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Analysis of Stakeholder Power and Responsibilities in Community Involvement in Forest Management in Eastern and Southern Africa

Edmund Barrow, Jeanette Clarke, Isla Grundy, Kamugisha-Ruhombe Jones and Yemeserach Tessema

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Cover photo:

Top left - Beehive in restored Miombo woodland in Shinyanga Tanzania (Obadia Mugassa, Mwanza)
Top middle - Forest Patches in the coastal areas of the Eastern Cape Province in South Africa provide important contributions to rural livelihoods (Søren Stisen, South Africa)
Top right - Indigenous State Forest in the Umzimkhulu district of KwaZulu Natal in South Africa (Søren Stisen, South Africa)
Middle left - Regenerating *Acacia tortilis* and Camels in Turkana District, Kenya (Edmund Barrow, IUCN)
Middle - the Afro-montane forest of Mt. Elgon National Park, Uganda and bordering villages (Edmund Barrow, IUCN)
Bottom left - Goats browsing on *Acacia tortilis* trees in Djibouti (Maina Karaba, IGAD)
Bottom middle - The importance of non wood forest products in restored woodland in Shinyanga, Tanzania (Obadia Mugassa, Mwanza)
Bottom right - Eritrean villagers In the Cedar mist forests of the Green belt of Eritrea (Edmund Barrow, IUCN)

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When we started working on this review we thought it would be a relatively simple affair! Little did we know the depth, scale, range and variety of initiatives concerned with community involvement in forest management, that there are in the region, ranging from small individual and community group efforts to large bi- and multi- laterally funded programmes. The smaller, and often more interesting individual and community initiated efforts (with little or no external funding) are difficult to find out about, and only usually through word of mouth as their experiences are often not documented. Given the limitations of time and resources we have tried to demonstrate the richness of experience, though, inevitably the review has been based more on published and gray literature together with our experience in the region. A second area concerned the boundaries of what we mean by community involvement in forest management. While much of the focus of the review has been on rural people's involvement in forest management, there are many interesting initiatives concerning plantation forests, as well as with the private sector. In terms of focus we have tried to emphasize the key areas of "power" and decision making by which rural people and communities can negotiate, or not, for their rights of access to, and use of forest resources.

As we recognize that much may have been left out, we hope that this review will stimulate people to write about and share their experiences. Having said that, this review, and the three others in this series, represent one of the few times that a concerted and detailed attempt has been made to document and analyze community involvement in forest management in Eastern and Southern Africa. This should assist practitioners and policy makers in learning lessons from experiences, as the region more actively integrates community involvement in forest management, both as a tool for conservation, and for meeting livelihood objectives.

We are grateful to all those who have shared their materials, experiences and time. Section 2.3 is largely based on a paper by E. Barrow and M. Murphree titled “Community Conservation from Concept to Practise: A Practical Framework” In Hulme D., Murphree M. (eds), 2001: African Wildlife and African Livelihoods, the Promise and Performance of Community Conservation. James Currey, Oxford. The authors are grateful for permission to be able to use that material here. Sheona Shackleton (Research Associate, Environmental Science Department, Rhodes University, Grahamstown, South Africa) was contracted to compile a review on the South African experience in this field. A very useful study was produced[6], which highlights the many, varied and interesting changes that have taken place in South Africa in recent years. We are grateful to her for compiling this most useful background review. Both Nick Menzies (Ford Foundation) and Simon Rietbergin (IUCN Forest Conservation Programme) made substantial and useful comment and input into an earlier draft. We are very grateful to them for this input. Kadi Warner (formerly of FAO Community Forestry Programme, now with Winrock International), and Mary Hobley (International Consultant on community forestry) peer reviewed the final draft. Again we are very grateful for the time they took to do the review and provide us with much useful comment, most of which has been integrated into the text.

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We are very grateful to all these people for the time and effort they have spent on this work. However the views expressed in this review are those of the authors and should not be attributed to any of the collaborating organizations or donors. We apologize for the many omissions there are, but hope that this will be a useful contribution as communities and rural people become more involved in forest management in the region. This is particularly pertinent at a time when there is a greatly increased emphasis being placed on poverty reduction and livelihood security.

[6] Shackleton, S., and Willis C. 2000: Background Paper. Community Involvement in Forestry Management: Whose Stake in Forest Management? The Case of South Africa. Unpublished report No. ENV-P-I-2000-001. Environmentek, CSIR, Pretoria

PREFACE

The regional profile series on ***Forests, People and Policies from around the World - Linking Learning with Policy Formulation*** provides forum to foster exchange between regions and nations regarding the rich experiences of the world's people in maintaining existing forest and regenerating degraded ones. This project is implemented by IUCN, both globally and with different IUCN regions, with funding from DFID and the Ford Foundation. By analyzing community forestry strategies, common issues and effective actions can more readily be identified. The profiles include the following types of information:

- Overviews of national forest management histories.
- Brief ecological descriptions of the region's forests
- Summaries of forest administrative systems and policy frameworks as they relate to local communities
- Case studies illustrating the roles indigenous people, local forest dependent communities, and the greater civil society play in forest management.
- Abstract of regional networking organizations
- Assessments of national strategies, needed policy actions, important lessons, and constraints.

This project of the *IUCN Working Group on Community Involvement in Forest Management (WG-CIFM)* has so far produced 4 regional profiles, namely for Canada and the USA, South East Asia, Meso America, and Europe. Two other profiles are in preparation, namely for Eastern and Southern Africa, and Western Africa. The Eastern African Regional Profile project received substantial additional funding from DFID through NRI to enable four more detailed thematic reviews to be under taken. This review is one of the four reviews carried out as part of this project. The four reviews are:

1. Land, People and Forests in Eastern and Southern Africa at the beginning of the 21st century. The impact of land relations on the role of communities in forest future.
2. Economic Aspects of Community Involvement in Sustainable Forest Management in Eastern and Southern Africa.
3. Community Involvement in Forest Management in Eastern and Southern Africa. Analysis of Policies and Institutions.
4. Whose Power? Whose Responsibilities? An Analysis of Stakeholders in Community Involvement in Forest Management in Eastern and Southern Africa.

In a review of this nature it is not possible to be comprehensive in addressing community involvement in all countries, in all ecosystems and with all different cultures, We are limited by the available literature, where some countries such as Kenya, Tanzania, Zimbabwe and South Africa are well endowed with published and "grey" literature, while there appears to be little material from other countries, for example Djibouti, Namibia and Mozambique. In addition, the authors have an experience base which is focused more on some countries than others. Clearly there are going to be omissions. However we hope that the richness of the case material included in the review will demonstrate that responsible community involvement in forest management is not a passing "fashion", but is becoming well embedded in good forest management practice at all levels.

These four reviews formed the basis for a training workshop on community involvement in forest management which was held in Uganda in June 2000 for 55 participants from 14 countries (Sudan, Somaliland, Ethiopia, Uganda, Kenya, Tanzania, Zambia, Malawi, Mozambique, Zimbabwe, Botswana, Namibia, Angola, and South Africa) in the Eastern and Southern African Regions from both the government and civil society sectors.

In addition the four reviews together with contributed papers, grey literature and case material is being produced on CD, as a resource for practitioners, researchers and policy makers in the region.

It is hoped that this series of publications will contribute to the ongoing debate concerning how rural people can gain more rights to, and have responsibilities for their natural resources.

POLICY BRIEF

This review explores forest conservation from the perspective of rural people and other key stakeholders. A loose focus is placed on natural or indigenous trees. The purpose is to identify and understand the key issues relating to power, and the responsible involvement of communities in forest management, in order to learn lessons, and inform and influence policy. This helps explore the opportunities as to how forest options can contribute to the reduction of poverty, and identify areas needing further research. Combining a focus on securing livelihoods with community negotiating and decision making processes enables us to analyse inter- and intra-community power structures an relations at a community level.

Findings

1. A long history of exclusion and expropriation has alienated many rural people from their forest resources, resulting in increased degradation and encroachment, as centralised management systems were not able to take over these management responsibilities simply through enforcement.
2. With an increased focus on participation and decentralisation, rural people and communities can negotiate for their rights to and responsibilities for forest resources, both within, and outside reserved forests.
3. Decentralised arrangements are being tested from collaborative or joint forest management, to re-gazetting forests from National to Local Forest Reserves, to the devolution of ownership to local communities.
4. Isolation has generally assisted in the conservation of natural forests, particularly in the dry lands where rich patch areas are critical to overall natural resource management, and the management of risk.
5. Community based approaches test the willingness of Governments to devolve power, and there is still a reluctance to really devolve power, despite the pressures from decentralisation trends.
6. Security of tenure needs to be supported by incentive measures and realistic market based pricing structures, so that private people can responsibly manage and benefit from forest options on their lands.
7. Different stakeholders may have different interests in the same resource. While the negotiating and decision-making is important, but it is "who decides" that determines the rights to trees or products thereof.
8. Gender considerations may be easier to understand than other equity issues. Women are often excluded from decision-making even though they often have a greater dependency on forest products for subsistence and livelihood security, while men's interests are often more cash based.
9. Intra community complexities are characteristic of many communities, and need to be understood so that the less powerful groups are not further marginalised.
10. Commercialisation of subsistence use is an important driver in natural resource use, and one that often results in over exploitation. Some commercialisation pressures are internal, but many are externally driven, and may over ride, or ignore community mechanisms to conserve natural resources.
11. Resource use rights and controls, and how they shape intra-community stakes, is mediated through customary and local level institutions, including the rules, rights, and authority structures for administration.
12. Resource users and communities need the power to exclude other users, so that resources can be used sustainably. This also requires the power to sanction.

13. Understanding community power and decision making dynamics is crucial to understanding institutional complexities. This determines the basis for successful and equitable management of trees and forests. Local level institutions for resource management have been surprisingly resilient and are widespread throughout the region. They may be obvious or hidden, and may or may not be linked to formal administrative institutions and organisations. However, many of these institutions' legitimacy has not been formalised.
14. Value is more than the direct use or economic value that a certain resource or forest area might have, as cultural and sacred values, for example, are important to people and communities.
15. Robust monitoring and adaptive management measures are needed, as, in the rush for more community involvement and resource user benefits, less attention has been devoted to what is sustainable.
16. While the process of alienation of land rights happened swiftly, reversing the process appears to be much more complex. Forest authorities have been reluctant to lose power, and retain the belief, sometimes with justification, that rural people are not able to manage their natural resources on a sustainable basis.
17. The rights to benefits from forest resources have to be closely linked to responsibilities for management. But these rights are not the same for different stakeholder groups, nor are they spread equally within a community.

Conclusions

1. The nature of interests and stakeholders within communities is highly diverse and dynamic, a reflection of diverse and dynamic resource endowments and changing livelihood strategies. Understanding these complex factors, which underpin the use of forest resources is important.
2. Despite the trends to promote local community involvement, little real transfer of power has taken place, except in certain cases. Government, as the dominant land owner, remains the dominant stakeholder, and there has often been a reluctance to truly implement decentralised policies, except at the level of rhetoric.
3. National land, forest and natural resources policies and legislation of successive governments have reduced local people's stake in forest resources, whilst raising the stakes of private land owners, commercial loggers, fuelwood merchants, and the State.
4. Secure property rights are fundamental to effective community involvement in forest management. In most countries in the region, communities have second class land rights, and the real challenge is to upgrade these into more secure forms of property rights.
5. A greater understanding of intra-community stakes and interests, together with the institutions that mediate these interests is required, particularly for resources that are important to the poor and marginalised groups, and in particular those used to meet contingencies.
6. Forest products form important components of rural strategies to tide people over seasonal gaps between harvests, to cope with drought or other emergencies. These contingency uses are not adequately understood or acknowledged, nor are they integrated into land use planning and policy.
7. This study documents the use of existing local institutions for improved tree and forest management, rather than replacing them, an demonstrate that such groups can take on their rights and responsibilities.
8. As communities increasingly take responsibility for their natural resources, the politicisation of natural resource management increases, and local elites will vie for an increased stake.
9. If not responsibly addressed, the poor and marginalised groups that a project is designed to benefit, may not be part of the process, and may be further marginalised, because such groups are often not involved in decision making.

10. Commercial interests can force what might have been sustainable subsistence use into unsustainable commercial exploitation.

Policy Recommendations

1. There is a range of conditions that support community involvement in forest management, including strong clear policy and legislative support; benefit flows which are significant and important; rights to forests and forest resources being clearly linked to management responsibilities, and that negotiated agreements are clear, internalised, and have local resource user ownership.
2. There is need for secure property rights, including the existence of boundaries, and clear membership criteria so as to create management and use incentives to conserve, and there needs to be a way to protect the wider interests of society in the case of unscrupulous operators.
3. The tenure reform processes being undertaken need to contribute to transforming the situation on communal lands by providing local residents with legally enforceable rights, especially against outsiders.
4. Defining the appropriate institution, and ensuring local ownership so that that resource users are not marginalised is vital. However, if not analysed properly, the "real" managers may lose power to either administrative structures or outsiders.
5. New and innovative forest management arrangements are necessary, if the continued degradation and conversion of forest land is to be averted. Securing community rights to trees and forest products is one route to the greater participation of civil society in natural resource management.
6. A "deconcentration" of Government power to lower levels, while being administratively expedient, may usurp or down play the importance of local institutions. A clear understanding of these institutions would enable a greater synergy between decentralised Government institutions, and existing customary ones.
7. Governments, custodians of public well being need to maintain a conscious vigilance on commercialisation and a liberalised economic environment. They may need to intervene with affirmative action, especially where commercialisation and liberalisation push the livelihoods of rural people to the periphery.
8. Increasingly the multiplicity of goods, services and values, and the variety of interests from different resource users and groups is being recognised as vital for sustainable use. This argues for a shift from preservation to sustainable use, and decentralised management. Conservation authorities need to adopt a strong community and resource user focus, while other institutions need to recognise the value forest management as a livelihood strategy, and national planners need to promote conservation as part of national planning and accounting.
9. There is a great potential to strengthen local institutions. An important challenge facing these evolving institutions is to work with, and transform existing power relations within communities to promote greater equity and accountability, which then become part of "improved" management.
10. Forest conservation has to have an important niche role for rural livelihoods and land use in the future, for example to meet contingencies, to mitigate risk and improve resilience, and to provide goods and services that other forms of land use cannot.
11. Rural people, especially the poorer and marginalised must be able to successfully negotiate for their rights and responsibilities for their natural resources and trees.

SUMMARY

1. INTRODUCTION

The regions of Eastern and Southern Africa, embracing the countries of Sudan, Eritrea, Djibouti, Somalia(land), Ethiopia, Uganda, Kenya, Tanzania, Zambia, Malawi, Mozambique, Zimbabwe, Botswana, Namibia, Angola, Lesotho, Swaziland and South Africa display a great richness and diversity of cultures and peoples, geographical features and biodiversity. This complexity has created great diversity in resource use and management by rural people. The histories of these countries vary from a majority of former British colonies, under a variety of different governance regimes, to Ethiopia which was not colonised and has had a ancient recorded history complete with a highly organised monarchy and land based aristocracy.

This review explores tree and forest conservation from the perspective of rural people and other key stakeholders who use those trees in different ways for a wide variety of reasons. A loose focus is placed on natural or indigenous trees. The purpose of this review is to identify and understand the key issues relating to power and the responsible involvement of communities in forest management activities, in order to learn lessons from practice, and inform and influence the policy arena. In turn, this will explore opportunities as to how forest options can contribute to the reduction of poverty, and identify important areas needing further research.

The relationships between natural resources and people are mediated through institutions. Institutional arrangements shape resource access and control, and are fundamental to understanding patterns of stakeholder interests. In Eastern and Southern Africa, land and resource tenure institutions underwent dramatic changes during the 20th century, mainly as a result of colonisation on indigenous societies. Changing policies and practices of post colonial governments have continued to shape these stakeholder relations. In the region, three broad categories of land tenure can be distinguished, namely State, Communal and Private Property regimes. These broad tenure regimes set the scene for stakeholder relations to be contested and negotiated. National laws governing natural resource use and management cut across tenure regimes and further shape stakeholder interactions. Within each of these broad tenure regimes there is a complex mix of overlapping property rights and resource use regulations that can apply or come into effect. These provide the stage for different actors to negotiate and claim rights of access and use, appealing to those rules, norms or property regimes that best support their interests. The result is a complex and dynamic interplay of stakeholder power relations.

Combining a focus on securing livelihoods with community negotiating and decision making processes enables us to discuss and analyse inter- and intra-community power structures. Understanding these power issues at a community level is key to the achievement of more equitable natural resource management and distribution of benefits. It enables us to analyse and understand the different power and decision making struggles which take place within a community and as a result of external power influences.

2. STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS IN FOREST RESERVES

The history of forest reserves is one of struggle between competing stakeholder groups. Current realities are shaped by socio-political forces of great magnitude and impact, including the climate of regional strife, increasing poverty and globalisation. Throughout the region there is a long history of exclusion and expropriation, which resulted in the alienation of people from their rights to, and responsibilities for natural resources. Local access and use of forest resources was not usually totally curtailed, except of commercially valuable timber trees. During that time population and resource use pressures were low. As such *de facto* customary management, though not usually recognised, was tolerated. With time, increasing restrictions were placed on community access thereby curtailing community rights and responsibilities for forests.

With the increased alienation of rural people from their forest resources, degradation and encroachment increased. Centralised management systems were not able to take over these management responsibilities simply through enforcement. This is due to a number of factors including under-resourced forestry authorities, short term political expediency, exacerbated by increased levels of patronage and corruption. Now, with an increased focus on participation and decentralisation in contemporary Africa, rural people and communities are better able to negotiate their rights to, and responsibilities for forest resources, both within, and outside reserved forest areas. Lessons from collaborative management are starting to show that rural people are concerned, can benefit from, and have responsibilities for natural resources, even if forest conservation authorities may still have overall control.

Forest reserves often include core conservation areas, and areas where negotiated agreements may be made with bordering communities and rural people, as lessons from experience are starting to show. Such agreements can be related to the use of single or multiple resources, forest plantations, and overall management of certain areas. The remaining forest areas can be under various forms of decentralised management, including district forests, village, and community forests. This is in line with the emphasis on decentralised service responsibility and management, and is supported by increased pressures for the "real" participation and enablement of local people and communities. In addition there is likely to be an increased array of partnerships between communities, between communities and districts, as well as a range of partnerships with private sector interests. While private sector investors are starting to support and contribute to community benefit flows from forestry, such commercialisation inevitably places increased pressures on resource use. Already there are examples of sustainable subsistence use becoming unsustainable commercial use. There must be a balance between sustainable and unsustainable use, which requires the power to be able to exclude outsiders.

Decentralisation, increased land and population pressures suggest that "traditional" Forest Reserve management is no longer appropriate, on its own, to meet contemporary livelihood and environmental needs. New decentralised arrangements, from collaborative to joint forest management, to re-gazetting forests from National to Local Forest Reserves, to actually handing over forest reserves to local communities are evolving and being tested. While such arrangements are starting to bring a range of benefits from forest reserves to local people, it is less clear as to the forest management benefits.

Monitoring the effect of collaborative management on forest conservation status is difficult and a long term process with many external and confounding variables at play. Strict scientific monitoring is expensive and time consuming. Where there are clear community rights to, or responsibilities for forest management, how can we ensure that the conservation status is at least

maintained, if not enhanced even in the face of increasing pressures? Robust monitoring and adaptive management measures are needed, as, in the rush for more responsible community involvement and resource user benefits, less attention has been devoted to what is sustainable use. The levels of sustainable use for different products, different tree species is different under different conditions.

Efforts to involve communities in forest management are underway throughout the region, notably in Tanzania, South Africa and Uganda. Many governments have had to embrace more decentralised processes due to restructuring, privatisation and the shift to the greater involvement of civil society. As a result a range of conditions that support community involvement in forest reserve management are emerging, including:

- Strong clear policy and legislative support;
- Benefit flows which are significant and important;
- Rights to forests and forest resources are clearly linked to management responsibilities;
- That tree and forest use is directly linked to the resource users at the local level; and
- Clear, internalised negotiated agreements that have local resource user ownership.

The collaborative and community based forest management taking place now recognises that communities had real rights to forests, and were in many instances responsible forest managers. Collaborative management and community based forestry is helping to restore community rights to, and responsibilities for forest resources at a time when it is recognised that forests have both local and immediate value to people, as well as longer term national values relating to catchment, watershed and biodiversity functions. Collaborative forest management initiatives have been given added impetus by a variety of recent policy and practice changes including decentralisation, the use of participatory processes, formalised collaborative management agreements, community based forest management, and an increased emphasis on certification and sustainable forest management.

3. STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS ON UNTITLED OR COMMUNAL LANDS

The majority of rural people in the region live on land variously referred to as customary, communal or trust lands. Dualistic land tenure systems were created throughout Africa during colonisation, when western property law was introduced to govern landholding. In most cases, this communal land is legally owned by the State, with *de facto* ownership by the group (clan, village or family) that occupies the area. African tenure systems are administered by local authorities and involve allocation of rights and responsibilities to land and the resources on land. In general, families are granted individual rights to homesteads and fields, and all other land including forests and grazing areas is the communal property of the village or clan. The land rights associated with this form of land holding are weak and insecure.

Trees and woodland resources are widespread throughout these communal areas, and play a critical role in local livelihoods. There exists a wide range of different types of local level controls over the use of trees, woodlands and forests. Many of these systems have broken down, or are breaking down, due to mainly external pressures. Colonial and post-colonial national governments enacted and imposed a series of overarching national laws and policies to control the use and management of trees, woodlands and forests in communal areas. These laws and policies are superimposed upon customary tenurial and resource use arrangements, and frequently conflict with, and over-rule them. As a result many community controls have been replaced, usually ineffectively, by central government controls.

Current use rights and restrictions are therefore the result of both customary tenure systems, including local controls over resource use and access, and overarching national laws and policies. The result of these overlapping systems of rights and regulations is a range of different tenurial contexts which govern access to, and control over, tree and woodland resources in communal lands. Underlying tenure arrangements and overarching national laws and policies are dynamic, the outcome of shifting legislation, policy and practice of forest departments throughout the century, as well as broader socio-political forces beginning with colonisation and land alienation.

In many parts of the region, isolation has assisted in the conservation of natural forests, particularly in the arid and semi-arid lands where rich patch areas of natural forest and woodland vegetation are critical to overall land and natural resource management strategies. In many places the State has not been able to exert its control and management under its various policies and statutes beyond that of rhetoric and occasional action. This may not have been detrimental, as it allowed a diversity of practice to evolve under such *de facto* management. In some instances such community based practices have helped to inform policy changes where decentralisation and an increased devolution of rights and responsibilities to the community level are now seen as important. But in other cases, many community institutions were not adequately prepared for the rapidity of changes, the commercial and economic interests of outsiders, and the pervasive influence of Government.

While Colonial governments did in some cases protect the rights of local communities to forest and woodland resources, e.g. the system of Village Forest Areas in Malawi, these good intentions were often subverted to serve the interests of more powerful groups. However, the Gum Arabic gardens of Sudan demonstrate the importance of the symbiosis between farmers and communities, who own and manage the Gum Arabic woodlands, and the Government who provide extension support and market the gum. Important lessons are emerging from experience in Tanzania about benefits and approaches to the decentralisation of ownership and control of forest resources.

Community based approaches test the willingness and motivation of Governments to devolve power. It is clear that there is still a reluctance to devolve that power, despite the pressures from decentralisation, empowerment and enabling policies. Perhaps this is why community based forest management has been slow to take hold, despite it being a logical endpoint for decentralised and devolved approaches to forest management. Where there is success, it often happens because *de facto* community based systems have been so isolated, so as not to be disturbed by Government intervention, or because the value of the natural resources are not attractive enough to warrant strong intervention. Perhaps it is only in Tanzania that true community based forest management has taken hold due to its forest and tenure policies and statutes, and more importantly the will and commitment to make it a reality.

4. STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS ON PRIVATELY OWNED LAND

Privately owned land in different parts of the region has arisen from a complex variety of historical circumstances and political interventions, and the introduction of the system of private ownership through colonisation. With a strong colonial and post colonial focus on forest reservation, commercial exploitation and centralised forest management, it is not surprising that less effort has been put into forestry and forest conservation on privately owned land. Where effort has been made it has not been on forestry or forest conservation *per se*, but small-scale farm woodlots, fruit trees and hedgerow planting, or on agroforestry.

South Africa, with its strong private sector and business focus, has perhaps progressed furthest in terms of forestry on privately owned lands. But in Uganda some of the problems of inadequate incentives for private sector involvement on private lands are clearly demonstrated. Security of tenure, in these instances, is not enough, but needs to be supported by incentive measures and realistic market based pricing structures. Private property confers much stronger rights over forest resources than is the case under customary tenure. In some cases, it has led to better management, as the conservancies in Zimbabwe and Namibia have shown, and some evolving conservancies in Kenya have started to demonstrate. In other cases there was rapid degradation and deforestation, for example in Uganda where rights to trees on private lands were not clear.

In more recent trends, some governments are trying to extend, or reassert greater government control over forest resources on private land. In South Africa and Kenya all indigenous forests are now protected irrespective of where they are. Such statements and legislation do not necessarily create the incentives for private land owners to conserve and manage such trees and forests on their land. If the intention is to conserve these indigenous trees and forests, then creating the incentives for management and securing benefits would seem more appropriate. There is need for secure property rights combined with the rights to resources in a manner that creates management and use incentives to conserve, while, at the same time protecting the wider interests of society in the case of unscrupulous operators and private land users.

5. INTRA COMMUNITY STAKEHOLDERS AND THEIR POWER RELATIONS

To develop effective ways to support community involvement in forest management, it is essential to have an understanding of intra-community stakes, stakeholders and power relations. Understanding differences in stakeholder interests and the ways in which different groups are able to compete for the power to control resources is important in order to develop strategies for sustainable and equitable community involvement in forest management. This is particularly so when a forest resource has commercial value.

The identity of stakeholders, and the nature of their interests vary in time and space. In any one place, the relative rights of access to resources by various stakeholder groups, and their relative roles and responsibilities are not static. While it can be relatively easy to separate state interests from those of communities and rural resource users, the separation of interests within communities is more complex and that complexity varies with the heterogeneity of the community. Different stakeholders within a community may have different interests in the same resource, for instance women valuing a certain species for its firewood and fruit to the household, whilst men may see the same tree as a potential cash earner for themselves from the sale of poles. The negotiating and decision making processes are important in themselves, but ultimately it is the decision makers who will determine rights to trees or products thereof.

Traditional leaders have been the main decision-makers concerning resource access and use. But the imposition of government systems has disrupted, and indeed corrupted, many of these traditional and customary systems. In many instances they have been replaced, often ineffectively, by government administrative structures. However, where government systems have complimented and provided synergy for customary systems, both have been winners. Unfortunately in many instances this has not happened, as the complexity of intra community stakes is not adequately addressed or understood, or if understood not acted upon to ensure better equity and decision making processes.

Understanding the complementary or competing interests and interest groups within a community is complex and difficult, and influenced by many factors including subsistence and cash needs. The interests and interest groups are determined by the nature and value of the resources and peoples dependency on them, a dependency which increases with poverty, aridity and isolation. In response, a range of rights of access to certain resources evolved within and between communities, helping people secure their rights and livelihoods. Formal or informal interest or user groups emerged to use and manage these resources, often with accompanying rules and regulations. But, the lack of recognition of such groups has often meant that they are not understood, and are ignored in processes of change.

A key area of concern, especially for the large areas of drylands in the region, is the role that "rich patch" areas, particularly of forest vegetation, play in mitigating risk, enhancing resilience, and creating contingency benefits. Such resources have an importance out of all proportion to their area, and, because of their relative richness these areas have been exposed to increased pressures. In many rich patch vegetation areas there is a range of local rules and regulations which govern use, including the conferral of ownership. Actively supporting and strengthening such local management capacity to support community and resource user needs, will be important to enhancing community and user group livelihood security.

Access to tree and forest products is key in helping to secure and strengthen people's livelihood assets. The contribution that trees make to household livelihoods varies from family to family. The poor are likely to be more dependent on forest products than richer groups, yet may not have the decision making or negotiating power to claim and secure their rights.

Gender and equity considerations are vital to understand, as there are significant differences in the type of assets, and amounts of resources used. Gender considerations may be easier to understand than other equity issues concerning the poor and marginalised groups. Understanding intra-community rights and benefits is essential in order to avoid the further marginalisation of less powerful groups.

Commercialisation of subsistence use is an important driver in natural resource use, and one that often results in over exploitation. Some of the commercialisation pressures are internal, but many are externally driven, and may override, or ignore community mechanisms to conserve communal resources. Commercialising subsistence use often changes who directly benefits. Men, in particular more powerful men, tend to take over such commercial activities. Clearly a balance needs to be reached between unsustainable external exploitation, and sustainable commercial exploitation that assists communities in securing their livelihoods.

A greater understanding of intra community stakes and interests, together with the institutions that mediate these interests is required, particularly for resources that are important to the poor and marginalised groups, and in particular those used to meet contingencies. Commercialisation has exacerbated the divide between rich and poor, where subsistence use, often in the hands of the poor, is commercialised by the richer in a community, who can afford the necessary capital investments. Enabling a wider array of stakeholder groups to benefit from commercialisation is an important goal. In order to protect and maximise community stakes, it is important that local groups have the power to include or exclude outsiders, and especially outside commercial interests.

To fully understand intra-community stakes, it is necessary to analyse the institutional framework that governs the relationship between people and resources at the community level. Current use rights and restrictions governing access to natural resources in communal lands are the outcome of both customary tenure systems, including local controls over resource use and access, and

overarching national laws and policies. Resource use rights and controls, and how they shape intra-community stakes, is mediated through customary and local level institutions, which includes the systems of norms, rules and rights, and the authority structures to enforce and administer them. Customary tenurial arrangements and remnants of customary resource use controls still exist in communal lands throughout the region. Indeed many remain strong, particularly those which operate in remote areas, or have not been replaced. These norms and controls have not remained static, but have evolved in response to changing circumstances, and traditional authorities have been surprisingly resilient, remaining powerful and influential in many parts of the region despite the lack of support from both colonial and post colonial governments. Effective community institutions are essential to successful co-management, but, in many cases, the challenge is to rebuild institutions which have withered as a result of decades of exclusion.

The rules and regulations, and the norms and procedures for community based natural resource management govern access, establish the mechanisms for responsible use, and enable communities to have the power to include or exclude. Many of those institutional arrangements are often "hidden" and "unheard", yet are vital for community cohesion, social responsibility and natural resource management. Such institutional mechanisms may be at the individual or family level, or at the community level, or a combination. In addition communities need to have the power to include and exclude others, a power that tenure may not actually be able to provide. Some strong communities have such power, while many clearly do not. This is needed to support sustainable natural resource management and is likely to be stronger in more "traditional" communities with a strong sense of identity and cohesion, than those that are more fragmented.

