAY, MAY 24th to FRIDAY, MAY 27TH)

Field trip to Sagada

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LEGAL RIGHTS & NATURAL RESOURCES CENTER - KASAMA SA KALIKASAN
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NGO POLICY WORKSHOP ON

STRATEGIES FOR EFFECTIVELY PROMOTING
COMMUNITY-BASED MANAGEMENT OF TROPICAL FOREST RESOURCES
LESSONS FROM ASIA & OTHER REGIONS

MAY 18-23, 1994

VILLA LA MAJA, BAGUIO CITY, PHILIPPINES