Institutions for natural resource management may be obvious or hidden, linked to formal administrative institutions and organisations or not. Defining the appropriate institution, and ensuring that some groups are not marginalised can be difficult, and time consuming. However, if not analysed properly, the *de facto* managers may lose power to either administrative structures or outsiders. Many of these institutional arrangements survive, not by statutory decree, but by the ability of their proponents to maintain and negotiate for such rules, norms and procedures with other community members and outsiders. But many such institutions have been replaced, often ineffectively, by more formal structures, which may be externally initiated and can be transient.

In all these institutional arrangements at the community level, power is key. Those with power tend to be the more visible, and represent the community to outsiders. The weaker or marginalised are often not seen or heard, yet it is they, who, more than anyone else, may depend on the natural resources for their livelihood security. Without a proper understanding of the social dynamics, it can be such people who are further disenfranchised to the benefit of the more powerful, both within and external to the community. Understanding the power and decision making dynamics at a community level is crucial to understanding institutional complexities.

6. CONCLUSIONS AND RECOMMENDATIONS

While tenure is the main underlying context for the stakeholder and power analysis, both decentralisation and commercialisation are important themes that influence stakeholder relations. Land, forest and natural resources policies and legislation enacted over the past century throughout the region have reduced local people's stake in these resources, whilst concurrently raising the stakes of private land owners, commercial loggers and fuelwood merchants, and even the State itself through royalty and other payments. Land ownership rights are possibly the single most important determinant of stakeholder identity and power. If macro-level power relations can be influenced so as to bring about the greater involvement of local communities, what are the likely implications for intra-community power relations, and how can these in turn be managed and influenced? The nature of interests and stakeholders within communities is highly diverse and dynamic, a reflection of diverse and dynamic resource endowments and changing livelihood

strategies. Understanding these complex factors, which underpin the use of forest resources is an important basis for programmes to promote greater community involvement in forest management.

6.1. Decentralisation or Deconcentration?

Governments are now facing the reality of declining budgets, structural adjustment, retrenchment, increasing population and land use pressures, and other macro economic forces. They no longer have the human or fiscal resources to manage trees and forests as they used to. New and innovative arrangements are a necessity, if the continued degradation and conversion of forest land is to be averted. Securing rural people's and community rights to trees and forest products through community involvement is one route to the greater participation of civil society in natural resource management. Though there are certain and significant exceptions, notably the broad retention of central control over national parks, reserves and many forest reserves, local government responsibility for natural resource management is increasingly becoming an important feature of government policy.

Decentralisation processes should give locally based institutions greater responsibility for natural resource management. But much decentralisation has devolved power and control to lower levels of government, rather than building on, and adapting existing institutions. This "deconcentration" of Government power, while being administratively tidy with clear and simple reporting lines, may usurp or down play the importance of local institutions.

Despite these trends promoting local community involvement, little real transfer of power has taken place, except in certain cases. Tanzania, for example, shows a greater commitment to empowering existing institutions in the process of decentralisation than many other countries. Government, as the dominant land owner, remains the dominant stakeholder, and there has often been a reluctance and lethargy to truly implement decentralised policies, except at the level of rhetoric. A history of command and control is one reason, and this is exacerbated by losses of patronage implied in such devolution of power and authority. More insidious, perhaps, is the still held belief by many technical experts that rural people and communities do not have the capacity to manage such resources. A more effective mechanism for increasing community involvement in forest management would be the strengthening of community land rights. We have seen that some of the most promising examples of transfer of power from the private and state authorities to local communities arise where land reform has resulted in the restoration, transfer or upgrading of community land rights.

6.2. Commercialisation, a Threat or a Benefit?

Livelihood diversification and commercial interests have had a powerful influence on how people view the trees and natural resources they use, where increasing, and often urban-based demands have imposed unacceptable pressures on natural resources. A balance is desired where trees and tree products are components of a range of livelihood opportunities that rural people have open to them. Without substantive benefits to persuade them otherwise, communities may choose different land use options including settling on forest land. A danger exists in overestimating the potential benefits from tourism and other forms of sustainable use, however. This can lead to raised expectations and subsequent disillusionment.

Most local communities have economic and social ties with the outside world. This has meant that the economic and social centre of gravity is shifting away from community and rural subsistence economies to the cash economy. The commercial emphasis that this implies is undermining local use of forests and endogenous control mechanisms. While the commercialisation of tree use may yield increased incomes in the short term, it is not clear who really benefits - private sector business interests or rural people. There may well be room for both. It is also clear that

sustainability of use has become a serious concern when relatively low pressure subsistence or traditional use is commercialised. This can skew the distribution of benefits of forest resources within communities, unless managed appropriately.

It is also vital that governments maintain a conscious vigilance on commercialisation and a liberalised economic environment in which the private sector is prominently active. To the extent that governments are custodians of public well being, they will need to intervene with affirmative action in a timely manner, especially where commercialisation and liberalisation push the livelihoods of rural people to the periphery. But there are positive aspects of commercialisation, for instance an increased demand for sustainably produced products, where the links between sustainable use and the commercial values are clear. On the other hand much commercialisation of natural resource use has resulted in over exploitation of resources as the links are neither clear nor enforceable. This is compounded by a community's often lack of ability to be able to exclude powerful external commercial interests who over exploit or expropriate lands and valuable resources.

6.3. Understanding and Supporting the Role of Forests in Sustaining Livelihoods

There is an important link between livelihood and environmental security, which past sector focused approaches broadly ignored, as local rights and responsibilities were lost to centralised command-and-control systems. Making trees, woodlands and forests matter again to rural people is key to integrating livelihood and environmental security. Though trees and forests may be important for livelihood security, agricultural and national planning sectors have not adequately integrated this. Rural economics is still based on the premise of cultivation and livestock. They may be the main drivers for livelihood security, but they are by no means the only livelihood opportunity. In some cases they are not even the most important, as pastoralist strategies for natural resource management demonstrate.

For most rural people forest foods add variety to diets, improve palatability, and provide essential vitamins, protein and calories. Quantities eaten may not be large, but they often form an essential part of otherwise bland and nutrient-poor diets, particularly in poor families. Here, the role of trees and forests has not been given the importance deserved, despite the fact that their products are an integral, important, but often hidden component of land use in all rural livelihood systems in the region, especially for the poor and marginalised.

Managing trees and forests solely for timber or biodiversity is no longer acceptable, and this has been one of the premises for changes in forest policies in many countries. Increasingly the multiplicity of goods, services and values, and the variety of interests there may be from different resource users and groups is being given increased recognition. This, therefore, facilitates

- A change in the way forest institutions operate, as the new forest policy and statute in Tanzania illustrates;
- A better understanding of conservation, from strict preservation to sustainable use;
- Changes in the way organisations work with respect to trees, woodlands and forests so as to include decentralised management of natural resources, conservation authorities adopting a strong community and resource user focus, agricultural institutions recognising the value of trees and forest management as a livelihood strategy, and the promotion of conservation as part of national economic planning and accounting; and
- An understanding of the scale, scope and variety of tree-based products which rural people either manage on their own lands, or access from common or reserved areas is great, demonstrating the multiple roles trees and their products play in the economic, subsistence and cultural lives of people.

Forest products form important components of rural strategies to tide people over seasonal gaps between harvests, and to cope with drought or other emergencies. The importance of trees and tree products to meet contingencies in times of hardship, to offset risk, and as a resource for the poor and marginalised in society is less than adequately understood, valued or acknowledged, not sufficiently integrated into land use planning and policy. The contingency value of trees and tree products is difficult to quantify, as such products may be of inestimable importance to sustain life in dry and drought times, or to meet important cash needs. The centrality of this is very clear in pastoralist societies, where risk and resilience are central to dryland natural resource management. Here trees play a vital role, as they produce more, and higher quality fodder than others forms of vegetation in dry and drought times. If such rich patch vegetation areas of forests and woodlands are expropriated, or have been converted to agriculture, irrigation schemes or reserved areas, then the underlying efficiency of the overall pastoralist system is jeopardised.

Much of the value of forest products to users lies in the way they are used to maintain livelihood security and manage risk. Users tend to focus on products which are readily available on a daily basis and discount the values of those products which are available only in the future or periodically. Pastoralist use of natural resources is an exception to this, however. But value is more than the direct use or economic potential that a certain resource or forest area might have. Cultural and sacred values are also important to people and community life. The fact that so many of these values have survived the onslaught of privatisation and commercialisation is testament to their resilience. Such cultural values help give people and communities a sense of belonging, and there is a range of customary institutions managing such commonages, which can be important in contemporary natural resource management.

It is important to be able to validate and integrate what is good and valuable in indigenous natural resource management systems, yet, at the same time help people adapt to a changing socio-economic and environmental world. It is crucial to catalyse and facilitate that change from within, not to impose it from without. Some key elements include the need for an increased understanding of

- The value of local and traditional knowledge systems about species and management, and the encompassing rules and regulations;
- The cultural values placed on various natural resources or species; and
- Their customary territory and resource access rights.

Private land owners and the State have formed partnerships with local communities, for example as tenants, “squatters” or neighbouring communities, for a variety of pragmatic, political and economic reasons. In most cases, however, these partnerships are skewed in favour of the interests of the landowner. This is starting to change as collaborative forest management, based on negotiated and contracted agreements, challenges this power bias, and is leading to community based approaches, where the full rights to, and responsibilities for forest management lie with communities.

Throughout history, we see that outside commercial interests, often with the direct support of the State, have continued to plunder forest resources from community land. Communities have been powerless to stop this owing to the informal status of their land rights, and legislation which gives the state ownership of valuable timber resources, even if they occur in peoples home gardens. Tenure and clarity of rights of use and access are central to responsible community forest management. This implies not only the existence of boundaries, but also clear membership criteria. Only in a few countries, for example Tanzania, has forest management been linked to tenure policies and laws. Yet this is a crucial link to make. Land reform restitution in South Africa, have

probably been the biggest drivers of change with respect to community involvement in woodland and forest management in state managed areas, and it has been more effective than any policy rhetoric. It is hoped that the tenure reform processes being undertaken in many countries will contribute to transforming the situation on communal lands by providing local residents with legally enforceable rights, especially against outsiders. This could include redefining rules and regulations for resource use, and establishing legitimate and statutory local institutions for land and resource management. But, much work is still required. In Uganda, for example, non reserved forest areas are being degraded and converted to other forms of land use, as trees are felled to satisfy the needs of local people and district treasuries, and for agricultural land. In dryland natural resource management systems, the security of rights and responsibilities is not strong enough, thereby undermining the only viable natural resource management systems for such areas.

6.4. Provide Local Institutions Space to Manage Woodlands and Build their Capacity

Generally, post independence governments have no more represented local peoples interests with respect to forests and trees than did their colonial forebears, being more interested in protecting outsider commercial interests and generating revenue for the State. Customary forms of natural resource tenure and management, which operated effectively in conditions of low population densities and abundant resources, were centralised by colonial and post colonial governments as they took control of natural resources. Ostensibly to improve management, and justified by their assumption that rural people were not capable of managing their resources, there were also other objectives, for example the exploitation of natural resources for national rather than local gains. Colonial policies and laws, many of which are still in force, were promulgated to effect these systems, and bureaucracies established to enforce them. Many of the examples in this study demonstrate the efficacy of building on community and customary structures for improved tree and forest management. This would seem more sensible than replacing them, thereby enabling and empowering such groups to take on their rights and responsibilities. Formalising such arrangements helps give such groups the power and decision making responsibility needed.

While Governments have been quick to take rights and responsibilities over natural resources away from rural people, reversing the process has taken much longer. This is attributed to a reluctance and resistance on the part of state bureaucracies, and deeply entrenched attitudes amongst government, technical experts and educated elites, that they “know what is best” for rural people.

Local level institutions for resource management have been surprisingly resilient and are still widespread throughout the region. However, many of these institutions' legitimacy has not been formalised - a key requirement for robustness and sustainability. These include both systems of resource use rights and regulations and authority structures to administer and govern these rights. In most countries these institutions are informal and exist in parallel to formal institutions that have been established by Government. There is great potential to build upon and strengthen local institutions, and better integrate them with formal institutions in order to provide a sound basis for community involvement in forest management. An important challenge facing these new institutions is to work with and transform existing power relations within communities in ways that promote greater equity and accountability.

Communities often lack the capacity to accept the role that forest management programmes and donor projects would have them play. In some areas, community institutions are strong enough to take responsibility. In other areas they are not. It is clear that an essential activity is strengthening and democratising local institutions, so they can manage their responsibilities for natural resources, and can place sufficient pressure on the authorities to be granted responsibility in the first place. But the

notion of community management of natural resources presupposes a commitment on behalf of community institutions towards sustainable management, and a genuine commitment of management authorities to share responsibility and management control. It is not clear to what extent these conditions have been met, either individually or together. However both are integral to long term success, and significant strides have been made towards establishing these preconditions. Until they are achieved, real community involvement in forest management will remain an uneasy but productive compromise between the demands of communities, the reservations of management authorities, and the interventions of external agents.

The rights to benefits from trees and forest resources have to be closely linked to responsibilities for management. But these rights are not the same for different stakeholder groups, nor are they spread equally within a community. The poor and marginalised often require access to natural resources to meet contingencies. In dryland systems the value of trees and other natural resources will increase proportionately with dry and drought times to meet both human and livestock needs. Removing or privatising such resources from common property regimes can exacerbate an already high risk situation.

From a policy perspective, a serious shortcoming in experiences to date has been that the initiatives, in most cases, have been undertaken by donor funded projects, either through Government, or NGOs or both. Many government agencies have expressed support for these decentralised approaches to natural resource management, but reservations still remain. Many Government agencies have yet to demonstrate that they have either the capacity or the commitment to provide consistent direction and support. A second concern is the failure of Government authorities to take a leading role in the majority of the programmes, and there is a danger of their relevance being denied at a future point in time. Governments and responsible authorities need to internalise these decentralised approaches to forest management, as Tanzania has done. For this to happen, government bodies should be able to reduce their costs of management, yet be assured that those forests under community or collaborative management will be managed on a sustainable basis.

6.5. Power relating to access to land and resources

The multiple and varied interests in trees and forests is reasonably well known, but ultimately it is not the interest or stake *per se* that is important, but:

- The way those interests are negotiated;
- How the interests are spread within a community or a wider group;
- Whether certain groups are marginalised, and others strengthened;
- What the role of wider civil society is; and
- How government supports, or not, such local interests.

These are all power issues, and many of the examples cited in the study relate to some form of power struggle between different stakeholder groups. Several types of power struggles can be identified.

Women are often excluded from decision-making regarding land and natural resources. However women may have a greater dependency on trees and forest products for subsistence and livelihood security, while men's interests are often more cash based. They maybe further marginalised by increased levels of commercialisation. Culture and tradition are often cited as reasons for such exclusion, yet the reality is power-related at an intra-community level. As a result more equitable decision making processes are a slow and incremental process at the community level.

Women have long been disadvantaged regarding access to land. In general, single women have no rights to land, and for married women the land is registered in the husbands' names and belongs to them. These inequalities produce dividing lines between who has a voice within the community and who does not, and, therefore, who is able to influence decision-making. With these divides in place, it is difficult to achieve truly community-based approaches, and agents implementing these approaches need to be aware of such power imbalances and find mechanisms to address them. The strength of the legal position, be it *de facto* or *de jure*, or whether through some form of contracted agreement concerning rights of access to land and resources will determine the power by which such groups can negotiate for their rights. When the rights are weak, the responsibilities are likely to be equally so.

Power linked to recognition and position can relate to administrative, political, and economic power, or power related to levels of education. Many community members turn to such people as leaders and representatives when entering into new situations. But, these people may have their own agendas, or are competing with one another for recognition, and may not always act in the community's interests. As communities increasingly take responsibilities for their natural resources, inevitably the politicisation of natural resource management increases, and local elite's will vie for an increased stake.

Power struggles can be manifested between different "types of power", for example between traditional authorities (customary power), and political leaders and elected representatives (modern power), which can disrupt community-based processes. Traditional authorities have in the past exercised control over the use of natural resources. While their authority has been eroded, they are often fighting to retain the power that they have, or to re-establish the authority they have lost. Sometimes compromises are required so that each power group feels accommodated, for example the inclusion of traditional leaders as *ex-officio* members of local government, as members of group ranch committees or as administrative chiefs. These customary-modern power shifts can cause changes in the knowledge and management systems, as customary knowledge, rules and norms may be lost or downgraded. Many of these shifts have been imposed as part of modernisation, and improved land use. The key here is to create a win:win situation where those customary norms, rules and knowledge systems which are of intrinsic benefit are integrated and become part of improved management.

Power relations and decision-making processes within a community are at the core of successful communities. Yet it is something that cannot be prescribed for, and is not given proper and responsible attention by projects and activities. So-called participatory processes do not give people the chance to develop trust, which is so important to even a rudimentary understanding of the power and decision making forces at play within a community. If not responsibly addressed, those very groups that a project or activity is designed to benefit, are not only not part of the process, they can be further marginalised.

Power, linked to intra- and inter- community issues, relate to the manner in which rural people interact within a village or community, and how such communities interact with each other, for example. This relates directly to the role of power, and the influence of different proximal and distal stakeholder types both within, and between communities as well as broader external power influences.

There is an over-bearing force imposed by the linkages between local patterns of resource use and behavior, and the global economy. Liberalisation and democracy are being promoted without the matching development of industry and behavioral ethics seen in western economies. Commercial interests force what might have been sustainable subsistence use into unsustainable commercial exploitation. As land is inelastic and populations are growing, there is an urgent need to shift the debate from shortage of land and resources to one of sustainable husbandry.

6.6. Community Power and Decision Making in Forest Management in the new Millennium

A history of undervaluing natural resources in the region has not only undermined the natural resource base itself, but has also undermined and marginalised local and indigenous institutions and organisations which manage those resources. Combined with the push for livelihood security, driven primarily by agriculture and cultivation based economics, areas of important natural resources and forests have been degraded and cleared. Short term gains have been made, as people gain access to land, but now some of the longer term problems are emerging, including a reduction in the catchment and watershed functions, and a reduction in the forests water retention capability.

Even in the midst of such losses and degradation, there is still a great dependence on forest based resources to help secure livelihoods, meet contingencies and cash needs, and as a mechanism to reduce risk and enhance resilience. Much of this use has often remained unseen, unheard, and not understood by formal structures. Their value remains at the local level, and is not articulated in national economic terms. Such resources can be hugely important to rural people, especially those who are poorer, and marginalised, and is seen as a means to diversify the diet and a strong fall back mechanism in times of need.

Many countries in the region will have to face up to the challenge of how to find room for wildlife, forests and trees, and their wild spaces in a land of more people, who are not just expanding in numbers but with expanding expectations for a more secure and comfortable livelihood which satisfies their needs. It is likely that population and land use pressures will have a greater influence than any other single factor on the success, or not of community involvement in forest management, due to the shifting balance of conservation and livelihood objectives in a situation where the conservation resource is finite. This augurs for forest conservation finding a distinct and important niche for rural livelihoods and land use in the future, for example to meet contingencies, to mitigate risk and improve resilience, and to provide goods and services that other forms of land use cannot.

Trees and forest products must have a distinctive and important niche for rural people and as a conservation heritage. But that is not enough. Rural people, especially the poorer and more marginalised must be able to successfully negotiate for their rights and responsibilities for such resources. Commercialisation is not panacea when livelihood and environmental security are key long term attributes. The heterogeneity of rural people and communities across the region, combined with equally varied forest and tree types mean that there can be no simple or single solution. Rather certain key principles need to be continually borne in mind and applied, including:

- A sound understanding of, and respect for the inter-, and intra-community dynamics, including both commercial and external interests;
- The importance of equity, and the differential uses different groups of people may have for different trees and tree products;
- The need for negotiation processes that allow all, especially the least powerful and vocal, to have their fair and rightful say in, rights to, and responsibilities for trees and forest management;
- Being able to understand and balance the range and variety of power struggles; and
- Being able to assist rural people to secure their rights to land and resources.

Despite the good intentions of the institutions concerned, it is unclear whether there has been a real handing over of ownership and responsibility for forest resources, and their management to local communities, except in certain examples. The reasons are complex. Government authorities, both conservation and district level local governments, may remain unconvinced of the desirability of allowing true partnerships with communities. Many still view rural communities as technically unable and politically unprepared to play a serious role in forest management. The continuing weakness of government institutions, hampered by low wages and corruption is an important factor, and this is exacerbated by structural adjustment. The lack of land use planning and uncertainty over land tenure are also important issues within the contemporary reality of declining budgets, retrenchment and decentralisation. Conservation and forestry authorities can contribute significantly to improved national land use by showing that forestry and forest conservation are valid economic, among other land use options, in helping determine appropriate and sustainable land use. Holding onto power over forests can no longer be acceptable, given these realities. Collaborative and community based forest management are the way forward if trees and forests are to continue to have real meaning for local people. The importance of sound, and sustainable practise, supported by strong policies, is now more important than ever.

This means that we need to learn from past experience. Community and resource rights should no longer be unilaterally downgraded, and rights of access should not be summarily denied without good reason. What is required is a mutual understanding and respect for the knowledge and management systems that local people and technical authorities have, and build on that to create, or re-create a more sustainable forest management, where local people are a major part of the solution, and not the continuing problem.

PART I:

INTRODUCTION, CONCEPTS AND DEFINITIONS

CHAPTER 1: INTRODUCTION - SETTING THE CONTEXT

1.1. INTRODUCTION

The regions of Eastern and Southern Africa[7], embracing the countries of Sudan, Eritrea, Djibouti, Somalia(land), Ethiopia, Uganda, Kenya, Tanzania, Zambia, Malawi, Mozambique, Zimbabwe, Botswana, Namibia, Angola, Lesotho, Swaziland and South Africa (Figure 1), display a richness and diversity of cultures and peoples, geographical features and biodiversity hard to find elsewhere. This complexity has created great diversity in resource use and management by rural people. In the past, livelihood and environmental security tended to be carried out in isolation from each other and from the local people, often resulting in accelerated degradation. As economic improvement is both a moral imperative and essential for environmental sustainability, "the deeper agenda, is to make nature and natural products meaningful to rural communities. As far as local communities are concerned, the agenda is to regain control over natural resources, and through conservation practices, improve their economic well being" (Western & Wright 1994). As a means to improve their economic well being, communities will tend to invest in natural resource management, where they can get better and quicker returns, within a short term.

This review is targeted at a number of levels. It is expected that policy an decision makers will find it useful as a means to integrate forest options more responsibly in poverty reduction strategies and to improve livelihood security. Perhaps most importantly, it is hoped that the review will be of use, as a means of sharing experience, to practitioners working with these issues. The purpose of the review is to identify and understand the key issues relating to power and the responsible involvement of communities in forest management activities, in order to draw lessons from practical experience, that can inform and influence the policy arena. In turn, this will contribute to the reduction of poverty, through broadening forestry options, and will identify important areas needing further research. More specifically, the objectives for this review are to:

- Learn and share lessons from practice in this field both within and between countries, and the two regions;
- Use such lessons to inform and influence the policy debate in this field;
- Better understand some of the key opportunities and constraints for responsible community involvement in forest management;
- Identify and understand some of the problems of, and constraints to the responsible community involvement in forest management; and
- Suggest areas, which will need additional research, in particular to help resolve some of the identified problems.

People use, and have used trees and forests to enrich and provide sustenance to their lives, as forests and woodlands are widespread throughout the region. Though many of the fundamental uses of trees may be similar, different peoples and different stakeholders use trees in different ways for different purposes under different conditions. Subsistence requirements and cash needs, especially to meet contingencies amongst rural peoples, are important, together with a range of goods and services, including catchment and watershed functions. Less obvious are the wide array of cultural, sacred and spiritual uses that trees and forests have.

[7] The eighteen target countries of this review are based on the Eastern and Southern African Regions of IUCN, the World Conservation Union . As such the selection is administrative.

During the pre-colonial period, forests were the preserve of local communities. This changed dramatically during the late nineteenth and twentieth centuries, as a result of the combined impact of commercial logging and increasing government control. Historically, timber and other forest products formed the basis for commercial enterprises, typically in the hands of national and international private companies and entrepreneurs. More recently, we see the emergence of initiatives to empower local communities to take over tree and forest related business opportunities, which, historically, they benefited little from, if at all.

Figure 1: Map of Eastern and Southern Africa

National governments have, and continue to play a powerful role in the use and management of forest and woodland resources. During colonial times, timber was seen as a strategic resource. As a result forest reserves were demarcated and gazetted. This set the scene for government involvement in forestry, and forestry departments, or equivalent institutions, in many countries still directly manage and control vast tracts of forest and woodlands, both through reservation and forest legislation to control the harvesting of valuable timber species. This is changing, as a result of pressures to decentralize and devolve management responses, thereby increasing real participation in natural resource management. However, national governments still see their role as custodians of the important national and international service values of forests, as watersheds, and for biodiversity, for example. This is used to help perpetuate, in some instances, continued "command and control" natural resource management systems, despite evolving policy rhetoric to the contrary.

There are many threats to the region's biodiversity, forest and woody resources. A serious threat is the requirement to satisfy the growing needs of rural communities, communities that are themselves increasing. Land has been cleared and forests cut down to satisfy food security needs. The frontiers of cultivation have been pushed into drier and drier lands to satisfy this demand. This striving for food security comes at a high risk. Biodiversity is being lost, and environmental resilience reduced. It is in this nexus of competing demands, encompassing the need to achieve food security and ensuring the conservation of biodiversity and ecosystem functioning, that there is an increasing focus on how communities and rural people can more responsibly benefit from conservation, in terms of contributing to both rural livelihood and conservation needs.

As a reaction to the increased needs for participation and of democratization, government policies encourage decentralization. While much of this decentralization can be better referred to as "deconcentration" of government power to lower levels, there has been some real devolution of power to local authorities, and increasingly to the local level. This has created an enabling framework, and a positive pressure for responsible community involvement. However, while many of the functions of the production and service sectors have been devolved to a local level, this has not necessarily been the case with the conservation and natural resources sectors. Many forest areas remain under central management, with little functional integration at a local level. Though this is starting to change as forestry authorities seek better local level integration, the perceived need for some of the regions conservation estate to be centrally managed remains strong.

In recent years, and coinciding with the mainstreaming of participatory approaches, there has been a policy shift to advocate that local resource users and their institutions play a much more active role in the protection and management of natural resources (Ainslie 1999; Jodha & Bhatia 1998). Concomitant and complementary to this was a recognition that State control has been largely unsuccessful, costly and financially unsustainable requiring new more decentralized approaches to natural resource management (Shackleton 1999). Thus, over the last 10-15 years community involvement in natural resource and forestry management has received considerable policy, development and research attention in most countries and the "move to local control" has seen the emergence of a range of "community-based" models and initiatives for natural resource management (Barrow & Murphree 2001; Barrow et al. 2000b; Hulme & Murphree 2001; Shackleton 1999).

The diversity of history, ecology and culture has created the complexity of landscapes we see in the region today. The histories' of the countries vary from a majority of former British colonies, to a somewhat exceptional situation such as Uganda where a British colonial regime and traditional kingdoms co-existed, to Ethiopia which was not colonized, and has had an ancient recorded history complete with a highly organized monarchy and land based aristocracy. Different political regimes in the region further complicate this.

Within the broad framework of the review we endeavour to illustrate our description and analysis of community involvement in forest management with practical examples. In the analyses we show how the similarities, differences between and within countries, as well as how the different histories, economies and cultures affect the outcomes of the many different approaches. These include such issues as the

- Way in which communities are defined, and redefined;
- Degree of management control devolved to communities;
- Ways in which monitoring and policing is carried out; and the
- Importance attached to timber and other non-timber forest products;

1.2. CONTEXT OF THE REVIEW

Overall this review explores a particular niche in the conservation landscape, that of trees and forest conservation from the context of the rural people and stakeholders who use those trees in different ways for different reasons. A loose focus is placed on natural or indigenous trees, rather than those that have been planted through, for instance, plantations and agro-forestry. The term "forest" is also loosely defined as tree (woody species) dominated landscapes.

While the different forms of land tenure provide the framework for the study and for the analysis of stakeholder and power relations, there are two other important themes which permeate the analysis, namely decentralization and commercialization. Decentralization is an important driver for community involvement in forest management. Commercialization is a second important driver in determining the types and natures of power relations between, and within different stakeholder groups. In addition there are also difficulties in separating policies which apply to forest reserves from those applying to communal lands, or to private lands.

CHAPTER 2: CONCEPTS AND DEFINITIONS

2.1. INTRODUCTION

Community involvement in forest management embraces a wide set of terms which have been interpreted in many and diverse ways. In this chapter we set out what we mean by those different terms, and we recognize that there may be differences from other interpretations. In addition the concepts and definitions are housed in the various forms of livelihood assets which people require to secure and sustain their livelihoods.

2.2. STAKEHOLDERS

The term stakeholder refers to a person or group with an interest in, in this case, forest and tree resources. In this review a more focused definition of "stakeholder" is used, which includes those with rights to, claims on, and/or responsibilities for forest and woodland areas, trees, forest and woodland goods and services. Within this we focus not on the stakeholder *per se*, but on the power relations concerning the rights to, and responsibilities for trees, that formal forest institutions, rural people and others may have concerning a given forest or woodland area. This approach recognizes both inter- and intra-community issues, and that within a community, different stakeholder groups may have different interests in particular resources. The strength of that interest is determined by their power to negotiate. A discussion on stakeholder groups alone in forest management is relatively meaningless unless housed within the wider context of social relations, and obligations that such groups have to others. We have divided the range of stakeholders by the following broad groupings:

State, Private Sector, Individual and Community: The State has a strong, dominant role in forest management all over the region, permitting, or not, various forms of use to different groups, at different times, and sometimes without due consideration of the impacts on other groups. Many individual and community rights were extinguished or reduced to permit based systems during colonial and post independent periods. There has been a historical focus on formal business-type interests, which have tended to dominate those of rural individual and community interests, since such interests accrue direct revenue to national economies. Structural adjustment and retrenchment are changing this, as States are no longer able to properly manage forests, but need to enlist the support of both communities and the private sector.

Location: Some stakeholder groups are close to the resource, but they may have little power or control over who uses or can use such forest resources. Other more distant stakeholders, such as urban dwellers and government policy making institutions, may have little direct interest in the resource, except as a source of, for instance, charcoal in the market, but they may have an economic power and administrative control over that resource out of all proportion to their proximity.

Gender is an obvious means of dividing up the different types of interest in forest products that various stakeholder groups have. In rural settings, men and women often have different perspectives on the relative importance and use of certain tree species and products. Simplistically, men tend to have a more cash-focused interest, while women have a greater interest in trees to meet household and contingency needs.

Landed and landless: The scale and type of land holding a person, family or group has determines the level to which they can satisfy their livelihood needs, and the extent to which they will need to use forest resources, whether on, or off farm. For agricultural and pastoralist peoples

having secure rights to land for cultivation or livestock keeping is key. If those rights are not secure, responsibility for both the land and resources is likely to be reduced. For landless people access to forest and tree resources can be crucial as they strive to secure their livelihoods.

Land and resource use determines the extent to which people rely on tree resources. For cultivators this may form a relatively small component of their livelihood strategies, for instance access to some important medicinal plants in a natural forest area. In other landscapes, for instance where pastoralism dominates, natural resource management, particularly of woody species, is the basis for livelihood security.

As well as the term stakeholder, we also use the term "resource user" to be more specific as to who actually uses a forest resource - a specific group of people or a women for example. In some cases, resource users many not actually be a stakeholder, for example people paid to collect certain forest resources for others. In other cases the resource users may be very weak stakeholders (with little power) despite being important users, the landless and poorer for example.

2.3. COMMUNITIES OF SPACE, OF LIVELIHOOD, AND OF INTEREST[8]

A basic problem in any community-based natural resource management approach is defining "who the community is" and frequently too simplified a notion is used with different actors having different interpretations of what constitutes "community" (Agrawal & Gibson 1999; Kepe 1999). Communities can be functionally defined in several ways e.g. through representative structures, area, common interest, ethnicity, affinity, resource user groups or land use. Communities may be typified by their variation (between social groups, for instance gender), variegation (within social groups), and stratification (by wealth and power). No community lives in isolation but is connected to others and to society in general. Communities are also dynamic and variable over time, and for different people at different times with varying roles. Elites exist in all communities and tend to be over-represented in leadership roles.

A community is a social entity, bound by a common cultural identity, living within defined spatial boundaries and having a common economic interest in the resources of an area. An example of this model is found in what IIED calls "the archetypal notion of the African village composed of a founding lineage who have stewardship and control over a branded set of resources within a territory, lineages who have married into the community, and more recent settlers, who inter-marry, who speak the same language and who practice the same way of life". (IIED 1994): 4-5). With variations, this basic model serves fairly well to describe small scale social aggregations where the homestead level is the basis for much of rural eastern and southern Africa. Such "communities of place" are fairly typical where rural farmers are sedentary and primarily reliant on arable agriculture.

Problems arise, however, when we try to apply this ideal-type model everywhere across contemporary rural eastern and southern Africa. The model is static, giving little hint of the heterogeneity and changing membership composition of rural locales due to forced relocation, migration, rural/urban labour and resource flow, and changing agricultural practice. As a result "communities" are far more internally differentiated than the model implies. Their boundaries also change as development shifts land from one jurisdiction to another, and governments impose new units of local governance on rural landscapes. Analytically the model poses problems in its spatial dimension. The resource management community, defined in terms of residents, may not coincide

[8] This is based on (Barrow & Murphree 1998)

with the accepted resource use community, defined socio-culturally. The model is particularly unsuitable for semi-arid and arid areas where various forms of pastoralism prevail and where "communities of place" interact with each other over a much wider range in a system of reciprocity, either seasonally or at times of environmental stress, to mitigate risk and enhance resilience.

A problem with using "community" as an organizing principle for conservation arises when attempting to fit it into the modern nation State structure of central and local government. For example in Zimbabwe and other eastern and southern African countries the local authority has three or more tiers, namely district, ward or division, and the village. While modern ward boundaries in Zimbabwe generally complement the traditional "headmanship" unit, the modern village boundaries contradict the customary "kraalhead" unit. These two sources of authority, democratic and customary, present conflicting sources of institutional legitimation (Metcalfe 1996). Similar conflicting situations are found in the rural areas of the new democratic South Africa (Grundy et al. In prep).

These considerations make any attempt to provide an overall definition of community futile, except at a level so generalized as to be analytically sterile. As a result an actor oriented and functional approach to the topic is adopted. We identify the level of governance and civic organization which the concept addresses. This is the domain of social action requiring collaborative management of common pool natural resources by rural farmers or pastoralists below those of the large scale bureaucratic units which government have created at sub-national levels. Then we see the nature of this action as being primarily inter-personal, guided by peer expectation and mutual reciprocities rather than by bureaucratic prescription. This a more tighter scientific definition, though, in reality a much broader and looser definition is used. Lastly, we ask the question "What is required by rural resource users to effectively organize themselves for collective natural resource management at this level for effective natural resource management?" We suggest that any organizational vehicle for such collaboration is likely to require four major characteristics: cohesion, legitimacy, delineation and resilience.

Cohesion and Identity: Here we refer to a sense of common identity and interest which serves to firstly bring people together for collaborative action, and secondly leads them to collectively differentiate themselves from others. This characteristic commonly arises from a shared history and culture, although it may be a product of political and economic factors which force people to share a finite resource base. Cohesion becomes the social "glue" which persuades people to act collectively to enhance mutual interest and represent it to others.

Demarcation: The cohesion sets social boundaries and determines membership. A parallel requirement is demarcation, which sets the boundaries of jurisdiction for the collective regime. This demarcation is commonly based on spatial criteria, a delineation of a fixed land area and the resources on it. It may, however be drawn on the basis of socially sanctioned access to given resource categories, as in the case of pastoralism. Whatever the criteria used, the definition of organization limits the authority and responsibility for the collective grouping and is necessary for efficient organizational activity.

Legitimacy: Just as collective organization requires demarcation, it also requires legitimacy for its processes and leadership. Legitimacy may be conferred by an external authority but this on its own is not sufficient. More important is internal legitimacy arising from socio-cultural and socio-economic criteria. In many contexts these criteria are at odds with those which modern African States currently seek to impose on rural populations, and the persistence and adherence to them creates tension and conflict. An internal legitimacy endogenously derived and sanctioned by the State is likely to produce a robust base for organization, for example, a pastoralist management system, evolved under "traditional" conditions, being given legitimacy as a group or village ranch.

Resilience and Risk: In the rapidly changing world of rural Africa the components of organizations are dynamic. The roots of social cohesion may change in their substance and combinations. Boundaries of jurisdiction may shift. The sources of legitimacy may change. Effective organization must be able to accommodate such changes evolving over time. Resilience, that is the right and capacity to adapt in content and structure, permits it to do so and is a key tool to the management of risk in risk prone environments and livelihood systems. Not only does this characteristic provide durability to organizations, it also provides the scope for them to improve through processes of adaptive management.

2.4. INSTITUTIONS AND ORGANIZATIONS

The distinction between institutions and organizations can cause confusion. The terms are commonly used interchangeably, and this causes ambiguity and confusion (Uphoff 1986). Three categories are commonly recognized:

1. Organizations that are not institutions, for example a NGO;
2. Institutions that are not organizations, for example customary rules and regulations; and
3. Organizations that are institutions (and vice versa), for example the traditional council of elders and their rules and regulations for natural resource management.

Institutions structure organizations in specific arenas through assigned roles, and the rules by which an organization operates. Institutions are complexes of norms and behavours that persist over time by serving collectively valued purposes (Uphoff 1986). The formality or informality provides the institutional environment for the organization. Much rural development placed emphasis on organizational capacity and efficiency, but the effectiveness of organizational structures is largely dependent on their correspondence with the institutional requirements to which they are responsive (Barrow & Murphree 1998). Organizations may operate on a formal or informal basis, and the more complex an organization is, the more varied can its capabilities be.

Institutions can be concrete and specific, or general. Some kinds of institutions have an organizational form with roles and structures, for instance the rules and regulations governing access to, and use of trees implemented through a traditional council of elders. Others exist as influences on behaviour, for example only using certain tree products under certain conditions. From the perspective of this study, we focus more on the rules, than the roles of institutions. An understanding of the rules, and how well they are implemented, is a good indicator of institutional robustness. However new formal institutions can introduce an opportunity to reconfigure local natural resource management practices in line with the practices and knowledge of powerful local actors. This may be to the disadvantage of alternative, possibly peripheral, practices and knowledge by introducing formally sanctioned institutional arrangements (Lind & Cappon 2001). Such arrangements, which we discuss further in chapter 7, can usurp or marginalize customary institutions.

The institutions involved with community involvement in forest management show mixed provenance, some endogenous and some exogenous to communities. Both types, in an increasingly economically and politically integrated world, are necessary (Barrow & Murphree 1998). Institutions are constantly made and remade through people's practices. They are continually being adapted and adjusted through processes of negotiation over which contradictory interests try to influence the direction of institutional change in their favour (Leach et al. 1999). The strengths of these institutions relate to the ownership the membership has, and the degree to which they are integrated into local society.

2.5. LIVELIHOOD FRAMEWORK AS A TOOL FOR RESPONSIBLE INVOLVEMENT

The over-arching influence for community involvement in forest management is the nature, security and complexity of people's livelihood strategies including such questions as:

- What goods and services are used, how and by whom?
- What are the trade-offs and indirect uses of forests, in the context of, for instance, agriculture and livestock rearing? and
- What is the relative importance of spiritual, cultural and other "indirect economic values" of forests and woodlands?

Apart from resource availability, the diversity of products and users is dependent on a wide variety of other factors. These include the proximity of resources, the existence of local markets, property rights and institutional controls, the intensity of use, household wealth status, education, availability of labour, alternative sources of products and incomes, the levels of livestock ownership, and cultural preferences. These factors can be grouped into the following three areas:

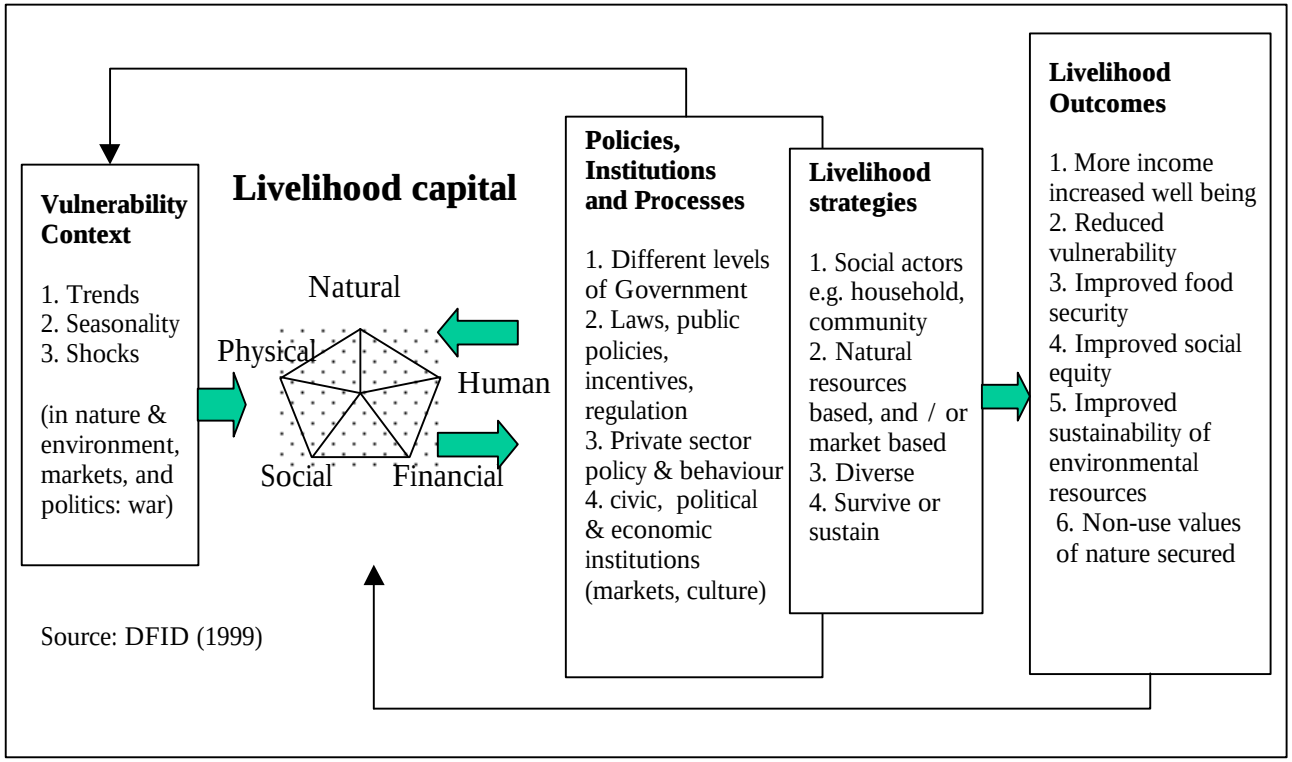
- **Nature and value of the resource**: What goods and services are available, or not available? This relates to seasonality and timing and is particularly important in patchy environments, where non-equilibrium systems may have to operate (Scoones 1995). An aspect of this is the changing markets for forest products, and the commercialization of resources;
- **Institutional arrangements:** What tenurial arrangements exist, both in policy and legislation, and the authority and enforcement structures which govern and underpin the various rights and responsibilities of stakeholders? An under-acknowledged aspect of this is the various spiritual and cultural attributes of trees and forests and the importance of the underlying institutional arrangements, for instance spirit mediums and traditional chiefs; and
- **Macro-economic and inter-sectoral forces**, such as Structural Adjustment Programmes, HIV-AIDS, land reform, changing policies, legislation and macro-economic forces and how they impact on livelihood strategies, resource use and stakeholder interests.

All of the above are inter-related, forming a mix of bio-physical, social and economic variables which underpin patterns of stakeholder relations across forest and woodland types. An analysis of the relationships between deforestation and resource use in Zimbabwe, illustrates this complexity (Campbell 1996). The abundance of wild fruit trees does not necessarily decrease with deforestation, for example. While changing tenurial arrangements in the face of diminishing resources may increase resource availability for certain elites in the community.

A sustainable livelihoods framework supports a more holistic, less sectoral thinking (Figure 2; DFID 1999). Taking a livelihood focus provides strong arguments for the multiple roles that trees and forests can play in the livelihoods of rural people, where they exist. Within the sustainable livelihood approach, community assets are not simply financial but also include:

- Social capital (relationships, trust, inter and intra community);
- Human capital (skills and knowledge, customary knowledge, rules and regulations);
- Physical capital (infrastructure);
- Natural capital (land, water, wildlife, trees and plants);
- Financial capital (available stock and savings, regular flows of money) (DFID 1999); and
- Political capital (power, influences).

Figure 2: The Sustainable Livelihoods Framework



These assets are influenced by a range of internal and external factors. They include government, private sector and community structures, a variety of processes, policies and laws, and links between the macro national and the more micro local levels. Within this framework, livelihood strategies can vary greatly, as do the roles of trees within such systems[9]. Using the sustainable livelihoods framework as a basis for analysis helps to ensure that the different issues and situations which rural people and communities have to manage are addressed. The approach focuses on vulnerability to both internal and external pressures, and how rural people and communities cope with and manage this vulnerability. In this, all people have a range of assets or poverty reducing factors, which gain their meaning and value through the prevailing social, institutional and organizational environments (DFID 1999). This approach recognizes the multiple dimensions of livelihood strategies with which rural people and communities have to cope, and puts people, especially the poor and rural, firmly at the centre of the process of development, including conservation and natural resource management.

[9] In this review, we will address all five of the major influencing factors as they affect the nature of stakeholder groups. Clearly the financial assets are vital, however this is the subject of the economic review in this series (Mogaka et al. 2001). In a similar manner the tenure and policy reviews take a particular focus on other forms of livelihood capital (Alden Wily & Mbaya 2001; Kigenyi et al. 2001). The importance of the inter-connected nature of these relationships must be emphasised, however.

PART II:

STAKEHOLDER RELATIONS AT THE MACRO LEVEL: STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS

INTRODUCTION TO PART II

One of the most significant influences on stakeholder relations in forest management is that of land tenure. In the region, three broad categories of land tenure can be distinguished: State, Communal and Private Property (Bromley & Cernea 1989). These broad tenure regimes set the scene for stakeholder relations to be contested and negotiated. In addition, national laws governing natural resource use and management cut across tenure regimes and further shape stakeholder interactions. Within each of these broad tenure systems there is a complex mix of overlapping property rights and resource use regulations that can apply or come into effect (Table 1). These provide the stage for different actors to negotiate and claim rights of access and use, appealing to those rules, norms or property regimes that best support their interests (Bruce et al. 1993). The result is a complex and dynamic interplay of stakeholder power relations. It is clear that tenure forms the basis for any discussion on stakeholder relations and decision-making processes concerning trees and forests[10].

Table 1: Broad Tenure Categories Determining the Nature of Rights

Tenure Category	Examples from countries in the region	Property rights, use rights and regulations – local level
Private Property	• Individual and corporate commercial farms • *"Mailo"* land in Uganda – can be leased, or have *bona fide* occupants • Church Land, Group ranches, and Landlords	• Private rights – land owner, individual or corporate • Rights of access may be granted to non-owners • State controls through laws and regulations on resource use
State Land	• Protected areas and Reserves • Leased to farmers, or forestry companies	• State property rights • Common property – co-management agreements, user rights • Private property – through concessions and leases • Open access: "poaching" or land encroachment
Communal Land	• Communal land (Zimbabwe) • Trust land (Kenya) • *Bona fide* occupants on public land (Uganda) • Customary land (Malawi) • Tribal land (South Africa)	• Usufruct (*de facto* private rights) to fields and homesteads, and in some cases to individual trees • Common property – commons, grazing land, community forests and woodlots • Open access – distant areas, commons • State controls through laws and regulations • Customary controls over resource use and access –pragmatic, sacred, civil contract, emergent

Adapted from: (Bruce et al. 1993)

[10] The role of tenure in community involvement in forest management is discussed in greater detail in the tenure review of this series (Alden Wily & Mbaya 2001)

The relationships between natural resources and people are mediated through institutions. Institutional arrangements shape resource access and control, and are therefore fundamental to understanding patterns of stakeholder interests. Changing policies and practices of post-colonial governments have continued to shape these stakeholder relations. In Eastern and Southern Africa, land and resource tenure institutions underwent dramatic changes during the 20th century, mainly as a result of the impact of colonization on indigenous societies.

Stakeholder identities and relationships in each of these main tenure categories are not static, but have been and continue to be shaped by changing policies and practices of Governments and Forestry Departments. We examine these changes in Forest Reserves (chapter 3), communal lands (chapter 4), and on privately owned land (chapter 5), and the impact they have had on stakeholder interests and forestry practices.

The early history of forestry and forest policy in most countries in the region has been deeply influenced by the history of colonial land and forest policy. Much of the focus of the following sections is on countries whose forest policy was influenced by the British. There is ample evidence that shows how colonial and post colonial governments expropriated and gazetted large tracts of land as forest reserves and national parks with little or no acknowledgement of local arrangements for the use and management of such resources at that level, the best intentions for conservation and management not withstanding. The perception that national level institutions could better manage was to the fore. While this approach may have been successful in certain circumstances, local peoples' rights were alienated, causing enmity and loss of responsibility. Recent studies demonstrate the overall problems with this enforcement type approach to management (Barrow et al. 2000b; Roe et al. 2000; Southern Africa Sustainable Use Specialist Group 1997). While it is acknowledged that there is still a role for reserving lands for forests, the mechanism of reservation is under question. Complete alienation of large areas is no longer an acceptable form of management. Collaborative management and community based natural resource management have evolved to help restore local community rights and responsibilities.

CHAPTER 3: STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS IN FOREST RESERVES

3.1. BACKGROUND

The history of Forest Reserves in the former colonies from the early colonial period is a history of struggle between competing stakeholder groups, through struggles for liberation, to present day policies of governments of independent African States. Current realities are shaped by socio-political forces of great magnitude and impact, including the climate of regional strife, increasing poverty and globalization. In Ethiopia a different sequence of events to that which has taken place in many of the former British colonies is evident, but one which nevertheless underscores the significance of national political events and government policies in defining stakeholder relations.

In most countries in the region, plantations of fast growing exotics were established to supplement timber supplies produced by natural forests and woodlands. These plantations became part of the national forestry estate, together with indigenous forests. Although the main focus of this review is on indigenous forests, mention is made of plantations to illustrate trends where appropriate.

In terms of the historical context, we discuss the over-riding influence of the rights of the State and commercial loggers, and how this has resulted in the down-grading of community rights. This leads onto a discussion of how communities have struggled against this State control. The analysis forms the background to more recent trends in reserved forest management through forest sector restructuring and privatization. Collaborative management is seen as one important tool in the granting of greater community rights to, and responsibilities for reserved forest management. We then discuss land restitution, as this has had implications for forest and land reform in South Africa, while the push for increased decentralization is an important driver for forest management reform, and the greater involvement of communities in decision making. The initial effects of an increased international emphasis on sustainable forest management are analyzed in the context of certification. Lastly we briefly discuss how Forest Department controls are breaking down as a result of weakening forestry institutions.

3.2. HISTORICAL CONTEXT

3.2.1. Rights of the State and Commercial Loggers

Forest reservation took place throughout most of the Eastern and Southern African regions during the first half of the 20th century. This was in line with colonial forest policy at the time, to ensure a continued supply of hardwood from the colonies to support British industry (McGregor 1991a). Forestry Departments were set up and charged with the protection and management of Forest Reserves on behalf of the State. These authorities have, in most cases, retained their custodianship of Forest Reserves up to the present day.

Reservation was in part to protect and reserve the colonial authorities' rights to valuable timber resources, and in part to protect important watersheds, ecosystems and habitats, for example the mountain gorilla habitats in Uganda. As far back as the early part of the century, therefore, competing conservationist and exploitation interests were already surfacing (McGregor 1991a). In the early colonial period, the most dominant forest stakeholders were loggers, with an interest in commercial exploitation of indigenous hardwoods. A period of uncontrolled logging was followed by forest reservation and controls, in an effort to conserve resources and ensure sustainable hardwood supplies to the colonial power.

3.2.2. Alienation and Downgrading of Community Rights

Although forest reservation in the early colonial period undoubtedly resulted in restrictions over local community use and loss of rights of access, there was not a uniformly implemented policy to remove rights and evict local people from reserves. Population densities and land use pressures at the time were generally low, and this gave greater latitude for tolerance and compromise. On the ground, pragmatic agreements were often reached between forest authorities and local people, such as those described in Zimbabwe (Box 1), although even in these cases, historical rights of occupation and/or access were downgraded to permit-based rights.

Box 1: Changing Stakeholder relations in the Indigenous Forest Reserves of Western Zimbabwe

Period	Stakeholders and their interests
1800s Pre-colonial	Various local user groups, land-based resources under the control of spirit mediums, chiefs. Interests in forest products, rituals, grazing and cultivation in wetlands between forested ridges.
1900-1930's Early colonial	Commercial loggers mainly interested in harvesting for railway sleepers and mining timber. Local user groups continue to occupy the area and have access for various uses.
1930-1940s Reservation	Forest reservation. State interests to generate revenue from logging, and conservation of watersheds. Loggers' interests protected, with a measure of control through concessions. Local people not evicted but given permits to cultivate in the valleys, and graze livestock in the valleys and forests. Grazing benefited the authorities by keeping down the risk of fire. Tenants provided labour during critical times but not dependent on employment year round. Tenants prohibited from harvesting commercial timber species, but could harvest other forest produce with a permit.
1970s to Pre-independence	As a result of increasing numbers of forest dwellers, proposals for rationalizing and better controlling farming and grazing within the forest developed. These plans superceded by political events, in which tenants lost their rights and became "squatters". Breakdown in forest authority and management during the latter years of the independence war.
Early 1980s – Independence, Followed by civil war	Influx of people from neighbouring areas into the Reserves, reclaiming land after the independence struggle. Forest authorities battled to regain control, but had to abandon forest stations as a result of the escalation of the post independence civil war in Matabeleland. Local people's stake in land for grazing, residence and cultivation increased, as did levels of illegal logging. Forest conservation interests compromised.
Late 80s to early 90s, State regaining control	Settlement of conflict in Matabeleland. Forestry Commission reasserts its control and evicts forest dwellers. Policy to remove all forest occupants, irrespective of prior rights. Timber logging concessions start up again, allegations of corruption rife. Forest management and protection activities resume.
Early 90s Resource sharing policies	Evictions continue but Forestry Commission under growing pressure to adopt co-management approaches, and respect rights of forest residents. International donors support co-management and land swap pilot projects. Logging concessions on hold as result of depletion of stocks. Conservation concerns used to justify ongoing State control of all gazetted forest reserves, despite growing land pressure.

Adapted from: (Matose & Clarke 1993)

In colonial and post colonial times, policies and laws generally allowed for local access and use, primarily for subsistence and cultural purposes (Box 2). However use of commercially important timber by local communities was usually not allowed. In the past such access may have been freely allowed under customary management regimes. But, increasingly, Forest Departments used the forest statutes as a means to impose permit based access systems, thereby significantly

downgrading local people's customary management systems. Such permit-based systems were also open to patronage and corruption. The result of this was the separation of local people's rights to, and responsibilities for, forest and tree management.

Box 2: Excerpts from the Kenya and Uganda Forest Laws on Community Access

The Forests Act (Chapter 385), Laws of Kenya, 1982

The Forests (Nandi) Rules (p. 29)

3. Any person resident in the Nandi Land Unit with a permit in writing from a headman specially appointed for the purpose by an administrative office may, without charge, cut, fell and remove any tree, other than a tree of any of the species mentioned in the Schedule, for his own personal and domestic, use, but not for sale or barter;

5. Any person residing in the Nandi Land Unit may without any charge or permit -

- Take or collect dead wood for firewood
- Collect and take wild berries and fruit for his own consumption
- Graze cattle, other than sheep or goats, on the open grasslands, and have access by the routes specified by an administrative officer or a forest officer to such salt lick or watering places in or around the forest areas as are specified by that officer.

The Forests Act (Chapter 246), Uganda Government (1964)

9.(1) Any local authority may, with the approval of the Minister, declare any lands occupied by a community within its jurisdiction a village forest.

10. (1). A village forest shall be managed and controlled by such body of persons as the local authority shall appoint for that purpose and any revenue derived from the management and control of such forest shall belong to and form part of the funds for the local authority and shall be devoted to the welfare of the community in which the forest is situated.

15. …Africans may in any Forest Reserve, village forest or open land cut and take for their own personal domestic use in reasonable quantities any forest produce….

Sources: (Kenya Government of 1992; Uganda Government of 1964)

Rural resource users often live with trees on their lands, as in the case of pastoralists, or, like many farming communities border areas of reserved forest, while others, such as hunter-gatherers live inside Forest Reserves. Table 2 indicates the extent of forest adjacent communities in Kenya as an example of the number of people who may have interests in reserved forest areas. It is the proximity to the resource that presents managers with a great opportunity for collaboration, yet can also represent a significant threat to forest conservation. By down grading such peoples' rights, forest policies have reduced or removed the responsibilities such people might have had for those forests. It is equally clear that centralized systems have not adequately taken over those responsibilities, with often the dire consequences of encroachment, degradation and conversion of the resource.

Table 2: Forest Adjacent Households in Kenya

Forest Region	No. Households	% Households
Montane Forest	250,000	47
Western Rainforest	200,000	38
Coastal Forest	10,000	2
Dry zone Forest	70,000	13
Total	530,000	100

Source: (Emerton 1992)

In the past most "formal" forest managers focused on the threats. The reaction was to reserve forests, alienate forest users and remove the benefit flows from the local to the national arena. The alienation created resentment and hostility, exacerbated by perceived illegal resource access. This fostered an attitude that such forests no longer "belonged" to rural people, but to Government. Rights, hitherto at the local level, were nationalized, yet many of the responsibilities were left at the local level. This de-linking of rights and responsibilities has resulted in much forest degradation, encroachment and subsequent de-gazettment.

With land and population pressures increasing, permit based access rights have been further compromised, as land is encroached upon, degraded and cultivated. Forest Departments have tended to react by blaming all as encroachers and evicting them, even those who may have had legitimate secure customary rights in the first place. In many cases, local communities were removed and resettled, and as a result lost their previous rights to the land and forest resources. The case of resettlement in Uganda is an example of this (Box 3), and also illustrates how resettlement can be politically compromised.

Box 3: Some lessons from Re-settlement in Uganda

The history of the removal of communities from conservation areas in Uganda is long. Steps taken by Government in recent years to remove resident populations from conservation areas have met with varied success, both in terms of the degree to which Government's aims were achieved, and the degree to which government was able to reduce the effects on those communities involved. Though some removals were arbitrary, others were organized by central Government in pursuit of policy. The degree to which Government recognized the legality of households residing within a protected area often influenced the decision to evict or relocate them.

In the early 1990s, thousands of families were evicted from the Kibale Forest Corridor without compensation or the provision of alternative land. Government supported the contention that the encroaching residents had broken the law knowingly, and that compensating them would promote encroachment, and even seem to reward it. The evicted people, many of whom claimed to have nowhere to go, remained in the area until they were assisted by Oxfam and UNDP, who implemented a costly resettlement programme on lands made available by Government in a neighbouring District. Some of the problems associated with this eviction may be attributed to the support given to the communities by politicians in contradiction of Government statements and policies.

Evictions of resident communities of Benet people in Mount Elgon Forest Reserve were carried out in the early 1990s. Great efforts were made to engage the people and their leaders in dialogue, and to present the need for the evictions as being in the general good of the community. Support for development work in the affected communities, using an integrated conservation and development approach that focused on improved agriculture, income diversification, and natural resource management, as well as marking the reserve boundary, helped achieve a more positive result than experienced elsewhere. Not all were resettled properly however, as some of the land was "grabbed" by outsiders. Boundary disputes continue, and are a major factor in the relationship between communities and the protected area authorities.

Encroachment of Mgahinga Forest Reserve began in the 1970s at the instigation of a local politician. The environment for encroachment was created by confusion over the actual boundaries of overlapping protected areas that were changed periodically, and the ambiguous position of Government towards protected areas at that time. In 1992, with financial support from USAID, CARE International carried out a detailed investigation of the encroached area, and of the families that were living in it or cultivating part of it. With the collaboration of the Protected Area management authority and Local Government, though against the wishes of the local Member of Parliament, agreement was reached on the compensation of community members. The families moved out, received their compensation, and assisted to clearly mark the park boundary. This exercise could be considered a success. It is important to note that the majority of families compensated had not taken up residence in the encroached area, and had their homes and fields close by.

Eviction and resettlement have always caused problems and human suffering. They have been carried out for a range of purposes, conservation being one, though eviction due to the construction of dams for hydro-electric power generation have a far more insidious history (Goldsmith & Hildyard 1984). The reasons for having to evict or resettle need to be clearly understood. This needs to be informed by a sound understanding of the rights of those being evicted, for instance whether they have customary or statutory rights to the land, or moved opportunistically into the area? The examples in Uganda show the range of issues which need to be addressed in such resettlement programmes and include the tenurial rights of the people, appropriate and equitable alternatives, in terms of land and other resources, being available, understanding of the objectives for the reasons behind having to evict, and a fair, equitable and responsible political process.

Source: Infield, M. personal contribution 1999

While many people bordering, or living close to forest reserves suffered from a loss of access to a variety of forest products due to forest reservation, hunter gatherers and forest dwellers represent a real paradox for forest managers. Many live in important reserved forests, and have lived there for very extended periods of time. Their traditional knowledge is highly valued, but their rights to pursue their traditional subsistence strategies are either threatened or have been eliminated by the demarcation of reserved areas. The case of the Ogiek of Kenya's Mau Forest demonstrates the problems many hunter gatherers face (Box 4).

Box 4: The Ogiek of Kenya - Political Expediency in Land and Forest Management

The Ogiek live in and around the Mau Forest in Kenya. They have been marginalized and evicted from their lands and forests, and main-stream development, in both colonial and post independence times. Their land and resource rights have been ignored. When the Mau Forest was gazetted, *de facto* Ogiek ownership was transferred to *de jure* Government ownership, in total disregard for Ogiek customary systems.

The Ogiek have well defined systems of land demarcation and tenure, where boundaries were recognized according to customary tenure systems. During the official demarcation of land in the Ogiek area bordering the Mau Forest in the 1990s, many false promises were made, and Ogiek customary land was given to others. This might result in the disappearance of the Ogiek as a community together with their valuable traditional forest management skills which in former times helped to keep the forest intact. More recently the Ogiek Welfare Council was constituted to try and protect their natural resources as well as their cultural identity.

The Ogiek as hunter gatherers failed to secure their land and rights. The dispossession of such forest lands continues for national purposes, where land demarcation has been a political imperative and not based on existing rights, under the continuing misguided assumption that conservation, local ownership and management are incompatible. Their role as forest guardians and managers has been consistently ignored. As a result of forced evictions, the Ogiek have now taken the issue to the courts in four separate cases.

Sources: (Alden Wily & Mbaya 2001; Gatundu 2000)

3.2.3. Community struggles against State control

In a number of countries, the breakdown of controls as a result of independence and post-independence civil strife has led to rapid influxes of land-hungry farmers into Forest Reserves, followed by a period when governments tried to reassert control and authority through the use of force.

In Ethiopia, landlords and the Emperor allowed their tenants to have access to forests and forest products, although as with the colonial forest authorities, this was strictly on their terms. Allowing access and use benefited both parties. The landlords received permit fees and other forms of payment from tenants and the tenants were able to access the resources they needed. A sense of "taking back the land", throwing off the shackles of past oppressive regimes motivated invasions of forest land soon after political transition in many countries, including Ethiopia after the fall of

the Derg (Box 5). The Chilimo case (Box 5) illustrates the complexity of changing institutional arrangements between perceived forest owners and users, which resulted in separating community rights from their responsibilities, and where access, previously under some form of communal control, became open to all. The monarchy and then the State had exercised some control and management, but this was subsequently lost resulting in a real example of the tragedy of the commons (Hardin 1968). Alienation of the forest from local people, combined with the State's inability to adequately manage the forest, has meant that forest gazetment has actually contributed to further and uncontrolled degradation.

Box 5: History of the Chilimo Forest Reserve in Oromiya Region, Ethiopia

Chilimo Forest is situated in the central highlands of Ethiopia, in the West Shoa Zone of Oromiya Region. It is a montane mixed broadleaf and coniferous forest. Community elders claim that the forest was owned and used by local people until the start of the twentieth century when it was appropriated by the Emperor, who took over the ownership of almost all of the forested area. Three other landlords took over ownership of smaller portions of forest, on the edge of the Imperial forest. At that time the local community, who were tenants on the land owned by the Emperor and landlords, were allowed to collect fuelwood and other products, but they had to have permission and pay a fee.

Following the overthrow of Emperor Haile Selassie in 1975, the Mengistu regime (or Derg) nationalized all land in Ethiopia. The country's forests were divided for the purpose of control and management into State Forests, under the control of the State Forest Department, and community forests which came under the control of Peasant Associations. Local people (former tenants) living in, and around the forests declared as State Forests were forcibly removed without compensation. Any previous benefit sharing that had been in place by arrangement between the tenants and the local landlords was abolished.

Chilimo Forest was declared a State Forest at this time. The Peasant Associations gave permission to local communities to graze their cattle inside and clear those areas of forest on the periphery which had previously belonged to the land-lords, as well as some areas which were actually within the State Forest boundary. Commercial exploitation in the forest was banned and the sawmills closed down. In 1982 an area of 21,000 hectares of the forest was officially demarcated.

The Chilimo Forest is surrounded by agricultural land and settlements, mostly of the Oromo people who raise both crops and livestock. The poorest households are heavily dependent on the forest for their survival, mainly by cutting fuelwood for sale. Most households use the forest for supplies of fuelwood, farm implements, timber for house construction, fibers, ropes, spices, medicinal plants and honey. Cattle graze in the forest. Some young men are involved in illegal pit sawing of timber, which they sell to traders from outside of the local community.

After the fall of Mengistu's regime in 1992, forest destruction escalated. During the transitional period, before new government administrative structures were in place, State control was effectively removed. The former community based institutions which had been suppressed during the Derg no longer functioned. The forest became an open access resource, and in combination with population growth, land shortages, a worsening economic situation, and the communities' desire to retaliate for the harsh restrictions imposed during the Derg, rapid uncontrolled forest destruction ensued. The new Government established a Federal system in Ethiopia. All except one of the State Forests became Regional State Forests under the management and control of the Regional Governments, Chilimo included. Chilimo was redemarcated in 1994 by the newly established Oromiya Regional Government, but this time the boundary only enclosed 12,000 hectares. There has remained confusion and resentment about the location of the forest boundary among local people, who believe only the central area of the forest, formerly the Emperor's, should be State Forest, and not including the other former landlords' forest areas. Those forest areas have continued to be cleared for agriculture, and currently there is only about 8,000 hectares of forest remaining within the forest boundary. Even this remaining forest is being degraded by uncontrolled timber cutting and for fuelwood.

Source: (Anders 1999)

Box 6 describes a post independence struggle for restoration of land rights lost during the colonial era, which failed because the State continued to uphold colonial property and management regimes. Understanding the reasons for such situations is important, and forms the basis for either an agreeable compromise through some form of collaborative management agreement, or the restitution of the land and resources to the *bona fide* rightful owners.

Box 6: The Contested Boundaries Between State and Communal Land in Zimbabwe: The Case of Nyangui Forest

Nyangui Forest was established as a State plantation forest in 1958, though it continued to be used by surrounding residents for grazing (Nhira & Fortmann 1993). After Zimbabwe gained its independence in 1980 there was an influx of about 25 families into the forest, mainly ex-refugees returning from Mozambique, who justified their occupation as reclaiming their ancestral land that had been expropriated during the colonial period. The landless people saw the forest as underutilized and a legitimate target for settlement.

In 1989, the Forestry Commission erected fences and effectively sealed off access to grazing for the local people. Such a strategy was intended to counter any perceptions of surplus land. The reaction of the people was to set fire to the forest, damage young pine trees, and fell trees across roads. These actions polarized the two parties further, and effectively removed the little goodwill that might have existed.

The people, faced with the prospect of eviction, challenged the legitimacy of the State's jurisdiction over the forest on the grounds that the Nyangui Forest was their traditional home, and that they had vacated the area in 1959, a year after Nyangui had been declared a forest; that they had returned to Nyangui at independence in 1980; and that the Governor of the Province had in 1984 told them to regard Nyangui Forest as their home. The matter was eventually submitted to Zimbabwe's courts for arbitration. An application to evict the 'squatters' was filed by the Forestry Commission in the High Court on March 29th, 1990. The courts were asked to consider whether it was lawful for persons other than the Forestry Commission's agents to occupy and own a demarcated forest.

The courts ruled in favour of the Forestry Commission and upheld the *de jure* boundary of Nyangui forest. The judge ruled that the Forestry Commission had acquired the land by virtue of the Forest Act. Further, the court found that, for the community to have acquired the land by prescription, would have required the Forestry Commission's approval that was never given. Responding to the offer of land by the Governor, the court ruled that the Governor was not the State, and that the State had in fact delegated its rights and duties over forest land to the Forestry Commission.

Source: (Katerere 2000)

Despite attempts and often good intentions by Government to involve local people in tree and woodland management, serious issues relating to external influences such as politicians, powerful private sector interests and other areas of government can still emerge. This can compromise and undermine small and fragile gains made by well-intentioned activities of Government and others. For example land that was being used for a relatively successful peri-urban tree planting programme around Kampala in Uganda was granted to business enterprises in a less than transparent manner, even though the land had already been granted to the peri-urban tree planting permit holders. Box 7 demonstrates what happened, and shows how the farmers organized themselves, advocated for, and won their legitimate rights in court.

Box 7: Forest Reserves under Pressure from Stakeholders in Uganda

The peri-urban tree farming scheme in Uganda has been a more successful attempt by Government to involve the private sector, in this case interested individuals and groups but not large forestry companies, in plantation forestry in Forest Reserves neighbouring large urban centres. The Peri-urban Project was started in 1988 around six urban centres. It prompted and provided technical backstopping to interested individuals and groups to raise eucalyptus trees to meet the growing firewood and pole demand. The Forestry Department issued each participant in the scheme a 5-year renewable permit at a nominal ground rent of US$ 10 per ha per year. The response was overwhelming and so far, over 3500 ha of trees have been planted by about 500 tree farmers. The scheme is now in its second phase, has been extended to two other towns, and re-designed to include timber crops. The underlying principle is that the tree crops belong to the respective participants in the scheme while the land remains the property of the Government.

Namanve Forest Reserve, the first Forest Reserve to be gazetted in Uganda in 1932, and one of those in which the Peri-Urban tree planting scheme is operating was, between 1997-2000, at the centre of a test case in Uganda's High Court. Its proximity to Kampala City, and the fact that it is traversed by a railway line make it a convenient location for industries. In 1996, and under suspicious circumstances, the Forest Department gave long-term permits to private companies to establish factories on this site. The land was already being used by local farmers to raise tree crops under the peri-urban tree planting scheme. As soon as some companies were given the permits, the Forest Department was swamped by requests from others. Belated efforts to stem this tide met with stiff resistance and accusations of lack of transparency while concurrent attempts by those with permits to get land titles and secure their tenure accentuated the Forest Department's plight. The Government stepped in, and rather hastily degazetted nearly 70% of the Namanye Forest Reserve's total area using the Forest Act, without following established procedures for degazetting. The tree farmers formed and registered an association and have demanded compensation for their trees. As the Government procrastinated, the farmers dragged it out in court and won their case. The Government had no alternative but to compensate the farmers which started in 2000, otherwise they would have lost the land. Meanwhile the Norwegian government, which supported the scheme, has stepped in and requested the Government to give reassurance that other Forest Reserves in which the scheme is being implemented will not be degazetted. Compensation is still continuing and the farmers are waiting for their last payment.

Source: (Kamugisha 2000)

3.3. RECENT TRENDS IN FOREST RESERVES

There have been significant global socio-political changes in recent years, many of which are influencing relationships between the State, local communities and the private sector within Forest Reserves throughout Eastern and Southern Africa. There has been a clear trend within Government forest authorities towards adopting co-management approaches, pledging a much greater role for local communities, the rural and urban poor as well as the private sector in the management of forests.

3.3.1. Forest sector restructuring and privatisation

Transfer of State plantation forest assets to the private sector, frequently through the use of leases, is proceeding apace all over the region. Initiatives are underway in South Africa, Uganda and Malawi for example, though forest policies and laws have been, or are being revised in most countries in the region (Table 3).

Table 3: Forest Reform in Eastern and Southern Africa 2000

New national Forest Policies	New National Forest Policies in Draft
Zanzibar, 1995 Malawi, 1996 South Africa, 1996 Mozambique, 1997 Lesotho, 1997 Zambia, 1998 Tanzania, 1998 Kenya, 1999 Namibia	Ethiopia, 2000 Swaziland, 2000 Uganda, 2000 Zimbabwe
New National Forest Laws	**New National Forest Laws in Draft**
Ethiopia, 1994 Zanzibar, 1996 Malawi, 1998 South Africa, 1998 Lesotho, 1999 Mozambique, 1999 Zambia, 1999	Tanzania, 2000 Kenya, 2000 Namibia, 2000 Uganda, 2000

Source: (Alden Wily & Mbaya 2001)

Early experiences are not all positive, especially where the State lacked the power and resources to monitor and control the terms of leases. Lessees, including large foreign owned forestry companies, have been known to resort to "making a fast buck" through asset stripping or, as has happened in Uganda, sub-letting the land to land-hungry Ugandans for cultivating crops (Box 8). Aside from the danger that private companies will mismanage the plantation asset, there are also real risks that large private companies will further alienate local community and small business sector rights. There are initiatives in some countries that seek to provide opportunities for small scale forestry enterprise interests, giving individuals and groups from poor rural and urban communities a greater stake in State plantation assets (Box 7 & 8). In South Africa, after restructuring of the State's forestry assets, new private managers of State forests will, in terms of their lease agreements, be obliged to accommodate local community interests in a variety of ways.

Box 8: Restructuring of State Owned Commercial Plantations in South Africa

South Africa is undertaking what is probably the largest State forest restructuring process in the world. The Department of Water Affairs and Forestry is in the process of placing over 300,000 Ha. of State-owned commercial plantations on over 500,000 Ha of land under private sector management through leases. The government has decided not to sell off the land, which is technically State-owned, mainly because of their legal obligation to respect community land rights.

The restructuring process is viewed as a mechanism to widen ownership in the forest sector and provide enterprise opportunities to previously disadvantaged groups, including communities. Through not alienating the land held in trust, the Government intends to facilitate the formal recognition of local people's underlying land rights. Government has an obligation, through the Interim Protection of Informal Land Rights Act and the national land restitution process, to protect local land rights where these exist. A number of land claims have already been lodged against some of the government plantations. Through the introduction of an annual rental as part of the conditions of lease, the Department of Water Affairs and Forestry is ensuring that the land is recognized to have value, particularly to local communities to whom the rental would accrue should their land claim be successful. This process will allow communities to benefit from the investor leases until the leases expire, at which point they could decide whether or not to renew them.

The plantations have been categorized into 3 groups, namely first and second grade commercially viable, and those which are not commercially viable. When leasing out the second grade plantations, efforts will be made to promote private and community entrepreneurial partnerships. Non-commercially viable plantations are to be handed back to communities in a process which involves the setting up of local community structures to manage these assets. In cases where communities are not able or do not have the wish to manage their own plantations, small-scale contractors may be sought to do this job for them.

Plantation lessees will be obliged to obtain and maintain certification for the plantations, so that the interests and rights of local communities are respected. The provisions of the 1998 National Forests Act which apply to State forests, including the exemption under section 24 allowing communities to collect forest produce for household consumption without a permit, will continue to apply. Thus through leasing forest land rather than selling it outright to the private sector, the State is ensuring that interests of other stakeholders, including local communities can continue to be protected. What remains to be seen is how effectively the conditions of the leases and provisions of the Forest Act can be monitored and enforced.

Source: (Foy et al. 1998; Shackleton & Willis 2000)

As well as transferring the management of plantation forests to the private sector, Forest Departments are increasing the use of Taungya or "Farm Forestry" as a means to replant areas of felled plantation forest. This is happening in Kenya, Uganda and South Africa (Box 9). Once an area of forest has been felled, rural farmers, often neighbouring the forest, are allowed to farm the area of forest land. This is done through agreements, contracts or permits. For the first few years the land is cropped and cleaned. The crops are then interplanted with plantation trees, for instance *Pinus patula*. The intercropping continues for a period of 3-4 years, after which no more cropping is allowed. At this stage the taungya farmers either move back to their homes, or are allocated another plot of land to continue to cultivate under this system.

The Taungya system, while being a near ideal means to establish plantation forests at minimal costs, has been open to corruption and abuse. For example, until recently around Mt. Elgon in Uganda the Taungya system has been used, but very few trees have ever been established. Forest Departments have been so under-resourced that they are not even able to supply enough seedlings to farmers or to adequately manage the plantations. But there is a resurgence in the use of Taungya both within Forest Departments, and for private sector forest establishment (Box 9).

Box 9: Taungya – an Opportunity or a Constraint in Forest Management?

In South Africa, a Taungya agroforestry system was developed initially in the Tzaneen area of Mpumalanga, when local communities started planting annual crops in newly cleared eucalyptus plantations. Some forward-thinking foresters allowed this to continue, providing that only peanuts and bambara groundnuts were grown, because the leguminous crops enrich the soil, and are not as competitive as maize for moisture, nutrients and sunlight. Both the foresters and local community soon realised that this was a "win-win" situation. The community obtained access to fertile land after a prolonged 'tree fallow' while the forestry company also gained numerous benefits. To prepare the fields the farmers move the tree slash into neat lines that prevent erosion and make planting easier. They also protect the tree seedlings, and assist in weed control through their cropping activities, thus providing an economic benefit to the forestry company. Relationships between communities and the forestry company are enhanced with the added benefit of a reduction in fires caused by arson. Having seen the success of this practice, foresters in several other provinces have begun implementing this system.

In Kenya, Taungya or the 'Shamba' system was initially successful. Taungya was introduced in about 1910 as a means to convert natural forests to plantations, and then to replant harvested plantations. In exchange for cropping rights, the farmer maintain the trees, and when the trees are large enough to cover the crop after 5 to 8 years, the forestry service repossess the plot. This system has played a significant role in the establishment of softwood plantations for the past 70 years. However in 1987 a government announcement put an end to cultivation in forest reserves, primarily due to malpractices in the system, for example:

- It attracted outsiders, resulting in large areas of forest being cleared and planted with crops and less emphasis was placed on tending the trees;
- The areas cleared and planted increased, but the areas under forest did not, as the cultivators did not take care of the trees and saw this as one means to gain more land for cultivation;
- Licensees started to sub-lease their plots to outsiders and then ask for more plots in the forest;
- There was a big increase in livestock numbers which also grazed on newly forested lands; and
- With the influx of people into these areas, population pressures increased, and people saw such lands as being nearly 'rightfully' theirs.

At a technical level the Taungya system works well, but has been flawed by management and political issues. It should not be discarded because of that, however, as it does help reforest land and contributes to the rural livelihoods of the people involved, as the South African example demonstrates. The key is the administrative system to enable Taungya to work. This relates to affordable fee structures, transparency, and a clear understanding of the rights and responsibilities of the different parties.

Sources: (Kiriinya 1994; Shackleton & Willis 2000; Von Maltitz & Grundy 2000)

3.3.2. Collaborative Management of Indigenous Forests

A trend within Forest Departments as well as some Wildlife Conservation Authorities, throughout the region is to enter into collaborative management agreements with local communities living in and around indigenous State forests (Alden Wily & Mbaya 2001; Barrow et al. 2000b; Cunningham 1992; Hinchley & Turyomurugyendo 2000; Wild & Mutebi 1996). The intention of collaborative forest management is to increase local community stakes in forest reserves through negotiated and linked mutual rights and responsibilities. The region is rich in new policies, legislation, and activities aimed at translating this goal into practice[11]. Despite widespread adoption of policies, legislation and rhetoric to involve communities in the management of indigenous forest reserves, many of the examples on the ground are recent, or are still pilot schemes. These examples and pilot activities are underway in a number of countries, and are starting to provide lessons, which highlight a number of key issues. These include collaborative forest management activities in Tanzania, Uganda, Ethiopia, Zimbabwe and South Africa. Tanzania, perhaps has gone furthest,

11 See (Alden Wily & Mbaya 2001), and (Kigenyi et al. 2001) for comprehensive reviews of land tenure and forest policies and statutes throughout the region.

both in terms of policy and practice, to integrate collaborative and community based forest management, and this has been well described (Table 4, Wily 1999).

Table 4: Status of Community Based Forest Management in Tanzania, 1999

Region	Public Village Areas Village Forest Reserves, Community Forest Reserves Individual 'Reserves'	Government Forest Reserves National Forest Reserves Local Authority Forest Reserves	Total
Arusha	45 villages manage up to 275,000 ha All Village Forest Reserves	8 villages will co-manage 6,535 ha by end 1999 of Ufiome National Forest Reserve	53 communities 281,000 ha
Singida	5 villages manage five Village Forest Reserves, total 43,000 ha 15 villages in process of establishing 15 Village Forest Reserves, total est. 50,000 ha		20 communities est. 93,000 ha
Mwanza	381 villages manage 381 Village Forest Reserves 280 sub-villages, clans & other groups manage 280 Community Forest Reserve 647 individuals manage private 'reserves' Total: 35,000+ ha	-	661 communities 647 individuals 35,000+ ha
Tabora	76 villages manage 7,660 ha Village Forest Reserves 31 individuals manage 394 ha private 'reserves'	7 local groups co-manage 13,700 ha of Urumwa National Forest Reserve	83 communities 31 individuals 21,754 ha
Tanga	6 villages manage 675 ha 1 village manages first gazetted Village Forest Reserves (60ha?)	1 village co-manages 5,000 ha of Shume-Magamba National Forest Reserve	8 communities 5,735 ha
Total	529 Villages 280 Groups 678 Individuals	9 Villages 7 Groups	538 Villages 287 Groups 678 Individuals
Total 'Reserves'	1,487 - 411,789 Ha.	3 - 25,235 Ha	1,490 - 437,024 Ha

Source (Wily 1999)

Collaborative management of forest reserves with local communities is an ideal that is proving hard to implement for a number of reasons, though Tanzania demonstrates that collaborative and joint forest management can be widely institutionalized at all levels of government and within communities (Alden Wily & Mbaya 2001). This is due to a strong and decentralized village Government structure, combined with a visionary and empowering forestry policy and statute. The example of Gologolo Collaborative Forest Management efforts in part of the Shume Magumba Natural Forest Reserve in the West Usambara Mountains of Tanzania highlights the mutual advantages to be gained from such arrangements (Table 5, Iddi 1999).

Table 5: Mutual Benefits from Collaborative Forest Management around Shume-Magumba Forest in Tanzania

	Village	Government
Responsibilities	• Patrol and protect against illegal use • Contribution towards replanting with subsidized labor – 80 Ha per annum	• Support village in fulfilling its responsibilities • Help villages solve conflicts with neighbouring villages
Rights	• Who should be able to cultivate open areas • Receive all information from Government and other partners • Apprehend and fine people who do not follow the rules • Use resources from fins to support patrol and management on community lands	• Intervene if village do not fulfill their responsibilities • Inspect record books and require actions if not kept properly • Intervene and mediate if there are unresolved problems • Determine which standing or fallen dead wood is available for community use
Benefits	• Exclusive access to minor forest products • Exemption from payments of annual fees for cultivation of open areas • Priority for employment opportunities • Proceeds from sale of 1 Ha of softwood given to community in 1998	• More rapid and cheaper replanting • Reduction in illegal use • Improved coverage and protection of the forest • Rehabilitation of degraded forest through closures and protection by villages • Reduction in conflicts • Reduced Government Forest Costs
General	• Protection of forests has improved significantly • There is a better understanding and mutual trust – resulting in changed attitudes • Boundary disputes are more easily resolved • Savings in forest operations • Community forestry is surprisingly cheap, but it needs a high degree of integrity and motivation on the part of those involved	

Source: (Iddi 1999)

Partnerships between local people and forest authorities are coming under a great deal of pressure as a result of wider socio-political problems affecting countries in the region. Conditions of increasing poverty, unemployment, land shortages and war are raising the stakes and mitigating against successful collaborative management ventures, as a case study from Uganda illustrates (Box 10). Furthermore, the adoption of collaborative management approaches calls for far-reaching changes in attitudes, skills and knowledge of forest department staff, and requires commitment to a process of learning and adaptive research (Grundy et al. in press). Forest departments are frequently understaffed and under-funded, and lack resources and skills to meet these complex challenges. Within the confines of the Uganda Forest Department and its policies, for example,

community forest management is an attempt to transfer power to the communities. But the amount of power transferred is limited by the confines of national legislation. For example transferal of forest ownership is not an option, even if linked to a management plan. It is also clear that, in common with many similar institutions, there is still internal reluctance to hand over real power, even if the same Forest Department is not able to manage its own estate for lack of resources and manpower.

Box 10: Community Forest Management in Uganda

In mid 1997 the Forestry Department took a decision to engage in collaborative forest management (CFM) with communities living around Forest Reserves. Four sites in Mpanga (central), Namatale and Tororo (eastern) and Budongo (western) Forest Reserves were selected for piloting activities. Permits were given to communities in two of the Forest Reserves (Tororo, Namatale) with special conditions spelling out the rights, roles and responsibilities of both parties. Three more Forest Reserves, namely Sango Bay, Nabanga and Echuya have been identified for further implementation of CFM.

The Forest Department has a CFM Unit, which is integrated into the Forest Department and is trying to increase capacity for CFM at all levels. The CFM unit tries to ensure that the interested parties (those with a stake in the forest) are genuinely involved, with negotiated rights and responsibilities, in the management of the selected area of forest. As such CFM is an approach to forest management. But, the ownership and control still rests with the Government, and only limited powers have been devolved.

The management plans and agreements are not 'THE' product. It is the process of gaining "ownership" of the plan through negotiation, and ensuring that the resultant rights and responsibilities are "owned" by the community groups that is more important for long term success. In this context CFM attempts to ensure that

- It is implemented by those responsible for management;
- Sustainable forest management is the objective;
- There must be real participation from both partners from the beginning;
- CFM negotiations are carried out over time, and should result in a fair deal for all parties;
- It results in a fair distribution of the benefits;
- During implementation, flexibility should be key, so as to better address real issues;
- The responsibilities agreed are appropriate to the different parties;
- CFM offers long term security to all the involved parties; and that
- CFM agreements should be arrived at through consensus.

Source: (Driciru 2001)

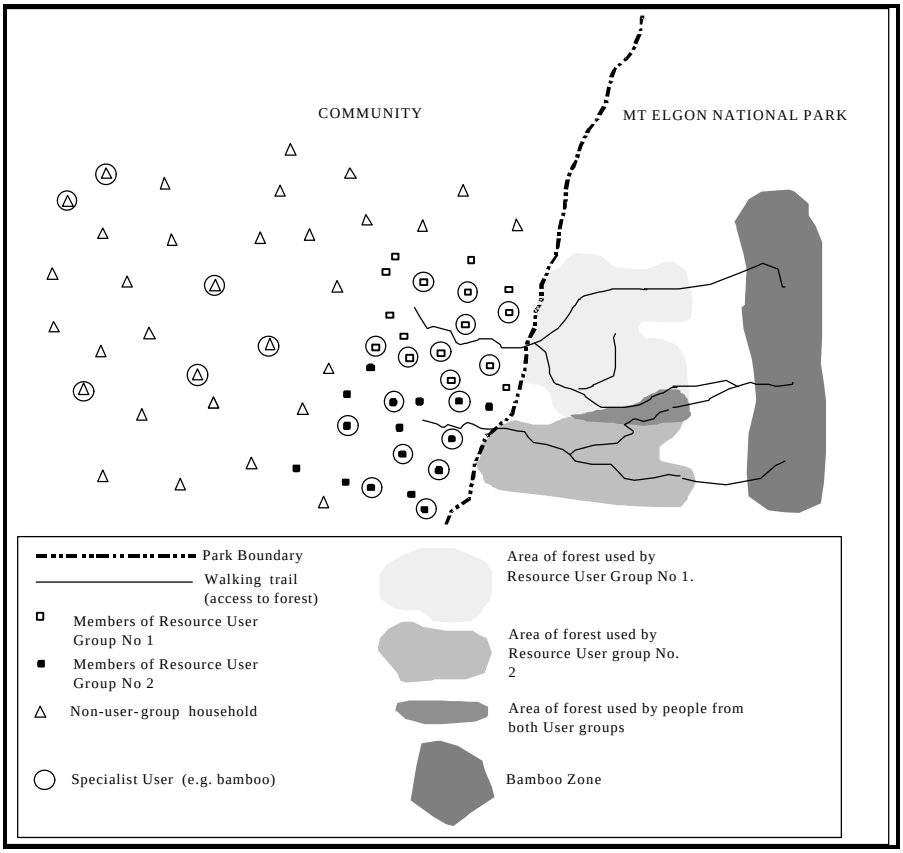
The Forest Department in Uganda used their statutory permits as the system for giving legal sanction for the implementation of collaborative forest management plans (Forest Department and Bumusili Village 2000). This is a departure from normal practice, where permits are used as the basis to grant rights of access for certain amounts of specific resources from forest areas, and receive payments as a result. Such interpretation and use of formal Forest Department permits is also possible in many countries, though the actual implementation has generally been more restrictive, as a means to collect revenue, and not necessarily as a tool to manage the forest.

Uganda demonstrates interesting examples where the then Uganda National Parks (UNP), now the Uganda Wildlife Authority (UWA), allowed neighbouring farming communities access to resources in a number of parks. This came about in part because UNP had found it necessary to assure communities that they would be allowed to continue to access forest resources after the Forest Reserves had been re-gazetted as National Parks (Barrow et al. 2000b). They also understood that any attempt to prevent the collection of certain resources by certain agricultural communities, for example bamboo shoots by communities living around Mt. Elgon National Park, would result in protest and resistance (Scott 1994a, b). Agreements between the Uganda Wildlife Authority, and community and user groups are being made to provide for responsible access to, and use of,

certain resources within National Parks by neighbouring agricultural communities. Box 11 presents a brief analysis of this process for Bwindi, Mt. Elgon, and Rwenzori National Parks, where there are many similarities, but important differences relating to the nature of both the people and the natural resources. These agreements represent a significant departure from traditional exclusionary policies, and make real contributions to the livelihoods of neighbouring farmers. But they also demonstrate the complexity and multiplicity of the rights and responsibilities which may exist, the many and varied proximal and distal stakeholders who may be involved, and the difficulties of assessing what is sustainable use and the extent of benefit accrual to local people.

Figure 3 illustrates this complexity for different resource user groups, coming from different administrative areas who access resources in different parts of Mount Elgon National Park, which may or may not overlap. On average more than 75% of the population of the villages adjacent to Mt. Elgon National Park use at least 8 different kinds of forest resources. In-forest activities consume on average more than 40% of the household labour budget, or about 2.5 days per week. This figure is reduced to 12% for residents from more distant villages (Hinchley & Turyomurugyendo 2000; Scott 1998). This represents a high level of dependence on forest products for a small proportion of the population. Bamboo shoots and stems, mushrooms and honey are collected for sale by more than 10% of communities of bordering villages, and the value of these non-timber forest products is between $1.5-2.7 million per annum.

Figure 3 Diagram showing a Overlapping Specialist User Group Areas, Mt. Elgon National Park



Source: (Hinchley & Turyomurugyendo 2000)

While UWA is one of the few Protected Area Authorities to enter into collaborative management agreements, allowing community access to resources in high protection conservation areas, Forest Departments are increasingly allowing for a more responsible and less permit based access to forests by rural people through collaborative and joint management agreements. While most agreements with communities have focused on the non-timber forest products, there is an increasing trend of allowing greater community management control and responsibility, including the lucrative timber harvesting. Both Uganda (Box 7 & 11), and Tanzania (Alden Wily & Mbaya 2001) demonstrate this change in trend. South Africa has demonstrated that State owned forest plantations can be privatized (Box 8). In addition to privatization it, like Uganda, has allowed rural people to access non-timber forest products in such forests on a limited scale (Box 12).

Box 11: Evolving Memoranda of Understanding (MOU) around Mt. Elgon, Bwindi Impenetrable Forest, and Rwenzori Mountains National Parks

The process of developing MOU has varied between Parks, the communities involved, and in relation to the nature and extent of project support for the process. The first initiative to formalise resource use by local communities was undertaken in Bwindi Impenetrable National Park, beginning in 1992 (Wild & Mutebi 1996). The initiative has been supported by the CARE Development Through Conservation project (CARE-DTC), and the process of developing MOUs required the selection of pilot parishes based on data provided (Scott 1992). Community resource user groups were formed and taken through a process of identifying key resources, and nominating specific users. The user group assisted in the analysis of the availability of resources they were interested in, within an area specified by the Park authorities as being open to resource use. Levels of use were negotiated and agreed. Details of the resources, quantities and users were put down in an agreement signed by the user groups who constituted themselves as "Forest Committees". The Forest Committee is responsible for collection of data on the quantities of resources harvested, and ensuring that the conditions of the agreement are met. The resource agreements have been welcomed by all parties, and are viewed as a great success. It is unclear, however, if the Forest Committees have actually accepted any real degree of responsibility for the implementation of the agreements, and it is clear that monitoring of the resource use has not been effective, either on the part of the community or the Park management.

In Mount Elgon National Park, the IUCN (World Conservation Union) project assisted Park management in the development of agreements with two parishes over the use of forest resources (Hinchley & Turyomurugyendo 2000; Hoefsloot 1997). The most important resource included in the agreements is bamboo shoots, which have great local cultural significance. Despite the process undertaken to develop the MOUs, there remains considerable dissatisfaction with them amongst communities (Uganda Forest Department et al. 1996). The communities apparently agreed to sign the agreement, not because they thought they were fair or reasonable, but because they believed that they were the best they would get at the time. The process of MOU development seems to have been insufficiently participatory, and the community saw it simply as UWA informing the communities of what they would and would not allow, and what was expected of the communities in return. A number of factors seem to have weakened the expected positive effect of the signing of the MOU. An important factor was that the Park and the parish communities were in dispute over the Park boundary. This dispute became so charged that it overshadowed the positive aspects of the MOU. Another problem was that UWA included a clause, which, as far as the communities were concerned, nullified any positive aspects of the agreement. The key resource negotiated was bamboo shoots. The traditional means of harvesting bamboo entailed their being cut and smoked on the spot in order to reduce their weight to about one-tenth, before being carried out of the forest. The agreement banned the smoking of the shoots in the forest, requiring instead that bamboo be carried out fresh. This placed an impossible condition on the harvesting, as the dramatic increase in labour required to get the shoots out of the forest was too high for communities to meet. A further weakness of the agreements was that communities who had no agreement were harvesting bamboo anyway. These two agreements are now being re-negotiated based not on administrative parish units, which are too large in terms of households to be meaningful, but based on user groups, villages, and the trails and resources they use (Hinchley 1999; Hinchley & Turyomurugyendo 2000).

One of the most detailed pieces of work on resource access was carried out in the Rwenzori Mountains National Park with the assistance of a WWF conservation and development project, in two pilot parishes (Scott 1996a, b). Firstly it was discovered that administrative parishes were not the appropriate social grouping with which to work. Communities who had an interest in forest resources where organized in relation to the mountain spur or ridge on which they lived, even though they were part of a larger parish which extended down to the low lands. The majority of the people living in the parish were low-landers from a different tribal group, who had no interest in accessing forest resources, and parish level structures almost exclusively comprised, and were representative of, low land communities. Thus, the process of development of MOUs for forest resource access was carried out with groups representing resource users resident in communities defined by "spurs", rather than, as in Mt. Elgon "trails". The agreements were negotiated, and gave real management responsibility to the communities. Unfortunately, though the agreements have been agreed by both UWA and the user groups at the Park level, it has yet to be officially sanctioned by the Uganda Wildlife Authority more than four years later. This is in part due to insecurity in the area, as it is close to the Democratic Republic of the Congo.

Source: (Barrow et al. 2000b)

Box 12: Use of Non-Timber Forest Products in Plantations in South Africa

Non-timber uses and benefits, particularly community benefits, from commercial forestry are poorly researched within South Africa, although local people undoubtedly derive huge benefit from these planted resources. The commercial forestry estate is almost always a mosaic of plantation blocks and conservation areas, such as riverine areas, grasslands and patches of indigenous forest. Each of these areas provides unique opportunities for exploitation of non-timber forest products. Fuelwood collection is probably the most extensive and well recognised non-timber use practised currently by local communities in plantation forests. This activity is particularly important in the State plantations within the former 'homeland' areas where there is a system called 'theza' which allows local communities access to the plantation areas to collect headloads of fuelwood for local use. This dead wood is usually free, but a permit for its collection is normally required. Truck or cart-loads of wood can also be collected, but there is often a small cost involved. Whilst providing a much-needed resource in heavily populated areas, this practice is economically beneficial to the forestry company. Some plantations have Eucalyptus or Wattle (*Acacia mearnsii*) blocks or firebreaks grown specifically for local community use. Poles and fuelwood from these blocks are normally sold at a subsidised rate to the communities. Wattle, in addition to its use as fuel, is favoured for providing poles for kraal construction. Honey is another product obtained from plantations, especially eucalyptus plantations, which provide excellent bee forage.

Source: (Von Maltitz & Grundy 2000)

While most attention in forest management has been paid to the more "formal" reserved natural and plantation forests, mangrove forests are an important, generally over- and unsustainably- used resource found along the coast of East Africa from the Red Sea to Mozambique. In both Kenya and Tanzania mangrove forests are nationally gazetted. It is estimated that mangrove forests cover approximately 54,000 Ha in Kenya (Doute et al. 1981), and there is a close interdependence between the health of the mangrove forests and other marine ecosystems (Wass 1995). People living in the vicinity of mangroves have been using mangrove forests for building poles and domestic fuelwood for hundreds of years. But population pressure has made this demand excessive, combined with the commercialization of mangrove poles in the construction industry. It is estimated that nearly 500,000 people are dependent on mangrove for wood produce in Kenya alone (Ferguson 1993).

Mangrove forests represent a particular niche and set of conditions for collaborative management. Because of their shore and coastline protection functions, over-exploitation can have severe consequences. Yet demand for, and pressure on mangrove forests is high, often exacerbated by high coastal population densities. Gazetting mangrove forests as national forests has not stemmed unsustainable use, as forest authorities do not have the resources to patrol and manage them. It is clear that much of the commercial mangrove polewood extraction is unsustainable, and that there

is need for responsible local level management of mangroves. An example from the Kipumbwi and Sange villages in Tanzania (Box 13) offers opportunities for others to adapt and follow. While this agreement has been signed at the village and district levels, it has yet to be approved by the Central Government, as the agreement contains a revenue retention clause for the revenue from the sale of products that are legally under the Central Government Forest estate. This is despite the fact that the two villages are demonstrably managing the forest in a more responsible manner than in the past, for example through the re-growth and planting of mangrove trees, and that the forest is in reality "theirs". So far revenue retention has not been a problem with the agreement, as most of the forest use is for local village purposes, for which no revenue accrues.

Box 13: Technical Management of the Mangrove Forest - the Kipumbwi & Sange Villages (KiSa) Collaborative Mangrove Management Memorandum of Understanding in Tanzania

The Collaborative Management Memorandum of Understanding (CM-MOU) between the two villages, and district and central Government specifies the roles, rights and responsibilities of the collaborating partners, and recognizes the important contributions that the villagers of Kipumbwi and Sange have made in terms of the sustainable use and management of the forest. The area which the CM-MOU covers relates to the Msangasi Mangrove Reserve area (422 ha.) in Tanga region. All management blocks have a protected buffer strip of 15 meters from the edge of any stream to protect stream banks from erosion. The Kipumbwi and Sange (KiSa) Plan honors the zones indicated in the Tanzania Government's Mangrove Master Plan. Surveys undertaken in 1997 and 1998 as part of the formulation of the KiSa plan showed that some compartments previously designated for protection, had sufficiently recovered to be designated for use. Collection of dead wood is allowed in most areas as it is non destructive. Firewood is also available from trimmings left over after cutting for poles and timber in designated production areas under the advice of the committee and the local forest officer.

Villagers needing building material for domestic use require written permission from their respective village sub-committee. The permit outlines the conditions, including the area to be used, time of harvesting, the quantity to be harvested and the rules for cutting. The user is shown to the area and supervised by a Committee member. The committee also controls the cutting timber for boat construction, depending on which type of vessel is needed. For larger Jahazi type dhows special areas are allocated for residents, and species used are *Sonneratia alba*, *Xylocarpus granatum* and mature *Avicennia spp.* For smaller boats (outrigger, smaller dhows and canoes), pole sized timber of *Sonneratia alba* is used. Other uses might include, depending on potential, tourism where an island is being protected; beekeeping, where honey collection is allowed, through the use of improved bee keeping methods; and the collection of medicinal plants for domestic use, as long as these uses do not harm the forest. Areas for patrol and the division of tasks are agreed by the KiSa committee and forest users. Protecting the resources is the responsibility of every villager, and two villagers accompany a Committee member on each patrol, in rotation.

With the draft agreement in place it is clear that the mangrove forest is better managed, that local people are gaining access to products, and that areas of land have been replanted with mangroves. This demonstrates that rural villagers are capable of making technical and management decisions about natural resources they are knowledgeable about. However the real test of this agreement will be when the agreement is formally approved by Central Government so as to enable the two villages to accrue revenue from the sale of products, on a sustainable basis.

Source: (Nurse & Kabamba 1998; Pangani District Council & Kipumbwi and Sange Villages 2000)

These diverse examples demonstrate that rural people and communities are becoming more responsible with respect to forest management, as their rights become clearer and the benefits accrued become more significant. However much remains to be done before these efforts result in significant and sustainable changes in stakeholder relations in Forest Reserves. In reality, even the best CFM agreements only transfer limited power to communities. The State, as the legal owner of forests maintains overall power and control (Murphree 2000).

3.3.3. Restitution of Land Rights

Another important trend, and one which features strongly and perhaps uniquely, in the land reform programme in South Africa, is that of restoring land rights to those who were dispossessed during colonization and apartheid. A large number of land claims have been lodged within boundaries of what are currently Forest Reserves in South Africa. One example is the Dwesa Cwebe forest on the Eastern Cape coast in South Africa (Box 14). The land claimants and reserve management authority have reached an agreement which will result in the transfer of land ownership rights back to the communities. In exchange communities have agreed to lease the land back to the State for management purposes, until such time as they are able to take over management themselves (Shackleton & Willis 2000).

Land restitution is a key process in South Africa, enabling local communities to negotiate for their customary rights to land and resources, forests included (Boxes 14, 15, and 16). In this respect, South Africa is addressing an issue that may be relevant to many countries in the region, particularly those where long standing customary land rights were expropriated by government, but were not adequately or responsibly compensated for.

Box 14: Dwesa – Cwebe Forest Reserve in South Africa

The Dwesa - Cwebe State Forests in the Eastern Cape have a long history of conflict between local communities and Government. The area has been managed by the provincial Department of Environment Affairs, Economics and Tourism since the "homelands" were re-incorporated into South Africa in 1994, yet, being State Forests, the National Government still has responsibility for land issues. While participatory approaches to management had been initiated after the elections of 1994, a land claim on the area, under the terms of the Land Reform Policy was submitted for these two areas by seven neighbouring communities. A process of stakeholder negotiation began as part of a pre-trial process. This process is ongoing but some progress to date includes:

- The recognition by all stakeholders that the communities have been unfairly excluded and have a right to the area;
- A willingness from all parties to keep working towards agreeable solutions;
- A recognition by the communities that the area needs to be conserved and a willingness to work with Government in defining the extent of utilization to be tolerated. Latest developments indicate that, although the tenurial rights of the communities will be recognized and ownership will be transferred, the communities are prepared to immediately lease the land back to the State for conservation purposes; and
- Provisional agreement that the area will be managed jointly by the State and the communities after ownership is transferred. The State will continue to invest in the management and towards local community capacity building. The long-term vision is that the communities will eventually take over some management responsibilities, and lessen the financial burden on the State.

Some of the constraints in the process have included:

- An initial lack of trust between the parties, which delayed negotiations, and included perceptions (real or imagined) of hidden agendas and selfish motives;
- An unrealistic perception on the part of the communities concerning the financial benefits generated from a conservation area; and
- A lack of willingness on the part of Government to recognize indigenous knowledge.

Source: (Shackleton & Willis 2000)

Box 15: Makuleke-Kruger National Park Land Restitution Case, South Africa

The Makuleke area is situated in the northern extremity of Kruger National Park, between the Limpopo and Levuvhu rivers in the so-called Pafuri Triangle in the Northern Province of South Africa. It is an area of considerable beauty and woodland biodiversity. In 1969 the Makuleke community, some 3,000 people, were forcibly evicted from approximately 25,000 ha of land, and resettled 60 km to the south in the homeland of Gazankulu. This move was viewed as a great success by the conservationists, but a cruel blow to the Makuleke community, leaving them dis-empowered and impoverished.

In 1996 the Makuleke lodged a claim for restitution of their land. Two years later, in April 1998, the Makuleke and South African National Parks, after a long, drawn-out process fraught with conflict, announced what they called "a world class agreement". The Makuleke regained ownership and title of their land which nonetheless remained part of Kruger National Park. With the land still committed to wildlife conservation, the greatest benefit to the community was the granting of exclusive commercial rights to the land. A planning process is underway to develop the tourism potential of the new Makuleke Region. Several developments are being considered including six lodges or camps for up to 400 guests, cultural tourism programmes, a museum, and a transfrontier park with links to Zimbabwe and Mozambique. This claim, creating what many refer to as a "win-win" situation for both parties, sets an important precedent for further claims in conservation areas, and not just in South Africa.

Sources: (Elliffe 1999; Rihoy 1999; Shackleton & Willis 2000; Steenkamp 1999).

Experience in other areas has shown that restoration, allocation or upgrading of land rights is likely to result in more significant and immediate changes to power-relations between local community claimants and reserve management authorities than co-management agreements. This point has been well argued (Alden Wily & Mbaya 2001). The authors compare village forests in Tanzania, which are owned and managed by local communities, with co-management agreements in Tanzania and other countries, where forests are still owned by the State, and conclude that the former are more effective in bringing about real community involvement in forest management. But, while community benefits and rights may be more secure, it is not certain as to whether conservation status has been maintained or improved. By comparison in Uganda many forests have been degraded as a result of unclear tenure rights resulting in near open access (Banana & Gombya-Ssembajjwe 2000). Though there are forests, Echuya and Namunge for example, where this is not happening due to secure ownership rights and respected rules of access, which result in relatively high levels of community forest guarding. In the large Echuya forest this is enhanced by the presence of the forest dwelling Abayanda people who guard the forest, and can use its resources (Banana & Gombya-Ssembajjwe 2000).

While land restitution is an ongoing process in South Africa this is not the case in other countries where customary rights have been ignored, downgraded, and often resulted in eviction from State forests. The importance of such community rights is increasingly acknowledged as a means of sustainable natural resource management. The restitution claim of the San people in the Kalahari in South Africa represents an example of integration (Box 16), while the resettlement saga of the Benet people of Mt. Elgon, and the Ogiek of Kenya are examples of removal (Boxes 3 and 4). However this thread of increasingly securing community rights is a recurrent theme.

Box 16: The San- Kalahari restitution claim, South Africa

The southern Kalahari San, a minority group of less than 1,000 people, used to live, hunt and roam in a huge area of about 4000 km² covering about half of the present Kalahari Gemsbok Park, as well as the northern section of what is today the Mier Reserve in the Northern Cape of South Africa. A restitution claim to regain access to resources and ownership of some land in this area was formulated and lodged in 1995, and was settled in 1999. Protracted negotiations followed between the claimant San, the South African National Parks, the Mier Reserve and the Department of Land Affairs. A mediator, appointed by the Northern Cape Commissioner for Land Claims, was brought in to aid the process.

During negotiations, and to meet the requirements of the Restitution of Land Act, the San agreed to reduce their original claim of traditional rights over the entire area to "ownership" rights over an area of 125,000 hectares. This was broken down into 25,000 hectares of land for "normal" ownership in the Mier reserve and commercial use rights to the Kalahari Gemsbok Park, regarded by the claimants as being equivalent to 100 000 ha of freehold land. The latter portion of the claim is intended to emulate the original use rights of the San, and is unique in the South African context. Some important positive and negative issues emerging from the case included:

- The claim provided a new sense of cultural cohesion for the San, but the delays decreased morale;
- The San, due to their socio-economic background, would need much assistance to pursue their rights fully and to develop commercial tourism options;
- The San leadership's consensual decision-making traditions did not fit well with the participatory democracy required by the Communal Property Association Act;
- The San regard the exercise of their use rights in the Park as being by far the most important outcome symbolically and culturally, as well as being the most valuable in the long term;
- The agreement attempts to balance the flexibility required to allow the development of use rights by the San but at the same time ensures that sound conservation principles are upheld; and
- Land use rights for the San include both cultural activities such as the annual gemsbok hunt, visits to ancestral grave sites, educational excursions into the reserve for instruction on "veldcraft", and commercial benefits such as tourist activities, for example guided tours, a San cultural village, and rest camps, as well as a gate levy. It was agreed that all rights granted are subject to the National Parks Act and would be determined by a Management Council, and that "the Park Warden bears the ultimate veto over, and responsibility to the South African National Parks board in respect of every activity taking place in the park". No natural resources would be moved without the permission of the Warden.
- Ultimately the South African National Parks still has all the authority, control and power on its side. Indeed, the powers of the warden to have final veto over every activity sanctioned by the Management Council in respect of San rights are considerable, unwise and contrary to the new ethic of participatory management advocated by the South African National Park's Social Ecology Programme.

Source: (Kepe & Wynberg 1998; Shackleton & Willis 2000)

Restitution has provided communities with a powerful stake in the ownership of land, assuring them a strong bargaining power and forcing conservation authorities to change their stance. Some conservation bodies in South Africa have done a complete "about turn" in their attitudes during the process of settling these claims (Shackleton & Willis 2000). The reality of the land claims process in South Africa may be the strongest mechanism to ensure the maximum participation of, and maximum economic flows into communities (Henekom 1996). In many areas, the threat of land claims has been pre-empted by both forestry and conservation officials who have been proactive in building relationships with local communities and in establishing co-management regimes. The restitution process has also been effective in bringing other stakeholders on board. Indeed the slow process of settling many of the claims has been due to the involvement of a number of stakeholders with differing stakes, views and interests (Shackleton & Willis 2000).

3.3.4. Decentralisation and Downsizing of Forest Departments

Decentralization, downsizing, restructuring and the greater involvement of civil society have been four major drivers over change over the past two decades in most countries of the region. These drivers are interlinked. Decentralization has made Forest Departments, for instance, more responsive to the needs of people. But decentralizing without clarity as to who has the rights and responsibilities can be problematic, as Uganda demonstrates, where some districts use forests as current not deposit accounts. Decentralization also impacts on the management and flow of benefits from unreserved forest resources in communal lands, particularly with respect to timber concessions. The growing trend towards greater decentralization in countries throughout the region is often countered by the State's reluctance to lose power and sources of revenue. Decentralization does not necessarily result in greater community control of resources. Districts and District Councils may see such revenue streams as a means to support District treasuries, and not necessarily feed development at the village level (Bird et al. 1995). But, the downsizing and weakening of Forest Departments has supported the need for decentralization, as the situation with forestry in Tanzania has demonstrated.

In many countries Forest Departments (or their equivalents) are becoming progressively weaker, as a result of reduced central government funding, efforts to downsize the public sector, declining real incomes (and performance) of staff as a result of high inflation, loss of staff to other sectors, and to HIV/AIDS related deaths and illnesses. At the same time, pressures on forest resources are increasing due to increasing populations, levels of poverty, and land use needs. In addition short term political expediency and increased patronage and corruption are also contributing to these increased levels of poverty. Consequently, it is becoming more and more difficult for forest departments to manage and protect State forests as they used to. In most cases, command and control mechanisms are no longer appropriate or possible. As a result many forest areas are becoming a near "free for all", where the most powerful stakeholders, usually commercial traders, dominate other less powerful interests and user groups, including local communities.

Most countries in the region have, or are in the process of adopting policies and laws which give greater powers to lower tiers of government, at the Regional or Provincial level (Ethiopia and South Africa) and at the District level (Zimbabwe, Malawi, Uganda, and Tanzania). In South Africa for example, the 1998 Forest Act gives the Minister powers to delegate or assign responsibility for the management of State Forests to the Provinces, while Uganda illustrates a case that other countries and Forest authorities either face, or may face in future (Box 17).

Box 17: Forests and Decentralization in Uganda

Forest management was decentralized in 1993 by the Uganda Government, but Forest Reserves were then re-centralized in 1995. The rationale behind this change was that forests are national and global assets which cannot be left to localized management, and that District Councils had neither the technical nor the financial capacity to manage them. It was further argued that District Councils are more interested in revenue generation. The Ministry of Local Government re-centralized Forest Reserves, after the Forest Department pledged to re-establish local forest reserves. However, the Forest Department procrastinated on this pledge thereafter, and preferred the *status quo* instead.

The management of Forest Reserves was "re-decentralized" by the Constitution of 1995. Article 189 of the Constitution lists in its Sixth Schedule (# 24) "Forest...reserve policy" as being the only responsibility of the central forestry administration. Sub-section (3) of the same article stipulates that District Councils are responsible for functions not specified in the Sixth Schedule and by implication this includes forest management. The Second Schedule of the Local Government Act (# 1 of 1997) includes "forests" as one of the functions and services for which District Councils are responsible (Part 2, Section 5 (xii)). Subsequently, there has been pressure from District Councils to manage Forest Reserves in accordance with the Constitution and the Local Government Act.

The Forest Department decided to share 40% of gross revenue accruing from forestry with the particular district in which it is generated. It revisited the Local Forest Reserve pledge and had Statutory Instrument No. 63 of 1998 issued, re-establishing Local Forest Reserves, citing the Constitutional provision that calls for a local government to hold land "*in trust*" for purposes of forest conservation. Only Forest Reserves that were smaller than 100 ha, were not of high biodiversity value, or were peri-urban or urban forests, catchment mountains and hills, islands or wetlands were listed as Local Forest Reserves. The Statutory Instrument did not address the Constitutional distribution of responsibility between the central administration (policy) and the districts (management). It was assumed that the two steps provided the answer to the perceived difficulties under decentralization, and would appease District Councils.

The re-activation of Local Forest Reserves represents a fundamental shift in the original principles behind Local Forest Reserves. These were to transfer management and control to District Councils, and elicit sub-national levels of involvement in forest management, enable them to collect and use revenue locally for development activities, and to expand the Permanent Forest Estate without further acquisition of land by the central administration. It was not meant to transfer ownership of land. Now, non-revenue Forest Reserves were re-designated as Local Forest Reserves. But, it appears that Statutory Instrument No. 63 of 1998 was issued in a rush, and inadvertently transferred ownership of land in Local Forest Reserves to District Councils.

Although decentralization is a strong determinant of the extent to which local people can be involved in resource management, the Forest Department sees it in a negative light, due to poor local capacity for large-scale forest management, and the danger that the land may easily be put to other uses. The attitude is accentuated by the indication by two District Councils that once they assume full management of the Forest Reserves, they will auction the allowable cuts in order to move away from administratively fixed prices, and attract market prices. This has been mis-represented by the Forest Department to the Government as a reflection of excessive interest by the District Councils in revenue-generation at the expense of conservation.

Source: (Kamugisha 2000)

Struggles between National and District level authorities in post independence governments have been well documented elsewhere, in particular in relation to community-based wildlife schemes such as CAMPFIRE in Zimbabwe (Murombedzi 1992). When it comes to timber royalties, revenue sharing arrangements seldom, if ever, have been extended beyond local councils to the local community level. This is an issue which has attracted a great deal of concern from proponents of community-based natural resource management. In Zimbabwe, timber royalties accrue to District Councils, who in turn use the funds for district development projects. Local communities have no say in the granting of concessions and receive no direct benefits (Bird et al.

1995). More recently the Zimbabwe Forestry Commission has developed a recommendation that Rural District Councils should pay a 15% share of timber royalties directly to local communities in the area where the timber was harvested. There is no legal basis, however, to enforce this recommendation.

It is clear that forest conservation, local livelihoods and district concerns need to be balanced. The conflicts over power and control of resources illustrate the problem of who should have rights to, and responsibilities for forest management, and at what levels these rights and responsibilities should rest - whether at the community, district or national levels, or in some other mutually agreed arrangement. Decentralizing forest management to District Councils is not the same as decentralizing to rural communities.

Many Forest Departments are caught in a quandary. On the one hand they see communities and, in many places, district as not being capable of managing forests. There may be pragmatic reasons for this, but it is likely that a perpetuation of "command and control" regimes is a major underlying reason. On the other hand lack of resources and decentralization has forced them into change. It would appear that only Tanzania has truly adopted this decentralized approach, though South Africa and Uganda have adopted a number of the components.

The reality of decentralization in many countries is one of deconcentration of Government authority to lower and decentralized tiers, so that central administration authority is spread to its agencies closer to the "grass roots". It is a non-definitive transfer of decision-making and executive powers within the administrative or technical structure (Mayers et al. 2001). It has not necessarily meant a real decentralization of authority to local levels, and especially to the village and community levels, though Tanzania has gone furthest in this, where the village is the lowest accountable decision making body. In Tanzania, under structural adjustment, the Forestry Department had to retrench about 40% of its forest guards, which made it almost impossible to manage the reserved forest estate in any meaningful manner (Iddi, pers comm. 2000). This helped provide an added justification and incentive, if one was needed, for the Director of Forestry to increase his support to, and commitment for responsible community involvement in forest management, both in terms of practice and through policy and legislation. With forestry authorities becoming increasingly weak, such a partnership type approach would seem logical and viable.

While Uganda has, at least nominally, decentralized forest management to the district level, most important reserves are still centrally managed. In Tanzania, however the forestry authorities have gone further, and assisted villagers to develop and agree to their own management plans for their forests on legally owned village lands. The Forest Department is also signing collaborative management agreements to allow communities access to centrally reserved forest areas. While such collaborative agreements are taking place in some countries, they are by not means widespread throughout the region, and allowance of true community based forest management is much rarer in *de jure* terms.

It appears that decentralization can be a veil behind which power is consolidated and used effectively by local elites and bureaucrats, politicians and the rich few at the local level. However, while most districts in Uganda view their forests as a "current" account, some are realizing the long term implications of unsustainable use and wish to use the forests as a "deposit" account, and live off the interest or sustainable yield. Indeed some now realize the necessity for both district managed forests, as well as those which are managed by villages and communities. This two-tier approach to decentralized forest management may be more appropriate, and would help ensure that the benefits accrue at the right level.

In Tanzania, where villages have gained rights to the forests, the benefits, including, in some instances revenue, are collected and retained by the village (Alden Wily & Mbaya 2001). Some revenue may then be paid to the District and Headquarters to contribute to services rendered and support received. When the village enters into a collaborative agreement with the Forestry Department for access rights to reserved forest areas, the situation is different, though the principal of linking the revenue accrual with efforts to manage and conserve is adhered to. For instance in the mangrove management agreement in Tanga (Box 13), any revenue collected will be split in recognition of the important role that the two villages play in managing the mangrove forest (Box 18), though this clause has not yet been formally approved by the Central Government Authorities.

Box 18: Use of Revenues accrued from the Kipumbwi and Sange Village Mangrove Management Agreement, Tanga Tanzania

1. All monies collected will be divided in equal portion to both Kipumbwi and Sange Villages.
2. Each Village shall keep a separate Bank account for such funds collected.
3. Each village shall retain 60% of the funds they earn as a result of this Memorandum of Understanding.
4. The remainder (40%) shall be transferred on a monthly basis to the Pangani District Council Treasury.
5. Pangani District Council shall issue appropriate receipts for the receipts of such monies.
6. Pangani District Council shall retain 25% and remit the remaining 15% to Central Government.
7. Both Pangani and Central governments shall use the funds they accrue from this activity in a manner appropriate (e.g. mangrove forest operations).
8. Kipumbwi and Sange Villages shall use the funds they accrue both for the management of the Mangrove Forest, and for more general village development.
9. The full Village Assembly shall approve the use of these funds.
10. At least 40% of the funds retained in the village shall be used for the continued management of the Mangrove Forest.

Source: (Nurse & Kabamba 1998; Pangani District Council & Kipumbwi and Sange Villages 2000)

In Uganda, the implementation of decentralization, as carried out by the Forest Department, is at variance with the Constitution and Local Government Act, and has resulted in a fundamental shift in the principles behind local forest reserves and revenue sharing. The principles behind local forest reserves were to transfer management and control to the districts and elicit their involvement in forest management, enable collection and use of revenue locally for development activities, and to expand the country's forest estate without further acquisition of land by the State. It was not meant to transfer ownership of land, though non-revenue forest reserves were re-designated as local forest reserves. Land was transferred from the centre to the districts and gross revenue at the centre was to be shared. This means that the forest-lands become district or locally owned and managed, even whey they were originally owned and managed by Central Government. However the revenue accrued from forest management was to be shared between the district(s) and Central Government.

There are many opportunities for the involvement of the private sector and local people in forest management provided the incentives and pricing structures are right, and that rights to, and responsibilities for forest management have been decentralized. Historically prices offered for timber were often fixed and market prices. With market based and realistic pricing becoming more prominent, local people, communities and the private sector are increasingly starting to invest in forest options. Decentralization policies have further supported this. Not surprisingly this private sector interest has been more visible in South Africa with its stronger market focus, but is also apparent more generally in Kenya, where, on an informal basis, people plant and market valuable timber species. In Uganda (Box 8) private sector concessions are being used to plant and manage softwood plantations. Around Mt. Elgon in Uganda use of the Taungya plantation system may be extended to give the people involved rights to a certain percentage of the sale of the timber,

thereby ensuring that they retain an interest in the trees they helped to establish (Box 10). In Tanzania some of the collaborative management agreements signed between villages and the Forestry Department are for plantation forests (Alden Wily & Mbaya 2001).

It is also clear that isolation has contributed to conservation and sustainable use, particularly where forest resources directly benefit local resource users. Local rules and regulations were developed to manage and govern such resources. The forests were integrated into broader land management systems. In contemporary Africa isolated areas are no longer so isolated, and such systems have had to evolve and adapt to changing situations. The rules and regulations, developed over long periods of relative isolation, were appropriate to the communities living in such areas, who had the power to include and exclude. Now, they are not necessarily powerful enough to exclude relatively alien and exploitative interests, for instance commercial loggers who may have strong State support. Such groups need support to re-enforce their institutions to allow them greater control.

The success of decentralizing resources to local communities depends on credible institutional (all levels) and local commitment, and effective and mutual monitoring. Monitoring and rule enforcement is especially important of the success of decentralized forest management, and the challenge is how resource user groups and communities have been able to monitor their own performance (Banana & Gombya-Ssembajjwe 2000). The costs of monitoring and sanction can be high, and so requires the incentives at the community to be able to do so (Banana & Gombya-Ssembajjwe 2000). This may be attributed to the sizes of the resources, levels of dependence, demand for the resources, acceptance of the rules and regulations punt in place, and tenure. In Zimbabwe, for example communities want local community sanctioning, but want the responsibility and financing of the control system to be done by Government and enforced by the police! (Katerere et al. 1999)

Decentralization may contribute to locally appropriate, sustainable and responsive processes. But effective local governance requires a strong legislative framework,, the necessary financial and human resources, capacity and capability to carry out their functions, clearly defined rules and accountability that builds confidence, that administrative areas reflect traditional boundaries where possible, information flows that are both horizontal and vertical, and the pro-active support to broad public participation in planning and decision making processes (Gordon 2000).

The argument for decentralizing nationally important resources needs to be seen as a continuum relating to the importance of such forest reserves nationally, and the ability of Districts and local communities to take over forest management. On the one hand a vital catchment and conservation forest covering an extensive area and bordering two countries, such as Mt. Elgon, needs central government oversight and management. Here rural people can be involved through collaborative forest management. In other cases, smaller forests or easily identified portions of larger forests which are located entirely within one district, or which are less important in catchment and biodiversity terms, are good candidates for district and community management. In both cases the continued separation of rural people from important forest resources, and lack of rural resource-user rights is no longer acceptable, as governments increasingly see the necessity for the responsible involvement of communities at decentralized levels.

3.3.5. Certification and Sustainable Forest Management Initiatives

There is an increasing demand and requirement for sustainably produced forest products, particularly for the export market. There are increased efforts in the region to ensure that use should be certified as sustainable, and, where possible the use of alternatives should be promoted, including domestication of, for instance *Prunus africana* (Dawson 1997; ICRAF 1996).

Sustainable forest management typically combines harvesting guidelines designed to increase the growth of merchantable timber with efforts aimed at lowering the damage to commercial trees (Rice et al. 1999). Significant progress has been made on developing criteria and indicators for sustainable forest management. But much of this work has been dominated by timber products from the perspective of governments, and less attention has been devoted to non-timber forest products. There has been a general failure to responsibly involve local communities in both forest management and in the development of criteria and indicators. As a result sustainable forest management is an ideal that is proving hard to achieve with current land use and population pressures, combined with commercial greed for wood and wood products. Apart from South Africa, most Forest Departments in the region have not internalized the potential value of forest certification and criteria and indicators beyond the rhetoric.

The history of “sustainable” forest management in natural forests has been one of inefficient mining of high quality trees, with little thought for other species and biodiversity. Short term commercial interests have outweighed sustainable use ideals. But demands for sustainable forest management products from consumers is increasing, as awareness of the damage resulting from unsustainable use rises. Ultimately consumers have to demand certified products from sustainably managed forests, which in turn will influence and drive production. At present the economic incentives are not right for sustainable natural forest management of tropical hardwoods, and there are few, if any successful sustainable forest management projects in the region (Rice et al. 1999), though awareness has increased, and some efforts, such as the "Good Woods" initiative in Kenya show promise (WWF et al. 2000, Box 19).

The difficulty with sustainable forest management for non-timber forest products relates to our knowledge of what is sustainable use, and how this can be measured. Developing criteria and indicators for wood based products is easier than defining sustainable use criteria for medicinally valued bark or wild fruit harvests, for example. In addition, There needs to be a compromise between sustainable utilisation principles in natural forests with those of biodiversity conservation. Examples from Uganda illustrate this, where Bwindi, Kibale and Mt. Elgon National Parks separate multiple use and core conservation zones have been defined in Park management plans, and are the basis for collaborative management agreements (Chetri & Kandole 2000; Hinchley & Turyomurugyendo 2000; Wild & Mutebi 1996). Such multiple use zones have been mapped out based on existing community use, but informed by conservation and biodiversity values.

The Forest Stewardship Council (FSC) is becoming the most widely respected label for wood products from well management sources. It is endorsed by major conservation organizations and donors, and gives an independently verified guarantee to the consumer that the wood from which the product is made comes from well managed natural forests, plantations, or farm produced trees. The purpose of certification is to improve the quality of forest management and provide marketing advantages for production from sustainably managed sources (Simula & Oy 1999). Sustainable forest management and certification has the potential to increase the benefits derived from trees, whether wood or non wood based, to local communities, thereby enhancing the role of trees in rural livelihood security. In addition to FSC, there are two other instruments which can be used for certifying non timber forest productions. The International Federation of Organic Farmers Movement (IFOAM) has criteria for wild harvested products as well as some specific criteria for certain not timber forest products. While the Fair-trade Labeling Organization (FLO) places emphasis on the social components (Mallet 2000).

The current FSC endorsed certification system is site-based on natural forests and plantations. This is affordable when the area is large. But the cost and administrative burden of obtaining FSC certification is a barrier to small scale producers and farm forestry operations, which make up a large portion of wood and non-timber tree use. It is possible to obtain group certification for owners of small woodlands, but this needs to go further to the development of certification standards for non-forest production systems, such as those being explored in the "Good Woods" of Kenya example (Box 19). While the example of Muzama Crafts (Box 20) demonstrates what can happen when relations sour (Robertson 2000).

Box 19: Certification "Good Woods" For Wood Carving in Kenya

Concern for the depletion of hardwoods from natural forests has brought about an alliance of wood carvers, community development organizations, conservation groups, concerned citizens, the forestry sector and traders in Kenya to ensure that wood for carving comes from sustainable sources. "Good" woods have characteristics of being easy to carve, producing quality carvings, coming from farmlands, are fast growing and generally exotic species in Kenya. Four species are being used, including Neem (*Azadirachta indica*), Jacaranda (*Jacaranda mimosifolia*), Grevillea (*Grevillea robusta*), and Mango (*Mangifera indica*).

There are moves to certify such "good woods" in Kenya, but this is complex and expensive, and normally requires large land units to justify the costs. Such large units help offset the costs of certification with an increased price paid for certified wood products. "Good Woods" can be found in sizeable units, if for example one included all the neem tree owners along the coast of Kenya. They could become a large enough production unit to defray the costs of certification, through, for example, a marketing association. Steps to certify Kenya's "Good woods" include

- Training a manager to train participants, and to plan and oversee the use of wood carving raw materials;
- A biological assessment to establish the quantities available, combined with a socio-economic assessment to understand the consequences of resource use;
- A pool of suppliers of the raw material being identified;
- A management plan which includes resource harvesting, replanting and supplier benefits;
- The suppliers being trained in the principles of certification and on their sustainable use; and
- Product control must be designed and implemented which includes monitoring at all stages of the process, including a tracking system that ensures no mixture of products from outside the system.

These conditions will form the basis for certification, and if approved, the certifier will make a contract and issue a label. In Kenya, Neem certification along the coast is being developed, and this may spread to Jacaranda certification in the Nairobi area. With such certification of "good woods", it is likely that pressures on the valuable indigenous hardwood will reduce significantly.

Source: (WWF et al. 2000)

Box 20: Muzama Crafts in Zambia– Whose Interests Dominate

Muzama crafts, the only certified community managed venture in Southern Africa, is a community owned alternative trading organization based in a Miombo woodland management area in N.W. Zambia. Muzama was certified in 1998 after several years of stakeholder consultations and participatory planning with the assistance of a donor funded project. The objectives were clear in the context of certification, namely to maximize produce incomes from craft production based on the sustainable use of Miombo woodland species. Achieving such certification has been an achievement in itself.

The communities involved occupy and area of 1,273,700 Ha, but only an area of 230,370 Ha is part of the managed area by the community. Forest management and use is one of low exploitations. The community owns the certificate and is able to harvest the wood and make wood crafts for the national and international market. In addition they are allowed to collect non timber forest products.

The central issue here has been the transfer of power from company and Forest Department management to community management. Grass-roots empowerment was crucial to the success of the community forest management plan and the Muzama business plan. This unfortunately implied that others were die-empowered. In 1999 the local community was stripped of their forest tenure rights by the National Director of the Forest Department without due warning and apparently without due reason. This has now resulted in pitsawers and carvers losing their livelihoods, Muzama company not being able to get the wood they need to full their orders, and the suspension of FSC certification.

Source: (Robertson 2000)

Gaining FSC certification involves the development of standards through the identification of stakeholders, adopting a framework in the context of national laws and policies and drafting a first set of standards, which are refined based on a process of wide consultation. Then the standards are field tested through the selection of sites, and analysis and evaluation of the standards in the field. This will involve re-drafting and finalizing the standards, and seeking FSC endorsement for certification by approved agents (Aryal 1997).

3.4. ANALYSIS

Forest reservation took place during the first half of the 20th century by colonial authorities and post independent governments. Throughout the region there is a long history of exclusion and expropriation, which resulted in the alienation of people from their rights to and responsibilities for natural resources. This was done to conserve important areas of forest, but, and more pragmatically, as a source of revenue through the commercial exploitation of forests. Local access and use of forest resources was normally not totally curtailed, except to commercially valuable timber trees. During that time populations and resource use pressures were low. As such *de facto* customary management, though not usually recognized, was tolerated. With time, increasing restrictions were placed on community access, thereby separating and further separating community rights and responsibilities for forests. It is also clear that government authorities, while reserving large areas of forests, both natural and plantation, have not necessarily managed them responsibly, especially in more recent times. This is due to a number of factors including under-resourced forestry authorities and short term political expediency, exacerbated by increased levels of patronage and corruption.

Rural people frequently live with trees on their lands, or border areas of trees and forests on open or forest reserved lands. Their knowledge and management systems were often detailed and extensive, being related to their dependence on trees and tree products. With the increased alienation of rural people from their forest resources, degradation and encroachment increased. Centralized government systems were not able to take over these management responsibilities simply through enforcement.

With an increased focus on participation and decentralization in contemporary Africa, e.g. in Tanzania, South Africa and Uganda, rural people and communities are now better able to negotiate for their rights and responsibilities for forest resources, both within and outside reserved forest areas. Lessons from collaborative management are starting to show that rural people “do care”, can benefit from, and take responsibility for natural resources, even if forest departments or conservation authorities may still have overall control.

Decentralization, increased land and population pressures suggest that "traditional" Forest Reserve management is no longer appropriate, on its own, for contemporary livelihood and environmental needs. New decentralized arrangements are evolving and being tested from collaborative to joint forest management, to re-gazetting forests from National to Local Forest Reserves, to actually handing over forest reserves to local communities. This argues for an increased need to balance livelihood and conservation security needs, particularly in terms of natural forest management.

While collaborative management is bringing a range of benefits to local people from forest reserves, it is less clear as to the forest management and conservation benefits. Monitoring the effect of collaborative management on forest conservation status can be difficult and is a long term process with many external and confounding variables at play. Strict scientific monitoring of the wide array of resources accessed is expensive and time consuming. More robust adaptive management techniques are needed, and ones that both resource users and conservation authorities can implement.

Some governments strongly support this process, for example Tanzania, South Africa and Uganda, others less so. However many governments are being forced into more decentralized processes and activities due to restructuring, privatization and the greater shift to the involvement of civil society. While success has been patchy to date, it is clear that there is a range of conditions that will support community involvement in the management of state forests, including:

- Strong and clear policy and legislative support;
- Benefit flows that accrue to communities which are significant and important;
- Rights to forests and forest resources which are clearly linked to the management responsibilities for those resources;
- Management of local power relationships;
- Linkage of tree and forest use to the actual resource users either directly, for instance through resource user groups, or indirectly, for instance through administrative bodies at the village level; and
- That the negotiated agreement, MOU, contract (or other instrument) is clear, internalized, not paternalistic, and has real local resource user level ownership.

The trend is likely to be towards a more strategic national forest estate for catchment, biodiversity and other national purposes. These may include core conservation areas, and areas where negotiated agreements may be made with bordering communities and rural people. Such agreements could be related to the use of single or multiple resources, forest plantations, or overall management of certain areas. It is clear that the extent of such national forests is likely to be significantly less than at present.

The remaining forest areas would then be under various forms of decentralized management, including district forests, village, and community forests. This is in line with the emphasis, at least on a political level, of decentralized service responsibility and management. This is supported by increased pressures for the "real" participation and enablement of local people and communities.

In addition there is likely to be an increased array of partnerships between communities, between communities and districts, as well as a range of partnerships with private sector interests. While private sector interests are starting to support and contribute to community benefit flows from forestry, such commercialization inevitably places increased pressures on resource use. Already there are examples of subsistence sustainable use becoming, due to increased pressures, unsustainable commercial use and unsustainable subsistence use. Agreements need to be able to clarify what is subsistence and commercial use, and balance sustainable with unsustainable use. However this requires the power to exclude outsiders from such use, ensure that insider use is sustainable, and be able to manage power relations that are unequal through the principles of adaptive management, monitoring and internal sanction processes.

The restitution process in South Africa, which was set up to address the inequities of the apartheid era, may have a strong resonance with other parts of the region where many groups were marginalized in a similar manner. Indeed much of the collaborative and community based forest management taking place now recognizes that communities had real rights to forests, and were in many instances responsible forest managers. Collaborative management and community based forestry is helping to restore community rights and responsibilities over forest resources at a time when it is vital that forests have both local and immediate value to people, as well as well longer term national values relating to catchments, watersheds and biodiversity functions.

These conditions have been given added focus and impetus by a variety of more recent policy changes including decentralization (most countries), poverty reduction strategies (most countries), the use of participatory processes (nearly all countries in one form or other), formalized collaborative management agreements (some countries), community based forest management (few countries), and an increased emphasis on certification and sustainable forest management. In sum, the resource users of forests need a clear and legally acceptable "voice" in forest management, and Forestry Authorities have to respond to allow them their "voice", through policy change and devolution, so that the resource users' rights to and responsibilities for forests are clear and unequivocal.

CHAPTER 4: STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS ON UNTITLED OR COMMUNAL LANDS

4.1. BACKGROUND

The majority of rural people in the region live on land variously referred to as customary, communal or trust lands. Dualistic land tenure systems were created throughout Africa during colonization, when western property law was introduced to govern landholding by colonial elites (and in some cases African elites, such as in Uganda) while land used by Africans remained under customary law (Alden Wily & Mbaya 2001; Bruce et al. 1993). In most cases, this communal land is legally owned by the State, with *de facto* ownership by the group (clan, village or family) that occupies the area. African tenure systems are administered by local authorities and involve allocation of rights and responsibilities to land and the resources on land. In general, families are granted individual rights to homesteads and fields, and all other land, including forests and grazing areas are the communal property of the village or clan (Bruce et al. 1993).

Trees and woodland resources are widespread throughout many of these communal areas, and play a critical role in local livelihoods. There exists a wide variety of local level controls over the use of trees, woodlands and forests, many of which have broken down, or are breaking down in practice due to, mainly, external pressures, though the knowledge may still exist. In the past they were overlain upon the broad tenurial arrangements which divided the landscape into land "owned" by families, and land which is communally used. Then colonial and post-colonial Governments enacted and imposed a series of overarching national laws and policies to control the use and management of trees, woodlands and forests in communal areas. These were superimposed upon customary tenurial and resource use arrangements, and frequently conflicted with them (Bruce et al. 1993). As a result many community controls have been replaced, usually ineffectively, by central government controls (Barrow & Murphree 1998). Community based natural resource management and community forest management are approaches to try and redress these past inequities, yet retain a conservation focus.

Current use rights and restrictions are therefore the result of two main influences, namely customary tenure systems, including local controls over resource use and access, and overarching national laws and policies. The overall result of these overlapping systems of rights and regulations are a range of different tenurial contexts which govern access to, and control over tree and woodland resources in communal lands. Underlying tenure arrangements and overarching national laws and policies are dynamic, the outcome of shifting legislation, policy and practice of forest departments throughout the last century, as well as broader socio-political forces beginning with colonization and land alienation. In this section we examine the impact of past policies and legislation on forest resources in communal areas, and highlight current trends.

4.2. HISTORICAL CONTEXT

4.2.1. Inferior status of indigenous land rights

Land tenure policies and legislation of colonial governments resulted in the subjugation of indigenous land tenure systems. The State assumed overall ownership of all land in communal areas, with traditional leaders given powers to administer the allocation of land use rights. User rights were based on customary land tenure law, which was, and is still not, recognized by the formal legal system in most countries. As a result of their weak land rights, local communities have been unable to protect their interests in forests and other resources against those of the State

and/or commercial interests, as Box 21 demonstrates in Ethiopia. Post colonial governments have not until very recently begun to take on the problem of the inferior status of land rights in customary land. Recent initiatives to secure land rights in communal land are discussed further in section 4.3. on current trends[12].

Box 21: Security of trees and Land with Changing Regimes in Ethiopia

Ethiopian farmers traditionally used farm forestry practices such as homestead tree planting, field tree planting and farm boundary planting to maintain household wood supplies. After the Land Reform declaration of 1975, land and resources became 'common property' for the 'people of Ethiopia', which left the farmers uneasy about the security of their trees and land, and whether they could afford and benefit from the long term investments required for tree planting, as a result of this degrading of their land rights. Farmers increasingly resorted to planting trees around their homesteads rather than on their farm lands to ensure at least a minimal security of investment. This provided better security of tree ownership, and reduced the amount of travelling required for women to collect fuelwood. The preferred species for homestead planting are the fast growing *Eucalyptus* species. Other species are also planted around the homestead to provide shade for coffee trees, for example. In areas where natural stands of bamboo have been depleted, communities plant bamboo on their farm land and around the homesteads. Communities in Injibara and Dangla, who use bamboo extensively, have established bamboo on their farmland and it is seen as a regular source of income. However, like other forest products, the transportation and sale of bamboo requires a license irrespective of its source, indicating that the State still exerts considerable power over the use of such resources.

Source: (Luso Consult 1996)

4.2.2. Inferior Status of Tree Rights

Land rights and security to land are fundamental to both livelihood and conservation integrity, whether *de facto* or *de jure*, and whether communal or private. In addition secure rights to trees may be equally important, particularly where trees form an important component of livelihood security. There are many examples of customary ownership rights to trees either on farmland or on communal lands (Boxes 30, 31 and 32). Such trees are considered important for cultural or use purposes, and their customary ownership is recognized at the local level. But this recognition may not be enough or adequate to resist contemporary resource pressures. This is exacerbated by government's tendency to ignore or down play such rights.

While national protection of certain species may be important, it is more relevant to ensure that the incentives to conserve, through sustainable use and local benefit, are in place. This is equally true for the commercial exploitation of important trees on private or communal lands, where the benefits should go to those who manage them, and on whose land such trees are found.

4.2.3. National forest policies and legislation

National policies and laws governing the use of trees, woodlands and forests in communal areas first came into being during the colonial era. From the start, there were differing perspectives and interests behind these regulations and controls (McGregor 1991a), which took three basic forms, each described briefly below.

i) Forest Produce Acts. In some countries, legislation was passed specifically to control access to forest produce on customary land by restricting harvesting for commercial purposes by local inhabitants. In Zimbabwe, for example, the Native Reserves Forest Produce Act (later known as the Communal Lands Forest Produce Act) was first introduced to control the rampant

[12] See also (Alden Wily & Mbaya 2001) for a detailed discussion of some important underlying tenure issues in stakeholder involvement in forest management)

exploitation of indigenous hardwoods in communal lands by mining companies, and to protect wood supplies for local use. In the face of strong opposition to the Act from miners, however, its purpose was re-interpreted by the Native Reserve authorities as being to protect trees from use by the local people to ensure supplies for future use by the mines (McGregor 1991a), and to prevent Africans from entering into this lucrative trade in wood.

ii) Protected tree species and timber concessions. In addition to blanket provisions, such as the Communal Lands Forest Produce Act in Zimbabwe, which restricted the harvesting of forest produce for commercial purposes by local inhabitants, Forest Acts in most former British colonies included regulations governing "protected" tree species. These rights are particularly important for commercially important tree species, for example *Pterocarpus angolensis* in the Communal Lands in Zimbabwe (Bird et al. 1995) where government forest departments issue cutting licenses for commercial exploitation to the private sector, irrespective of existing rights to those trees. In addition many countries have listed certain, usually important tree species as "protected" irrespective of where they are found. Both these actions act as a strong perverse incentive for farmers and pastoralists to actively manage such trees. Indeed many rural people will try and ensure that such listed trees are not found on their individual or communal lands, by not planting them or through prevention of regeneration. Except in Uganda, declaring protected species was a way to extend Crown, and later, State ownership and control outside the forest reserves. In Uganda, "reserved species" differed from district to district as a way of avoiding local extinction of species, many of which had no timber or commercial value. They were declared under local authority regulations.

Such "protected" tree species could only be removed through permits. While the owners of the land should have benefited from the exploitation of such trees, this did not often happen with permits usually going to outsiders. This has acted as a disincentive for rural people to invest in planting and managing trees which may be important to them, but, because of their protected status, could not benefit them.

iii) Village Forest Areas. A third form of State control in communal lands is village level protected forest areas, managed by local authorities. These village forest areas or reserves, as they are known in Malawi, Tanzania and Uganda, were set up by colonial forest departments in the 1920s and 1930s to promote local ownership and sustainable use of woodland resources. As with other policies aimed at protecting the interests of local communities, they were vulnerable to being hijacked by more powerful stakeholders, in particular by loggers and fuelwood merchants with commercial interests, and the government itself, with interests in timber royalties. Box 22 gives an account of the history of village forest areas in Malawi, and illustrates how some of these struggles have been played out over the past century. This has since evolved into the development of Malawi's National Forestry Programme, which is well described (Mayers et al. 2001).

Box 22: History of Village Forest Areas in Customary lands - Malawi

Dates	Forest policy and emphasis
1920s to 1964	**Colonial period:** • 69,000 Ha of Village Forestry Areas (VFAs) set aside by 1940 by Tribal Authorities (TA) with technical support from the Forest Department (FD), and under the control of local headmen for local use. • Forest guards posted by TA's to control extraction of *Khaya nyasica* and *Pterocarpus angolensis*. Revenue shared 75% to local council, and 25% to central government. Provided a very important source of revenue to the council for local development. • "Colonial Fund" paid salaries and expenses of Local TA councils.
1964 to 1985	**Early Post Independence:** • FD emphasis shifted to establishing industrial plantations for national timber self sufficiency, in line with international trends. Forest guards were withdrawn from TA areas, and placed in the Forest Reserves. Forestry extension became the responsibility of agricultural extension workers, who had little knowledge or interest in advising on management practices for VFAs. • Colonial fund discontinued. As a result TAs were weakened and could no longer protect and manage their VFA. Lack of revenue from timber sales for local development. • Post independence euphoria, people moved into and cleared large areas of VFAs in spirit of reclaiming the land. VFAs declined from over 5,000 in number in 1964 to 1,200 in 1985. The condition of many of the remaining VFAs deteriorated.
1985 to1994	**Authoritarian State centralism**: • FD under pressure to generate more revenue for the State. Customary Land Division set up to oversee extraction of royalties for timber and firewood harvesting from customary land. Local people informed that all trees and forests belonged to the Government. Hierarchy of staff deployed on customary land. Large scale extraction of timber and firewood from VFAs, individual's fields and gardens, and along river banks. • Revenue share switched to 75% Government and 25% local councils, but even the 25% not paid to councils. No compensation paid for trees cut in peoples gardens. Local people fined for cutting or removing trees from their own fields or VFA. • Widespread corruption reported. Forestry staff became unpopular, seen as responsible for denuding the last of the woodlands from customary lands.
1994 to present	**Multi-party Democracy:** • Recognition of the need to return ownership of trees and forests to local communities • Efforts to revive the VFA system through setting up of Village Natural Resource Management Committees, and providing them with silvicultural training. • New Policy and Forest Act gives local people full ownership of trees grown and managed by them on customary land. Local people authorized to extract wood and non-wood products without a license for own use. However FD continues to control the timber and firewood trade through system of royalties and claims 20% of the revenue. • FD engaged in efforts to reorient staff to play a supportive and facilitatory role. However, licensing and law enforcement to control harvesting and transport of forest produce remains forestry staff duties. • Plethora of donor funded projects. List of 40 community forestry projects in 1996. Many focus on the improved management of indigenous woodlands.

Sources: (Clements 1935; Hardcastle 1993; Ndovi 1994)

In Sudan, the gum arabic (*Acacia senegal*) system is a 4000 year old traditional agroforestry system that was, Sudan's main foreign exchange earner. Because of the national importance of gum arabic, and the need for many farmers to be involved, there has been less negative intrusion by Government, though they did and do control the pricing and marketing (Box 23). When the land is cultivated, it is *de facto* privately owned. During the gum arabic production periods, rights to the gum are private, whereas grazing rights are communal. Because of the scale and extent of the gum arabic belt, the Sudan Government supports the *status quo*, and has focused on the marketing of the gum, rather than trying to control production.

Other examples of gums and resins from the drylands include the production of Frankincense (*Boswellia papyrifora* and *B. neglecta*) and Myrrh (*Commiphora myrrha*) from the Horn of Africa. These are important income earners for the incense and essential oil trade. While the trees are protected under customary law in terms of rights of access, they were also accorded national protection. This protection allowed and enabled the customary users to retain their rights to harvest and responsibilities for conserving the valuable resource base.

Box 23: Gum Arabic gardens in the Sudan

The gum arabic tree (*Acacia senegal*) grows extensively in semi-arid Africa and fulfils many roles for local communities. Sudan is the most extensive producer, but gum arabic is also produced in Eritrea, Somaliland, Kenya and Zimbabwe. The gum arabic gardens of Sudan cover an estimated 500,000 sq. km., and represents the most extensive form of community involvement in forest management in the eastern and southern African regions. Most trees grow from naturally established seedlings, but are carefully tended by local farmers, and play an important role in restoring soil fertility during the fallow periods of the traditional shifting cultivation system. The gum, tapped during the dry season, has been traded for over 4,000 years. It is a major Sudanese export crop, unlike other countries where such non-timber forest products are not nationally important. In addition to restoring soils and providing income, the *Acacia senegal* provides protein-rich foliage and pods for livestock. The seeds are dried and eaten. The hardwood is used for agricultural implements as well as firewood and charcoal. A strong fibre can be obtained from the tree's long surface roots. In 1995 Sudan produced nearly 46,000 tons of gum arabic from the gum belt.

The Sudanese Gum Arabic system is also an important example of traditional land tenure, which differs for different types of produce from the land. Herders graze and browse their stock on the land; local farmers collect dead wood for fuel, merchants may purchase gum collection rights from the tree owner, while the land itself may be communally owned. This example serves to emphasize the importance of forest products from the dry and arid lands. The system combines customary with statutory arrangements, where long standing customary arrangements have been codified to give farmers and communities clear rights to, and responsibilities, for the gum arabic gardens. Complex management systems for gum arabic have evolved over time. The land is communal in *de jure* terms, but *de facto* family ownership is the norm. Because of its economic importance, the Government has created incentives to ensure and facilitate its production at the local level. It also ensures that production and marketing is efficiently carried out, despite increasing international use of synthetic alternatives.

Sources: (Eckholm et al. 1984; Fortmann & Riddell 1985; Nour & Osman 1997)

Where a forest resource is economically important at both the local and national levels, and requires the active support and ownership by local communities, governments are more likely to enable than restrict use as with Gum Arabic, for example. In other areas where such local support is not a necessity, for example the harvest of important timber trees, governments may not be so enabling, as has been noted with commercially important timber trees.

4.3. RECENT TRENDS IN COMMUNAL LANDS

4.3.1. Upgrading of land rights

New policies and legislation aimed at upgrading the status of land rights in communal areas are now emerging throughout the region (Alden Wily & Mbaya 2001). In some countries there have been efforts to create legal instruments to reflect customary tenurial practices, which combine communal and family based rights. In South Africa a new form of land tenure has been created through the enactment of the Communal Properties Association Act, which enables communities to hold land in common in terms of a constitution which spells out rules of group ownership. Prior to the second democratic elections in South Africa in 1999, a considerable amount of work went into drafting a Land Rights Bill, aimed at creating structures and support for local level land administration and property rights in former homeland areas which are nominally owned by the State. The Bill was abandoned by the new Minister after the elections, and the Department is now considering an alternative approach which would give land rights to "tribes". Why it was abandoned is unclear, but it may be part of an emerging trend of governments re-taking, or attempting to retake control of decentralized approaches and management, a subject we discuss in chapter 8.

In Tanzania, land ownership is vested in the Village Councils, which now have independent legal status. Village land registers are used to record land rights, which can be both communal or family based rights (Alden Wily & Mbaya 2001). In addition in Tanzania there are clear links being made between the Land Bill, the Forest Policy and the draft Forest Statute (Box 24, Ndonde 1999). In other countries, upgrading tenure rights has taken place through conversion of communal land into private property. Upgrading land rights in communal lands gives local communities more secure rights not only to land but also to forest resources.

Box 24: Linkages between the Land Bill and Forest Policy in Tanzania

Opportunities offered by the Land Bill

- Villages will receive a certificate of village land describing its boundaries
- Authority to administer all village land will be granted to the respective villages councils
- Village councils will recommend to village assemblies what portions of village lands should be set aside as communal lands and for what purposes
- Land habitually used, whether as a matter of practice or under customary law, or regarded by village residents as available for use as community land before commencement of the act will be deemed to be communal land and will be registered(this provides recognition for customary rights)

Opportunities offered by the National Forest Policy

- Village forest reserves will be established and managed by village governments or other entities designated by the Village government
- The legal framework for the promotion of private and community based ownership of trees and forests will be established
- Allocation of forests and responsibility for their management to villages, private individuals or to the Government will be promoted
- Central, local and village Governments may demarcate and establish new forest reserves

Source: (Ndonde 1999)

The upgrading of land rights has tended to be equated with *de jure* individual rights. Communal rights are still seen as a lower level right, and as an interim step in converting customary communal lands to individual property rights as the conversion of group ranches to individual land holdings in Kenya demonstrated (Box 29). This may ignore the real land use value of such communal lands,

from either an ecological or land use perspective. Tanzania has tried to integrate ecological and land use concerns through the titling of village lands, and allowing for both individual plots for cultivation, and village communal lands for grazing and forests. Many governments have tended to focus on individual tenure and titling as an administrative and political process, however.

Where the wealth gap is large among the users of a common property resource, the chances that the resource will change its nature are increased, and the richer will take control of such resources and the land, as has been demonstrated in Kenya when Maasai rangelands were sub-divided. In these and other instances the State tends to undermine the authority of local traditional leaders by promoting such land privatisation, and often substitutes it with distant State control. Thus the rules and regulations governing the use of common property resources is weakened, and encourages abuse.

4.3.2. Community Based Natural Resource Management (CBNRM)

There has been a great deal of attention and funding given to promoting local level ownership and control of natural resources in communal areas in recent years. CAMPFIRE in Zimbabwe is perhaps one of the best known examples of CBNRM in the region (Barrow 1997; Child 1996; Murombedzi 1997; Murphree 1997). There are many practical examples of CBNRM are evolving in the region. Tanzania, with its history of emphasis on the village level appears to have the right set of conditions for successful CBNRM with respect for community based forest management, and these include:

- A history of decentralized village based decision making;
- Supporting policies and legal instruments allowing villages to make and enforce their own decisions through village bylaws;
- A government that has actively supported decentralized approaches to the village level. In Tanzania the village is the lowest accountable unit, while in most other countries it is the district or division. Few other countries have devolved as much responsibility to village structures as Tanzania has; and
- The effect of structural adjustment and declining budgets has meant that community approaches are now a necessity even if driven by donor stringency's.

In Uganda the potential exists for community management of local forest resources, but this has yet to be fully articulated in practice. Most of the focus has been on collaborative management of nationally gazetted forests rather than assisting communities and villages manage their own forests. The extensive management of Gum Arabic woodlands in Sudan has been discussed (Box 23), while the lack of formal government structures in Somaliland has enabled *de facto* community based natural resource management to be the norm for the incense trade. Eritrea has built on a tradition of “closures” as a means of community based natural resource management that is proving successful on a national basis (Box 25).

Box 25: Community Enclosures in Eritrea

Eritrea has initiated a process of closures to restore degraded lands, vegetation and important tree species, particularly in the remoter dry pastoralist areas. Extensive areas have been closed off. Permanent closures are more commonly found at higher altitudes, with temporary closures in the lowlands. So far, over 112,240 ha have been closed in 78 permanent closures, and 14,504 ha in temporary closures. Communities have taken initiatives to close the areas and put restrictions on wood use, and the management of the closures is organized through the Village Council or "Baito". Often a community forest guard is deployed. There seems to be no clear definition of what should and should not be allowed in terms of access, except that live tree cutting and new cultivation has been proscribed.

These closures seem to be working well. They have their foundation in traditional natural resource management, and local norms and rules combined with the need for the products from such closures. At present the ownership of such closures is somewhat ambiguous. The ownership and rights of management of, and responsibilities for these closures need to be clarified. Such closures should become part of village or community land use, and could provide a useful tool for future work in community based natural resource management. Indeed such an approach could contribute to the protected area system of Eritrea, but under community control to meet both community needs, and contribute to conservation objectives.

Source: (Barrow 1998a; Giorgis 2001)

The reason for the success of enclosures in Eritrea is not clear. In other countries similar approaches to conservation of natural resources has failed, for instance in nearby Somaliland (Barrow et al. 2000a). However an analysis of land tenure laws in Eritrea could explain the reason, and demonstrates the importance of clarity of access rights to land and resources. Though land tenure is in transition in Eritrea, the traditional "diesa" tenure system is still common in the highlands where crop land may be re-distributed every five to seven years (Giorgis 2001). This is a perverse incentive to long term land improvements, for example soil conservation, and tree planting and management. This is exacerbated by the fact that these lands are open area grazing lands after the crops have been harvested, which would further contribute to the removal of any trees, and further reduce soil fertility. Villages and communities need trees and their products. As there is a negative incentive to plant and manage on their own lands, they have tried to establish, with Government support, communal enclosures for natural resource management. Such areas are communally owned and managed, and are not subject to re-distribution. Where various forms of closures for forage, browse or grazing do work, they have tended to be based on pastoralist dry season grazing and browse reserves (Barrow 1996). It is interesting to note that where the "diesa" system is not operating, for example in the Green Belt of Eritrea, and where certain areas of land had been given out for one hundred year leases, trees are a common feature of the agrarian landscape. This security of individual or community rights to trees is similar in Ethiopia, where a long history of insecure land and forest tree rights has resulted in little real community based forest management, though there are some recent attempts with collaborative management (Anders 1999).

The situation of CBNRM in South Africa is more complex given the country's history of reservation, resettlement and eviction under the apartheid regime (Box 26). Though this is changing, for example through the various land restitution processes that are taking place (see Boxes 14, 15, & 16), hostility and distrust still exist at many levels making true community forest management, where communities own and manage their own forests, difficult. This is exacerbated by a history of forced removal of people, which has destroyed or disrupted the social fabric and inter relations of many communities. The result has been both intra- and inter-community distrust, severely affecting local level land rights. While some of these rights can be negotiated and agreed through the restitution process (Box 26), trust building is a long process. It will take time for communities to feel secure in their rights to and responsibilities for the forests and natural resources.

On the continuum of community conservation (Barrow & Murphree 1998), collaborative forest and resource management reflects how State authorities are starting to embrace contractual agreements with communities. Community based forest management takes this one step further where communities own, manage and benefit from forests. There are great opportunities for community based forest management, since large tracts of forest areas all over the region are "*de facto*" community owned and managed. But success has been varied, as there has been considerable reluctance to devolve some of the management functions and responsibilities to communities. It is only Tanzania that has really embraced community based forest management at a range of levels which are legally catered for in the Forest Statute and the Land Tenure Statute (Alden Wily & Mbaya 2001).

While CBNRM approaches tend to focus on untitled or communal lands, this is not always the case, and such approaches can also be used on private or leasehold lands. For example when Masaai Group Ranches were subdivided in Kenya, and land owners granted individual tenure, land owners are now re-associating for their common good, and in particular to benefit from the lucrative tourism trade. The Il'Ngwesi conservancy in Northern Kenya is comprised of private commercial and group ranches as an example (KWS 1997).

Uganda illustrates the need for such community support as Tanzania has encouraged. Large tracts of forests in Uganda are not reserved, and are on private and communal lands. As a result there is little support for forest management in such areas, since forest and conservation authorities have been more concerned with the reserved forest estate. Degradation and land conversion have been the results, as district authorities exploit these forests to meet district financial needs, and people clear these lands for cultivation and settlement. In a similar manner, in South Africa, as a result of the near complete breakdown of local-level land management institutions and overlapping land rights, it has been all but impossible for communities to legally secure land and forest rights (Box 26).

Box 26: People and Forests in South Africa - a Historical Context of Dispossession and Community Disempowerment

South Africa is "faced with a more pronounced and daunting challenge of redressing the imbalances of the past, than any other country in the region" (IUCN 1999). Apartheid concentrated the majority of the population in only 13% of the country, disrupted rural livelihood systems by creating "labour reserves" and a dependency on migrant remittances, severely eroded social structures and capital, disempowered local communities and institutions, and deprived the majority of the population of basic services and infrastructure. All of this severely disrupted rural people's relationships with each other, their institutions and the resource base.

Up until recently, South Africa's natural resources management strategies were strongly regulatory and interventionist. Conservation policies and strategies adopted an exclusionist, protectionist approach which focused on wildlife and set aside areas and resources in reserves. Removal of local people from "protected" lands, in both evergreen forests and woodland areas, and the withdrawal of rights to use resources which formed an important component of rural livelihoods instantly set communities in conflict with these protected areas. Policies, in general, were conceptualized in ways that did not encourage harmony between the two sectors, but spurred resentment from local stakeholders and led to illegal (but not in the eyes of the community) resource exploitation. In some areas, for example the forests in Eastern Cape, this has led to the degradation of resources vital for local people's subsistence (Meintjies 1995).

Whilst most of the old restrictive laws have been repealed, some are still in place. For example, the *National Parks Act* (Act 57 of 1976) does not provide for natural resource utilization and hunting within National Parks (IUCN 1999). This continues to take precedence despite policies to the contrary at a national level (e.g. White Paper on Biological Diversity, National Forests Act), and the fact that conservation is increasingly moving out of the domain of natural scientists and wildlife enthusiasts into the socio-political arena where concerns for human rights, access to natural resources, equity and sustainable development have become as important as protection (Kepe & Wynberg 1998).

In the past, when Protected Areas were set aside, little attention was paid to supporting the management of natural resources outside of conservation areas, and particularly on communal land. The only interventions were those that were disruptive of rural life, and that were resisted and resented by local communities, e.g. the betterment (villagization) policies, implemented in the 1950s/1960s, which zoned land into residential, agricultural and grazing areas. The communal homeland areas were often viewed by government officials and extension agents as degraded, on the verge of collapse, and in need of conversion to more productive forms of land use (Shackleton et al. 1999c). The importance of woodland and forest resources for rural livelihoods was not recognized and most rural development efforts focused on the agricultural sector, primarily on government sponsored-farmers' schemes, few of which were successful. Resources were controlled and managed through the tribal authorities (TA), although some of the rules and sanctions were imposed from outside. Enforcement was performed through a system of rangers who patrolled the commons and imposed fines on transgressors. These fines were paid to the TA who used the money to fund TA activities. Erosion of the power of the traditional leaders and their co-option by the apartheid State meant that these systems did not work effectively in many areas. After the democratic transition this situation deteriorated further so that open access systems are now the norm in most communal lands.

(Shackleton & Willis 2000)

While forest and conservation authorities have focused their attention on the reserved estates, as well as reserved tree species, the same authorities have not adequately supported forest management in non reserved areas. In the more isolated areas customary management arrangements have continued to support the conservation of important natural resources, especially trees (see Boxes 23, 30, 31, 32, 34, 43, and 48). But the security of these *de facto* systems may not be strong enough when infrastructure and road networks improve, and there is an increased commercial pressure. It is clear that community rights need to be secured, so that *de facto* land and forest rights become *de jure*. This will not only secure land and resource rights, but re-enforce the role of the customary management institution. If this does not happen, such

customary institutions may be legally and socially incapable of resisting the ever increasing external and internal pressures for changes due to land use, population and commercial pressures. In addition such areas of *de facto* community forest lands are becoming targets for reservation. For example the Loima Hills in Turkana, Kenya (Box 32) have been a focus of attention by both the Kenya Forest Department and the Kenya Wildlife Service for gazettment, as well as by UNESCO who wanted to reserve the area as a Man and the Biosphere reserve. Throughout the real managers, the Turkana pastoralists, were ignored, not consulted, and yet have the practically demonstrated capacity to manage and sanction in such an isolated area (Barrow 1988).

Community based forest management should be the logical extension of power devolution to formalize and codify customary and *de facto* management systems for non reserved forest areas. This would help secure both community rights and increase the likelihood that such forests would be sustainably managed. The examples illustrated here are indicative of this potential. It would seem that only Tanzania has developed this process far enough to formalize such rights through their far reaching process of policy reform and implementation. This is based on the strong "village" institution, one of the strong and important legacies of "Ujamaa" (or villagization) in Tanzania, and supported by a land tenure statue that enables such rights to be codified.

Community based forest management, with the exception of Tanzania, is an ideal that is proving hard to truly demonstrate. *De facto* community based forest management examples exist in many areas, especially those that are in isolated areas, or do not contain valuable natural resources. But the long term security of such *de facto* systems can only be more assured when they are sanctioned in law. Governments in general have been reluctant to fully support such initiatives. Even where there has been such support, for example CAMPFIRE in Zimbabwe, the successes of such systems, especially in the generation of significant revenues, may actually be a basis for their failure as "cash strapped" Central and Local Government structures see such initiatives as an important revenue source (Campbell et al. 2001).

4.4. ANALYSIS

State, private sector and community relations on untitled and communal lands with respect to forest management are complex and broadly determined by the strength of the *de facto* or *de jure* tenure conditions. Many such lands are nominally under some broad form of State tenure, but the reality is that *de facto* local management systems determine the state, scale and extent of forest use together with the encompassing rules and regulations. For many parts of the region, isolation has assisted in the conservation of natural forests, particularly in the arid and semi-arid lands where rich patch areas of natural forest and woodland vegetation are so important to overall land and natural resource management. In many places the State has not been able to exert its control and management under its various policies and statutes beyond that of rhetoric and occasional action. This is due in part to under-resourced forest departments. But, when security of statutory tenure is weak, and where land and natural resource use rights are unclear, uncertainty results.

This may not have been detrimental, as it allowed a diversity of practice to evolve under such *de facto* management. In some instances this practice is in turn informing policy changes where decentralization and an increased devolution of rights and responsibilities to the community level are now seen as important. But in other cases, many of these institutions were not adequately prepared for the rapidity of changes, commercial and economic interests of outsiders, and the pervasive influence of Government. This has also resulted in increased pressures on valuable resources, pressures which communities may not be adequately equipped to resist.

In most countries communal tenure is still seen as inferior to various forms of private tenure. There are exceptions to this, for instance in Tanzania where villages can gazette their own forests on village common lands (Wily and Mbaya 2001); or where pastoralism is considered an important form of land use as in Sudan, Eritrea, Djibouti and Somalia (Barrow 2001).

While governments were not able to exert full rights on such communal lands, they have tried, with varying degrees of success, to ensure that royalties should accrue to the State for important tree species which required permits for their harvesting. In many instances, this acted as a disincentive for farmers and pastoralists to conserve such species, because of the difficulties in obtaining such permits, and having to pay for them in the first place.

While efforts were made to assist communities to have communal rights to forest, e.g. in Malawi, these were often subverted, but are now starting to be reinstated. Tanzania has demonstrated the strongest commitment to village based management of forests, including the retention of revenues accrued. Tanzania demonstrates that communities can and do manage forests and trees if they benefit from so doing, and are given meaningful responsibilities to a point where they can be managers and owners of forests.

Governments are starting to realize and support this trend, albeit with some reluctance at times. But the reality in many countries is one of declining government budgets and structural adjustment, is combined with policies that promote decentralization and participation. It is clear that these trends of community based forest management need to be actively and widely promoted and not just piloted in, for example donor funded projects.

True community based approaches test the willingness and motivation of Governments to devolve power, political and policy rhetoric notwithstanding. Perhaps this is why community based forest management has been slow to take hold, despite it being a logical endpoint for decentralized and devolved approaches to forest management. Where there is success, it often happens because *de facto* the CBNRM system has been so isolated, or the value of the CBNRM resources are not attractive enough to warrant strong Government intervention, although the Sudan gum arabic case does indicate that more interesting partnerships between farmers and the state are possible where there is an economically high value resource. CBNRM tests the willingness of Government to devolve real power. It is clear that there is still a reluctance to devolve that power, despite the pressures coming from decentralization, empowerment and enabling policies. The issue may not be CBNRM *per se*, but the perceived loss of power that is the root problem.

CHAPTER 5: STATE, PRIVATE SECTOR AND COMMUNITY RELATIONS ON PRIVATELY OWNED LAND

5.1. BACKGROUND

Privately owned land in different parts of the region has arisen from a complex variety of historical circumstances and political interventions, dating from pre-colonial times to the present. Extensive areas of naturally occurring woodlands and forests are found on privately owned land. Here we examine how the creation of private property under different historical and political circumstances has impacted the power relations of various stakeholder groups, including local communities. We go on to examine current trends which affect the stakes which communities have in forests on privately owned land.

5.2. HISTORICAL CONTEXT

5.2.1. Alienation of community land rights

Freehold tenure was introduced to much of Africa during the colonial period through the introduction of Western property law. In the colonies, the alienation of indigenous land rights was cemented through the use of the legal instrument of private property. Land occupied by European settlers was held under freehold tenure, and could be bought and sold on the property market. In some countries, such as Uganda, freehold title was also extended to select influential Africans.

The creation of private property during the colonial period resulted in the alienation of land and resource use rights by communities who had previously occupied or had access to resources in these areas. In many cases, the original inhabitants of the land were forced to move to other areas, and their stake in both the land and forest resources was terminated. In other cases, people remained in the area, but their rights were severely curtailed. As was often the case in Forestry Reserves, existing populations were not always forced to move after boundaries were drawn and land declared to be private or State owned. In many instances, the new land-owners wanted local communities to remain on the land, for a range of pragmatic, political and economic reasons. A variety of partnership arrangements came about, such as the labour tenancy system which was prevalent in large parts of South Africa, and still exists today (Claassens 1993). In Feudal type systems such as those in Ethiopia, and that created by the British in the Buganda Kingdom in Uganda, tenants formed the basis for the system of patronage. The more tenants on a land holding, the greater the tribute base that was available to the land-owner (Kamugisha 2000).

Local communities living adjacent to privately owned land might also have retained some form of access to forest products, either with or without the consent of the owner. These arrangements are largely at the discretion of the land-owner, in some cases there might have been good co-operation between a land-owner and the surrounding communities whilst in others there was a great deal of hostility and confrontation. Pragmatism, common sense and self interest generally motivate partnerships like these.

5.2.2. Strengthened rights for owners

The most obvious effect of freehold tenure is the property rights conferred on owners and the ability to exclude non-owners, not only to land, but to all resources occurring on that land (Bruce et al. 1993). In the case of "Mailo" land in Uganda, for example, land-owners had ownership rights to the tropical high forest on their land, but not necessarily the responsibilities for management.

In general terms, land owners have stronger rights to the forest and woodland resources occurring on land held under customary tenure, though they still require permits to exploit commercially important trees. This is consistent with the inferior status of land rights in communal lands, as compared with those to private property.

The situation in Uganda is interesting and disturbing, as there appears to be a policy and legislative gap between individual property rights, and land and forest management policies. It is an important issue to address given the context of the new Land Act, and the decentralized control of forest management. At present only Forest Reserves have any form of real conservation management status. Trees and forests on individual or communal lands do not have such protection, nor is it clear what responsibilities the owners of such forests have, or how they could benefit from having such forests on their land. As a result many forest areas are being rapidly converted to agricultural land, because people see little short-term economic benefit in retaining the forest. There are few incentives to conserve such lands in the face of land use and population pressures.

5.2.3. State controls

The legal and policy instruments used by the State to control forest resources in communal lands were highlighted in Chapter 4. It is interesting to contrast them with those used for privately owned land. Not surprisingly, we find the dualism in tenure systems in former colonies is also reflected in forestry policies and legislation. In Zimbabwe, the State placed much greater emphasis on investments, and promoting self-regulation for private land owners as against the emphasis on policing and enforcement within communal lands (Nhira et al 1998). Land owners were encouraged and supported to establish their own structures to make and enforce resource use and management regulations, whereas in communal lands regulations made by the State are enforced by State appointed natural resources officers, or forest guards. We see a similar pattern in colonial times in Uganda, when owners of "Mailo" land were offered incentives to manage forests by the colonial government, in the form of the proposed Buganda dedication scheme (Box 27). It is useful to analyze this example further as it highlights many of the issues relating to trees and forests on private lands (Box 28).

Box 27: The Buganda Kingdom "Mailo" Forests

In 1900, the ***Buganda Kingdom*** made an agreement with the British Crown that distributed the territory of the kingdom. The land was distributed in square miles (locally known as "Mailo") as ***freehold*** (perpetual ownership) and the landlords and government could grant ***leaseholds*** (limited by time). In allocating the land, it did not matter whether it was already inhabited or not. However, since sitting inhabitants automatically became sitting tenants, already inhabited land was preferred because the tenants had to pay rent and tribute to the landlord. The overall effect of this was to create ***landed gentry***. The land was apportioned as follows:

Forest Ownership	**Ha.**	**%**
Crown Forests	388,500	(7.6%)
Crown Land	2,331,000	(45.9%)
Royal Family	128,982	(2.5%)
County Chiefs (20#)	82,880	(1.6%)
Regents	24,864	(0.5%)
Muslim Leader (Mboggo)	6,216	(0.1%)
Chief of Koki (Kamuswaga)	5,180	(0.1%)
Lower Chiefs and other Notables	2,072,000	(40.8%)
Churches	23,828	(0.5%)
Government Stations	12,940	(0.3%)
Total Ha of Forest of Buganda	5,076,390	100%

Although the agreement committed land to Crown Forests, the areas were not surveyed and recorded. When "Mailo" land was demarcated and registered between 1904 – 1936, a considerable proportion of what should have been Crown Forests was included in private and other estates. Only 130,000 ha of Crown Forests (33.5% of the agreed area in the Buganda Agreement of 1900) had actually been demarcated.

After the Second World War, an attempt was made by the Forest Department to bring forests under "Mailo" and on other private lands under planned forest management. By then, the forests supplied 44% of the country's timber. This was done through the ***Buganda Dedication Scheme***, and gave owners the opportunity to lease their forests to the Buganda Kingdom Government for a period of 99 years. The leased forests were to be managed by the Buganda Kingdom forest service for sustainable timber production and the owner was to receive 75% of the profits. The scheme evoked no response from the land-owners as there was general apprehension and suspicion resulting from the "grabbing" of land by British settlers in neighbouring Kenya.

Except for reserved species, "Mailo", freehold and leasehold land-owners own the trees growing on their land. In the case of leaseholds, ownership is guaranteed provided that the trees are valued and considered as part of the annual ground rent. In all cases, one needs a license from the Forest Department to cut the trees for conversion into timber and charcoal. However the same trees can be cleared for firewood or cultivation without license.

Assuming that there were about 388,500 ha of tropical high forest gazetted as crown forest at the beginning of the century, it appears that the majority of this was included as private land between 1904-36. By 1974, private Tropical High Forests had shrunk by about 65,000 ha (25%), and has continued to be eroded. Sadly a collapsed forest structure and composition, combined with poor ecological health, has characterized most private Tropical High Forests in Uganda. This challenges the concept that security of tenure promotes sound forest management, suggests that tenure needs to be related to conservation incentives, in terms of timber pricing structures, use of non-timber forest products, and increased economic benefits from other forest options.

Source: (Kamugisha 2000)

Box 28: Whose Right to and for Trees on "Mailo" Lands in Uganda

"Mailo" land owners were, and still are under no obligation to pay royalties to the government for timber harvesting, even of reserved species, nor are they subject to any restrictions over harvesting of forest products, provided a felling license is received from the Forest Department, and that the reserved species are declared at the time of paying the annual ground rent in the case of leased land. For all other harvesting in Forest Reserves, Public and Open lands, a license has always been needed to permit felling, upon which timber royalties are paid.

Those with land rights over forests have a certain social status *vis-a vis* the forest in comparison with those without, who are usually tenants. This status allows owners certain use rights. Corporate bodies, families, groups or communities can have similar rights in some forests. These rights can take the form of direct and indirect use, or for economic gain, control, or transfer, or for residual or symbolic rights.

Historically tenants on delineated land, particularly "Mailo", were, according to the law, barred from planting trees and other perennial crops. The natural trees belonged to the landlord even if they were on the tenants holding. The tenants had no legal interest in trees whatsoever, although this did not mean they did not have a natural interest. Their tree needs were met through direct purchases, paying tribute, direct labour to the landlord and gifts. In doing this, the colonial government succeeded in usurping and re-distributing the power that previously belonged to the kings and other local dignitaries and institutions to a new set of administrators.

Source: (Kamugisha 2000)

5.3. RECENT TRENDS IN PRIVATE PROPERTY

5.3.1. Private property rights and land reform

After countries in the region gained independence, post-independence governments embarked on land reform programmes. In some instances, beneficiaries acquired private property rights through land reform. In other cases, the State took over ownership of the land, and it was leased or allocated to beneficiaries. In some cases, therefore, land reform resulted in the creation of a new group of property owners, as well as changes in tenure status of land from State or communal land, to private property.

Until recently, land reform programmes in the region did not fundamentally alter dualistic land tenure systems which had been put in place in Colonial times. State and private property were the only legally recognized and secure forms of land tenure. Land rights in communal lands, where the majority of people lived, continued to be vested in the State, or, as happened in parts of Kenya and other countries, individual land titling took place. There is a trend now emerging in many countries in the region to create alternative forms of tenure, which give legal recognition and support to customary tenure systems, many of which are based on a combination of family and communally held rights, for example village forests in Tanzania and Kaya forests in Kenya (Box 46).

Most of the land with higher agricultural potential in Kenya is now under individual title, either for subsistence or commercial purposes. With individual small holder titling of land, trees have become a significant and important component of these subdivided agrarian landscapes, testament to their importance in livelihood strategies of the farmers. Tree growing is also driven by increased population and land use pressures, and the increased difficulties of finding important tree products from open lands and forests, many of which are either not accessible or have been converted.

Group ranches, another form of private tenure, but for group purposes, has been used to attempt to bridge the gap between "traditional" communal natural resource and livestock management systems on "Trust or Communal lands" and individual titling, but has a mixed history (Box 29). Though the problems with group ranches have more to do with greed and the politics which surrounds land and land tenure, as they have to do with the underlying principles of group ranches. In addition the way in which group ranches were actually demarcated went against the necessity for flexibility in grazing management that pastoralists so badly need (Barrow 1996). In Ethiopia, the reverse process took place, when all privately owned land was nationalized after the overthrow of the last Emperor, Haile Selassie, and large areas of privately owned forests were nationalized (Box 5).

Box 29: Group Ranches - Still an Opportunity in Kenya?

The Land (Group Representatives) Act, Cap.287 (Kenya Republic of 1969) was promulgated to give representatives of a group, who have been recorded as owners of an area of land under the Land Adjudication Act, title deed to such areas. Group ranches were demarcated in a number of rangeland areas of Kenya, including Kajiado, Baringo, Narok and West Pokot districts. The act was supposed to recognize

- The need for pastoralists to graze communally as determined by environmental and range conditions;
- Pastoralists grazing and browse systems, comprising wet, dry, and drought times areas, as well as access to water, salt etc.; and
- That, through statutory title, land users would be able to access credit for land improvements.

While the theory behind the Group Representatives Act was to formalize customary pastoralist range land management systems, which were based on sociologically and ecologically viable land units, the reality of implementation has been different, and has been characterized by

- An emphasis on boundaries, not on the ecological and social viability, nor, necessarily, based on customary rangeland management systems;
- The group ranch committees not functioning as they should have, being dominated by elites, sometimes to the exclusion of the actual managers of the land; and
- Granting of loans which rarely benefited the majority of members.

However the Act did achieve one key goal, that of maintaining land ownership by the customary users, and made it more difficult for outsiders to gain access to land.

As a result of the many problems facing group ranches, and the politicization of land tenure, many group ranches have been sub-divided in the past ten years. This has resulted in fragmentation, and loss of access to critical seasonal grazing areas, riparian and hill side woodlands, and water and salt. Owners now had, but did not necessarily understand the consequences of individual tenure. As a result land was sold, and many pastoralists were marginalized, while the more powerful consolidated and expanded their holdings, and outsiders were also able to acquire land.

Despite the original good intentions, the history of group ranches has been plagued by problems. There has been poor representation of the ranch membership in management, little transparency and accountability, and few benefits from communal ownership. These must be resolved if group ranches are to be used as a tool for overall landscape management, for example, for livestock and wildlife management, and forest and natural resource management. However important opportunities may still exist for group ranches such as to

- Use group ranches as their original purpose intended so as to gazette large areas of trust rangeland into group lands;
- Reduce the emphasis on boundary demarcation but address the issues of sociological and ecological viability, and link demarcation to land use. It is now well recognized that pastoralism is as much socially driven as it is ecologically based;
- Clarify the nature of group ranch property rights (Galaty 1992);
- Assist land owners with improved land management practice, and look at the real opportunities conservation might present for economic gain. This is already happening in Il Ngwesi, and could happen in the Loita area (Box 31); and
- Ensure that management structures and representation is improved to promote accountability and responsibility.

This will help ensure more viable landscape use, where hill and riparian tree resources, for example, can form an integral part of landscape management.

Sources: Barrow et al. 2000b)

Both decentralization and commercialization have influenced the status of trees on private lands. Decentralization has given land owners more control over their natural resources, while commercialization has provided the land owner with an excuse, if one were needed, to further exploit the natural resources, and in particular important hard woods. Because in many cases, the checks and balances are not in place to foster a more sustainable use, unsustainable exploitation has been the result in many places, with an overall objective of land conversion, not forest conservation.

5.3.2. Land invasions

Stakeholder relations on formerly privately owned land are currently being dramatically transformed through the recent waves of land invasions taking place, most notably in Zimbabwe, but also in South Africa. It is being argued that the current, highly publicized and politicized land invasions in Zimbabwe are a new phase in a much longer term process of "self land provisioning" that has been going on since independence in 1980 (Murombedzi in (Dladla & Munnik 2000). Land hungry peasants have been taking occupancy of abandoned private land and unoccupied State land over the last twenty years, and the State has generally turned a blind eye and in some cases actually supported this. The implications on tree and forest management as a result of land invasions are unclear, but are likely to result in degradation due to conversion.

5.3.3. Greater State and civil society controls on privately owned forests

Worldwide concerns over deforestation and global warming are presently driving numerous initiatives aimed at promoting and enforcing forest conservation, including on privately owned land. Throughout the region, forestry certification and the development of national criteria, indicators and standards of sustainable forest management are starting to play an important role in setting minimum standards for management of not only State forests but also privately owned forests and plantations. Private forest owners are no longer given free rein to develop their own rules and self regulate, but their forest management practices are increasingly coming under the scrutiny of international consumers and government authorities. These initiatives also require owners to consider the rights and aspirations of local community stakeholder groups in their management strategies.

Forestry legislation is also changing to reflect growing concerns about the preservation of forests. In terms of the 1998 South African Forest Act, for example, all indigenous forests, irrespective of where they occur, are now protected, and cannot be cut or damaged without a license. This is a severe restriction on private property ownership rights, and a shift from past policies which gave private owners "carte blanche" when it came to management of natural resources.

This continued pressure to privatize land, has forced some land owners to realize the limitations of private tenure, particularly for the management of natural resources. As a result various forms of conservancies have started to evolve in South Africa (Steenkamp 1999), Namibia (Jones 1998), and Kenya (KWS 1997), where the conservancy owners agree to manage private lands as communal for some purposes. Wildlife (fauna) has formed the major basis for this, but this has also supported and enhanced the conservation of forests and woodlands as a result.

5.4. ANALYSIS

With a strong colonial and post colonial focus on forest reservation, commercial exploitation and centralized forest management, it is not surprising that less effort has been put into forestry and forest conservation on privately owned land. Where effort has been made it has not been on forestry or forest conservation *per se*, but small scale farm woodlots, fruit trees and hedgerow planting, or on agroforestry. These efforts have been well described in the literature. While both of these areas of work are important mechanisms for livelihood security, as well as creating alternatives and substitutes for forest based resources, they are not the real focus of this review.

South Africa, with its strong private sector and business focus, has perhaps gone furthest in terms of forestry on privately owned lands. But Uganda has demonstrated some of the problems of the incentives for private sector involvement on private lands not being adequate for many of the forest areas on private lands. Security of tenure, in these instances, is not enough, but needs to be supported by incentive measures and realistic local and national market based pricing structures.

Post independent governments have not, until recently, started to address some of the fundamental inequities inherent in dualistic tenure systems, which give communities no rights and private land owners virtually "carte blanche" (Alden Wily and Mbaya, 2001). There have been some examples of limited land reforms in which private and group tenure has been extended to previously landless people, or those with insecure rights. Even these have been fraught with difficulty, as the group ranches in Kenya have shown. It is only very recently that some countries have started to look at how to upgrade tenure rights on communal lands, as in Tanzania, for example.

Private property confers much greater and stronger rights over forest resources than is the case under customary tenure. But this has had mixed results. In some cases, it has led to better management as the conservancies in Zimbabwe and Namibia, and some evolving conservancies in Kenya have started to demonstrate. In other cases there was rapid degradation and deforestation, for example in Uganda where rights to trees on private lands has not been clear.

But there are more recent trends where some governments are attempting to extend greater government control over forest resources. In South Africa all indigenous forests are now protected irrespective of where they are, while in Kenya a Presidential directive proscribed the cutting of indigenous trees anywhere. Such statements and policies may be well meaning, but they do not create the necessary incentives for farmers and private land owners to conserve and manage such trees and forests on their land. If the intention is to conserve such important indigenous trees and forests, then creating the incentives for improved management and benefit flows would seem more appropriate in terms of land use.

This chapter demonstrates two clear issues. Firstly there is need for secure property rights combined with the rights to resources in a manner that creates management and use incentives to conserve. Secondly there needs to be a way to protect the wider interests of society in the case of unscrupulous operators and private land users.

PART III:

MICRO-LEVEL: INTRA-COMMUNITY STAKEHOLDERS AND THEIR POWER RELATIONS

INTRODUCTION

Part II of this review focussed on the changing power relations of communities with two powerful external stakeholders, the State and the private sector. We have seen that there has been a significant shift towards enabling greater community involvement in forest management, at least at the level of policy and planning, and that decentralization has different influences in each tenure category. But these processes are incomplete, in terms of developing effective ways to support community involvement in forest management. In order to improve the effectiveness of policies on the ground, it is essential to have an understanding of intra-community stakes, stakeholder involvement, and existing power relations. Understanding differences in stakeholder interests and the ways in which different groups are able to compete for the power to control resources is important in order to develop strategies for sustainable and equitable community involvement. This is particularly important when a forest resource has commercial values.

In Part III of the paper, we focus on the local level to understand intra-community stakes and power relations. We begin by exploring the nature of intra-community stakes, how these vary from place to place and are changing in response to various influences (Chapter 6). We examine the effects of natural resource endowments and livelihood strategies on the nature of interests that individuals and groups have in forests. We go on to examine the institutional frameworks which set the stage for these different interests to be contested and negotiated (Chapter 7).

The identity of stakeholders, and the nature of their interests, vary in time and space. In any one place, the relative rights of access to resources by various stakeholder groups, and their relative roles and responsibilities, are not static. Likewise patterns of resource access and control by various stakeholder groups vary from place to place.

While it can be relatively easy to separate State interests from those of communities and rural resource users, the separation of interests within communities is more complex and that complexity varies with the heterogeneity of the community. Different stakeholders within a community may have different interests in the same resource, for instance women seeing a tree as contributing fodder and firewood to the household, while men may see the same tree as a potential cash earner from the sale of poles. The negotiating and decision making processes are important in themselves, but it is ultimately "who decides" that will determine who has what rights to trees or products thereof. This power issue is fundamental to equity within and between resource users and communities, and there have been many losers, for instance the landless and those without livestock are often marginalized. Women are disadvantaged, and those who own neither land nor livestock, especially in pastoralist situations, are doubly disadvantaged.

Traditional leaders have been the main decision makers concerning resource access, for instance kraalheads in Zimbabwe (Metcalfe 1996); elders of pastoralist grazing groups in for example Maasai, Turkana and Pokot areas (Barrow 1996); the Laibon in Loita (IUCN 2000). But the imposition of government systems has disrupted many traditional systems, replacing them, often ineffectively, with alien arrangements. Where government systems have complemented and provided synergy for customary systems, both have been winners. Unfortunately in many instances this has not happened, as the complexity of intra community stakes is not adequately addressed or understood, or if understood not acted upon to ensure better equity and decision making.

CHAPTER 6: INTERESTS AND INTEREST GROUPS WITHIN COMMUNITIES

Most of the forest and woodland resources accessible to local communities in the region are common property. Multiple users derive a wide variety of different goods and services from such common-hold areas. Stakeholders and their interests vary from place to place and change both seasonally, over longer periods of time, and in particular during times of hardship. We begin by examining the wide range of different forest uses and user groups that exist in different parts of the region. We examine how user groups vary according to a range of different factors including the type of forest, livelihood strategies of the users, and equity, class and gender. Case studies are used to provide practical examples, as well as illustrate the significance and local level stakes in community involvement in forest management.

Within the nature of the resources, we focus on why, and under what conditions, such forest resources are important. Having already discussed and provided examples of the role of forests and tree products in general in other parts of the review, we focus in particular on the role of rich patch areas of vegetation, which are often critical to livelihood security, particularly in dry and drought times. This forms the basis for a discussion on rural livelihood strategies and socio-economic status, and the roles trees and tree products play at the household level. Commercialization of subsistence use is an important influence in clarifying the relationships within and between communities over resources. Lastly we discuss the wood carving trade, as one particular and important example of commercialization. All through we identify how these different interests may conflict, and how they are negotiated for.

6.1. NATURE AND VALUE OF THE RESOURCE

There are a wide variety of indigenous forests, woodland and tree savanna vegetation types in eastern and southern Africa. These include closed canopy tropical rain forests, savanna and riparian woodlands, mangroves and a number of other distinctive vegetation types. The range of forest goods and services that these vegetation types can potentially provide in space and time is highly variable. Goods and services available from rain forests will clearly be different to those available from mangroves, for example. Likewise stakeholders will vary from place to place depending on what resources are available, what their livelihood strategies are, and the degree of dependence they have on the natural resources, which is often related to climate and land use potential, as well as wealth and the extent to which substitutes are available.

Even within similar vegetation types, it may not be possible to predict what user groups exist. People may make use of certain resources in some areas and not in others, and in some cases there may be very specialized user groups unknown elsewhere, or unique uses made of forests. The "invisibility" of certain users and uses can easily lead to their being unintentionally marginalized, and important opportunities for extending these uses may be lost. Many of the case studies in this chapter highlight these user groups and underscore the need to understand local use patterns, and local perceptions of value, which are often not purely economic.

In general the more marginal the climate becomes, the more important are the natural resources, in particular trees, to the livelihood strategies of people living in such areas as (Box 30 & 31). In these systems rich patch vegetation areas assume an importance out of all proportion to their actual area. The level of detailed knowledge about trees and their values is rarely found in more cultivation based societies, where there is not the dependency on the natural resources that pastoralists have, for instance.

Box 30: Trees and Pastoralists of Kenya

Trees are vital to the way of life of the Turkana people in north-western Kenya. Dry timber is used for fuel, and building material is selectively cut from different trees, such as *Cordia sinensis* and *Hyphaena coriacea*. Household utensils are made from wood. Small tree branches are cut in the dry season to feed livestock, and the pods and fruits of certain trees are harvested for fodder and food as well as being stored for dry times. Many medicinal tree uses have been identified, some with recognized clinical properties.

The Turkana, especially women, have a well developed knowledge of their flora and its uses. Woody species are especially valued, though some species are considered more important than others. Indeed, the woody vegetation is the District's most valuable resource, the Turkwell riverine forest and an area of mist forest (the Loima Hills) being the most important. This importance is supported by an ecological study, as "in 23% of the district, woody vegetation is virtually confined to riparian strips. These areas coincide with the driest eastern parts of Turkana. Despite the acute shortage of grass, areas of exclusively riparian woody vegetation supported over 30% of all livestock in the district during the dry season, underlining their extreme importance as a dry season forage resource" (Ecosystems, 1985).

The Pokot of Kenya attach great value to trees and will rarely fell valuable ones. Trees are used on a sustained basis including for fodder and food, medicines, building materials, fuel and fencing as well as acting as central meeting points for the elders and providing shade. During the dry season some trees will be pollarded for their browse, such as *Balanites aegyptiacia* and *Dobera glabra*. Pods will be harvested from other trees to feed livestock, for example *Acacia tortilis* and *Faidherbia albida*. *Acacia reficiens* and *Acacia brevispica* are used for fencing the homestead and livestock enclosures.

Sources: Turkana: (Barrow 1996; Ecosystems 1985; Lindsay 1987). Pokot: (Barrow 1996)

Box 31: Examples of Tree Rights in Kenya and Sudan

The Turkana pastoralists in Kenya have developed usufruct rights to their trees, especially in the drier parts where the vegetation resource is more critical. Within any grazing area the herd owner will have an *ekwar*, or area of important trees. In the dry season it is often access to fruit and fodder trees that restricts movement. So in the dry season the livestock and herd owner will be found in his *ekwar* unless all the stock are taken to the wetter hill areas in the west.

In the Sudan, Gum Arabic is a commercially viable product and the tree regenerates freely on cultivated land, especially during fallow periods. As the gum trade became more important, farmers put effort into land acquisition. Those who owned baobab trees (*Adansonia digitata*) had a better chance than others of acquiring land for gum gardens. It is because of the importance of Baobab trees that the surrounding land became "owned". In addition, rights to Gum Arabic trees, and to gardens, was also made by marking boundary trees.

Kenya's Loita Maasai have protected and conserved their Naimina Enkiyo indigenous forest through their traditions, culture, and customary laws. Decisions concerning land issues, including those concerning their Naimina Enkiyo forest, rest with the whole Loita community. The dense forest is intact and has not suffered serious encroachment or human disturbance. Its flora and fauna are rich and diverse. It is an important watershed for the whole region, and a source of water, and dry season forage for Maasai livestock. This legacy of protecting and conserving the forest has been handed to the chief laibon, or elder from generation to generation. Many existing undisturbed biodiversity resources have been taken care of by local Maasai communities through their cultural knowledge, conservation practices and skills, rules and regulations.

Sources: (Barrow 1990; Loita Naimina Enkiyia Conservation Trust Company 1994; Seif el Din 1987a, b)

6.2. RICH PATCHES IN DRYLANDS

Within the various categories of woodlands and forests, resources are not distributed evenly across the landscape. Furthermore the availability of particular goods and services is not constant, but is subject to change, both seasonally and over longer periods of time (Scoones 1995). This spatial and temporal heterogeneity in availability of resources is reflected in variable and changing stakeholder patterns within a particular forest or woodland area.

This is particularly important in the drylands, where areas of richer or "rich patch" vegetation, for example riparian woodlands, wooded hills, mountains and areas that receive more rainfall, are vital to the overall natural resource and livestock management system. Such areas are important dry and drought time refuges for grazing and browsing (Barrow 1996). They provide resources to meet contingencies and contribute to risk reduction and resilience enhancement. Because of the relative value of such rich patch areas, resources, trees in particular, may be owned either individually or in larger communal grazing groups. Boxes 23, 25, 29, 30 and 31 describe some examples of these, demonstrating their importance to livelihoods and land use, and as a means to conserve trees and natural resources. Trees, in particular, may have various forms of ownership conferred on them whether in rich patch vegetation areas or on the larger landscapes because of their importance to both people and livestock to meet many and varied needs, or as individual trees (Box 31, 32 and 49)

But, as the population in high potential areas has grown, the frontiers of cultivation have been pushed into remoter forests and river-valleys, and remote semi-arid and arid areas. The spread of agriculture into these drier areas has resulted in the clearing of large areas of important dry and drought time rich patch vegetation including riparian and moister area forests. When such lands have been expropriated for other forms of land use, the overall risk to the natural resource management system is increased (Barrow 1996). As the value of a common property resource, such as a riverine forest area, rises so does its vulnerability. In many countries where pastoralism is an important livelihood strategy, pastoralists lose lands to other forms of land use. Land is converted for cultivation and irrigation to satisfy the needs of land hungry cultivation based farmers and the economic drive for food self-sufficiency. Others lands are expropriated for forest reserves or national parks as they may be deemed important national assets. Such strategies maximize the opportunities for cultivators, and further reduce those of pastoralists, who desperately need as wide a range of opportunities as possible to cope with living in risk prone environments, where risk management and resilience enhancement are livelihood strategies (Barrow 1996).

There is often the conservation assumption that rural people living in, around or in some way use such areas of conservation value are not capable of managing them on a sustainable basis. The example from Mt. Loima in Kenya illustrates that this is not necessarily the case (Box 32), and it is clear that the conservation and management of such rich patch areas in dry landscapes has to be handled sensitively. In Somaliland some of the remote forests have been partially conserved as a result of insecurity, as well as being part of pastoralist natural resource management systems (Box 33 & 34). Isolation has been an important factor in promoting *de facto* local management and ownership. However when communications and access improves, such groups are often not well equipped to resist external, often exploitive pressures. The customary rules and regulations which governed the management of such forested areas need to be strengthened by contemporary law and policy. The resource users need to be assisted so that they can continue to manage and benefit from such resources, but are able to control exploitative and destructive external influences.

Box 32: Pastoralist Management of Loima Mist Forest, Turkana, Kenya

The Loima hills, found to the west of Turkana District, represent the most extensive highland area in the District, rising to over 2,000 m. Broadleaf forests are found in the higher areas that tend towards wooded bushland lower down. On the lower slopes and valley bottoms dense bushland is common. The Forest is dominated by *Juniperus procera*, *Olea europaea*, *Olea capensis*, *Tecla nobilis* and *Podocarpus falcatus*, and covers about 30,000 ha.

In terms of Turkana pastoralist natural resource management, these hills represent one of the most important dry season grazing reserves, due to the area's elevation, higher rainfall, and improved perennial grass cover. The pastoral Turkana using the area during the dry season have shown sustainable and non-destructive management strategies by:

- Only utilizing the Loima Hills during the dry season, which gives the grass and ground cover time to regrow and set seed during the wet season;
- Only utilizing dead wood for cooking, and using bushy species for building temporary structures;
- Not cutting large trees, which has never been necessary, and harvesting wild fruits and other non timber forest products in a non-destructive manner; and
- Using the water supply in the hills in a sensible manner.

The traditional controls are still in place and help conserve the dry season grazing. It is vital that the important tree species be conserved as a genetic resource, yet, at the same time the area has to remain accessible for the pastoral people who depend on it during the dry times. Any restriction to this supply of the dry season grazing would expose the pastoralists to a much greater risk due to drought and famine than before.

The area's remoteness has helped conserve it, and allowed the traditional controls to remain. It has been difficult for the State to exert forest management controls on the areas, and it is doubtful if they would be able to conserve the area more efficiently than the existing customary arrangements.

Source: (Barrow 1996)

Box 33: Mist Forests of Eritrea, Djibouti and Somaliland - the only "True" forests there

The mist forests on top of the mountain spurs that run from east to west along the Gulf of Aden in Eritrea, Djibouti and Somaliland are important and probably unique areas of vegetation. They are the only true "forests" in these countries, and depend on higher than average rainfall combined with precipitation from mist. These mist forest areas are not only important in terms of biodiversity, but also natural resource use, and especially so in dry and drought times where they serve as important forage reserves.

The forests have been considerably reduced in living memory, and there has been significant soil erosion. In the past timber has been cut in these forest areas, and even exported, as access and transport have improved, combined with a ready market in the Yemen and Saudi Arabia. Products have included *Juniperus procera* (Cedar) poles, and Buxus (Box tree) poles. Additional pressure on the vegetation comes from grazing, and particularly the dry season grazing of perennial grasses.

In the past some work has been done to manage and conserve such areas, usually by creating forest reserves, for instance Gaan Libaah in Somaliland, the D'ay forest in Djibouti, and the Green Belt of Eritrea. There is a clear need to work to improve the conservation security of such areas in terms of understanding the management systems, local uses and dependence on the resources in the forest, together with what rules and regulations people may have, and to identify mechanisms for improving and sustaining the resource. If over exploited and denuded, as has been the case in Djibouti, then such forests may be degraded and lost. The reason for the mist is altitude related, and it is a function of the existing vegetation to trap the mist, so any degradation can be very risky to the forest ecosystem.

Securing local rights to, and responsibilities for such important and remote forest areas is key to their sustainable management, together with assisting such groups to be able to exclude outsiders so that resource use can remain sustainable.

Source: (Barrow 1998b; Miskell 2000)

Box 34: The Keyn Forest of Qalloa Village Somaliland

The Keyn forest is an area of rich patch woodland vegetation of about 18 Km^2 lying between three villages - Qalloa, Idhan and Admaddoori in Somaliland. Important trees in the Keyn forest include *Acacia bussei*, *Acacia senegal*, *Acacia tortilis*, *Acacia zanzibarica*, and *Balanites aegyptiaca*. During colonial times and previous Somali governments, the Keyn forest was a communal natural resource, where tree cutting was prohibited.

During the Somali Civil war, neighbouring farmers invaded the forest area to clear it for agriculture. When peace returned, the people re-organized themselves to resume the management of the Keyn forest area. Thirty-one members were elected from the three villages to constitute a voluntary committee to agree on rules and regulations for the forest area. New farms which had been cleared in the forest were destroyed, and the settlements were pushed back to the previous demarcation line of the colonial era. The Keyn forest is divided into three equal areas, and each zone is assigned to one of the neighbouring villages to manage and protect. The committee is responsible for forestry issues, and has the power to ensure that the use of the forest by pastoralists from other areas is carried out in a sustainable manner. They can restrict or stop access if they think that the seasonal grass is not enough for their own livestock.

Isolation, remoteness and a past history of civil strife has created the impetus and need for the three villages to take greater control over such key resources as this Keyn forest. Institutional mechanisms have been developed because of the importance of the resource to the people's livelihoods.

Source: (Barrow 1998b; Barrow et al. 2000a)

Although a 'cut-and-carry' system for feeding domestic livestock does not generally exist in eastern and southern Africa, except where improved cattle may be kept, farmers in southern Zimbabwe will cut indigenous tree foliage for their animals in the dry season. Farmers can utilize over 30 indigenous species for fodder in times of need (Campbell et al. 1993). A similar situation exists in East Africa (Box 30), where the use of pods and cut branches is more prevalent in dry times and drought years. Such pollarding and use of tree products for browse and forage and, indeed, human food is a common strategy in risk prone environments, but important trees will rarely be cut down. Seasonal browse is a key resource for small-scale farmers and pastoralists in the region who experience long dry periods, when the availability of grasses, and their nutritional value, is low. Leaves of trees such as *Colophospermum mopane* and *Acacia tortilis* are relatively high in protein even when dry and these form key resources at such times. Towards the end of the dry season, many savanna tree species produce a leaf flush which provides vital food resources for livestock, and during this period cattle can spend up to 60% of their time browsing on young leaves (Scoones 1990). In order to maximize this key resource, livestock may be excluded from certain areas during the rainy season, to allow for the accumulation of biomass (Clarke et al. 1996a).

During dry times in rangeland and pastoralist areas, livestock, especially goats and camels, may browse on a range of trees and bush species. The drier and harsher a dry season or drought becomes, the more the less palatable tree species will be used as a source of browse. A number of trees will be used as a source of human food in such times, for example flour is made from *Acacia tortilis* pods, or *Hyphaene coriacea* nuts in Turkana, Kenya, which can be mixed with milk or blood and dried in the form of pancakes (Barrow 1996). Fruits such as those from *Boscia* and *Balanites* spp. are eaten even though they may require much preparation prior to consumption to denature or remove certain poisonous compounds. These examples show that land users in many parts of the region have detailed seasonal management strategies for critical resources such as trees, particularly during dry and drought times.

Again secure tenure over land and resources or clear rights to their use is of crucial importance as an incentive for people to manage such rich patch resources. In many countries, pastoralists and hunter gatherers have lost access to such key resources on which their livelihoods depend and been confined to smaller and smaller land areas. Their rights to the remaining ones are often ambiguous and insecure. Often such tree rights are not obvious or clearly understood, and much

under or ill informed rural development has, with often the best of livelihood improvement intentions, destroyed or undermined these rights, thereby undermining the resilience of the overall land management. This is particularly prevalent in pastoral and agro-pastoral societies, but also in other societies, as Box 30, 32 and 34 demonstrate.

A greater understanding and awareness of the importance of these “rich patch” vegetation areas is urgently required, together with the existing *de facto* rules and regulations governing access and use of these resources. Excising such lands for "so called" more productive use is not the answer, as it compromises the vastly larger land use unit, which underpins dryland natural resource management. Understanding and integrating the importance and contribution of these rich patch areas for sustainable management, and economic gain is more important than short term, often costly, conversions. In the next section we explore this further in terms of the general importance of trees and forest products in the context of rural livelihood strategies.

6.3. RURAL LIVELIHOOD STRATEGIES AND SOCIO-ECONOMIC STATUS

The livelihood strategies of local communities are at the centre of proximal stakeholder interests, and will in part be linked to the availability of natural resources for people’s socio-economic well being. Forest goods and services are likely to be more important to the livelihoods of people living close to forest areas than those who do not have direct access to such resources. However, there are many other factors which influence livelihood strategies of households within a given community, and the importance of forest goods and services will depend on their particular livelihood strategy. Wealthy households living in a village close to a forest are likely to have very different interests compared to poor households living in the same place, and class is a strong determinant of livelihood strategy as it affects access to resources. In some areas, forest products may play an important role in local livelihoods, whilst in other areas with equivalent forest resources, they may not play an important role at all. Rural livelihood strategies are also constantly changing, in response to changing markets, policy environments, macro-economic forces, and as a result of political interests. These changes are mirrored in changing stakeholder interests in forest goods and services.

The socio-economic differentiation of woodland use requires a level of detail difficult to find in the plethora of studies on woodland use in the region (Clarke et al. 1996a). This includes such detail as the analysis of households, or members of households within communities, that are involved in harvesting, use and sale of woodland products. Such detail is important to the understanding of tree and forest use, as use patterns may differ from one area to another, and from one socio-economic group to another, since households employ different strategies to minimize risk. This is particularly important for the poorer and more marginalized who may depend on tree based resources for livelihood security, particularly during times of stress to meet contingencies, and is compounded by the fact that the poorer and marginalized are less able, or not allowed to articulate and negotiate for their rights. Then, the understanding of such use is often hidden, as many such resources are viewed as famine foods. For instance one group of Turkana pastoralists obtain over 30% of their diet from tree products along the Turkwell river (Ellis et al. 1988), yet livestock is considered to be their only livelihood basis.

The importance of trees and forest products is underestimated in most livelihood studies, where tree products are often vital, though “hidden” resources for rural people. Many are not only nutritionally important, but are key resources in dry and drought times. Table 6 demonstrates their importance in Kitui District Kenya where 62 wild fruit trees species were identified of found on farms and in woodlands. Seven of these species are sold at markets, and many of the trees are actively managed, for instance by weeding and supporting natural regeneration (Muok et al. 2000).

Table 6: Important Indigenous Fruit Trees in Kitui District, Kenya

Species	Local name	Ranking (points)	% Respondents mentioned
Vitex payas *	Muu	299	71%
Tamarindus indica *	Kithumula	218	58%
Sclerocarya birrea *	Moua	190	50%
Adansonia digitata *	Mwamba	155	43%
Azanza garckeana *	Kitoo	149	42%
Vangueria rotundata	Ngomoa	142	33%
Berchemia discolor *	Kisaya	86	21%
Carissa edulis	Matote	78	2%
Xiemia caffra *	Kitula	76	2%
Balanites aegyotiaca	Kilului	72	17%
Loranthus uluguense	Ndotoo	68	17%

Source: (Muok et al. 2000)

Note: * sold in local markets in the district
The ranking is from highest to lowest

In general wealthier households have more choices available to them (Arnold 1992; Cavendish 1996). In Zimbabwe, for example, wealthy rural householders use more fuelwood than their poorer neighbours, but in deforested areas, those with more disposable income are more likely to shift to purchased substitutes such as kerosene (Clarke et al. 1996a). Harvesting of resources which need to be transported by cart before use or sale is also correlated with wealth, and with the use of male labour, since it is usually only the male members of richer families who have access to carts and the livestock to pull them.

Spatial differentiation in the use and management of indigenous forest resources is influenced by factors such as preferences for certain species, distance to local markets, impact of 'modernization' and the availability of substitutes. In a study of use preferences in miombo woodland in Tanzania, it was found that the use of bark fibre to make traditional tying materials in house construction was dependent on the relative distance of a village from an urban market (Mwambo 2000). Villagers who lived nearer towns were more likely to use nails and wire than bark fibre, possibly due to higher disposable income because of higher employment levels in urban areas, greater availability of alternatives to bark fibre, or greater influence of 'modernization' from urban areas. The use of natural resources seems to diminish with the increasing influence of 'modern development' (Shackleton & Willis 2000). Villagers building new houses in Shurugwi Communal Lands in central Zimbabwe, a relatively well developed communal area, were forced to use bricks made from burnt clay instead of houses constructed of indigenous poles, as part of a 'modernization' process in local government (McGregor 1991b). These bricks were usually bought from local brick-makers who burnt bricks using large indigenous logs sourced from local supplies.

When a resource, such as trees, is pivotal to livelihood strategies, resource users will try and secure certain rights to those resources. They will seek local or customary institutional support for such rights. As a result a range of tree rights exists in many societies, as well as reserved grazing areas in many pastoralist societies. It is clear, therefore, that a decline in availability of and access to natural resources is likely to affect different segments of the population in different ways, and those using resources for subsistence are likely to be most affected (Arnold 1992).

The lack of available forest resources within easy walking distance of a homestead is a factor which may cause rural farmers to become involved in the more active management of indigenous woodlands than merely harvesting certain products. Scarcity or limited access to resources will encourage people to privatize their wood supplies, either through planting or by annexure of communal woodlands. This latter practice has become commonplace in Zimbabwe, where farmers gradually increase their *de facto* land holdings and tree resources in adjacent communal lands by protecting trees surrounding fields or homesteads (Campbell et al. 1993). Also in Zimbabwe, it was found that, faced with increasing deforestation, people had revived an old practice of keeping a grove of indigenous trees adjacent to the home alongside the cattle kraal (Clarke et al. 1996b). These trees provided emergency kraal poles, shade and fodder, shelter, and fuelwood, among other products. *De facto* tenure of these resources was vested in the households adjacent to them.

In northern Namibia, as a result of increasing shortages of *Colophospermum mopane* woodland resources, some villagers have fenced or marked off areas of mopane adjacent to their houses which they manage more intensively than elsewhere. Some trees are pruned to provide small wood for fuel without destroying the whole trunk, while others are coppiced to supply poles for house construction. Standing trees are left to demarcate boundaries and to provide shade for humans and livestock. In Somaliland important natural trees, such as *Zyziphus mauritiana* and *Balanites aegyptiaca* will be conserved on farm, and become *de facto* property of the owner (Barrow et al. 2000a), while in Turkana, Kenya important species have become family owned (Box 32). These are all key conservation strategies, which need to be better understood and more widely promoted, especially as access to forest resources becomes increasingly limited.

6.4. GENDER

Gender is a cross-cutting equity issue which influences stakeholder involvement in forest use and management. In many countries women have rules governing use and access to trees. Traditionally, women have used a variety of indigenous plants in a multi-functional manner that promotes their conservation. It is often women who recognize the importance of preserving indigenous tree species. Therefore, women's knowledge about trees needs to be valued, protected and developed in the context of the acquisition of new knowledge and skills from which women are often excluded. Women should, therefore, be consulted prior to any intervention (Fortmann 1986). Failing to consult women may inadvertently destroy an economically productive local area that appears as useless bush and replace it with a forest that may no longer be locally beneficial (Fortmann 1986). To improve women's livelihoods there is a strong need to develop a range of interventions, embracing such issues as water, natural resource management and trees for fodder, food and fuel. As such, it is important to take into account a number of related issues, including (Oxby undated):

- **Local divisions of labour**—too many development interventions are targeted at men, when it is women who may do the actual work;
- **Female-headed households** which are becoming increasingly common, particularly in more deprived communities (e.g., refugee camps, where up to 25 per cent of households are female-headed as in, for example, Sablaah, Somalia), and now as a result of HIV-AIDS;
- **Cultural constraints**—culture is often quoted as a barrier to targeting women. This is an excuse, not a barrier, since culture is continually changing and cultural issues have to be tackled in the context of participatory discussions; and
- **Existing groups**—functioning women's groups should be used as building blocks for further development.

A number of studies have documented differential resource use by certain groups - for example, women in the region will often have little knowledge of the availability of woodland species used for construction, since house-building is not considered women's work (Fortmann & Nabane 1992; Mwambo 2000). In addition, widows and widowers in rural Zimbabwe, though both resource dependent, utilize quite different products, the former using fruits and grasses, with the latter relying on hunting and fishing (Cavendish 1996). Wild fruit collection and sale throughout the Eastern and Southern African region is the domain of women and children, and women are allowed to control the use of the income earned. For women, sale of woodland and forest products may be a most significant cash earner. They usually concentrate on activities such as mat and basket making which may be performed in or near the home, thus allowing them to combine these income earning activities with other household tasks (Arnold 1992).

There are significant gender differences when it comes to the use and valuing of tree and woodland goods and services (Table 7). Men's and women's knowledge of trees may be divided according to species, products, and uses (Rochleau et al. 1988). This may be critical in selecting species for planting and improving use and management of forests. Men tend to be interested in trees more for commercial reasons than women, whereas women are more interested in trees for the food and fuel characteristics of different species (Hoskins 1983), less for commercial reasons, and more for subsistence (Table 7). Women are the principal collectors, consumers and marketers of certain forest products, usually those connected with household livelihoods, e.g. fuelwood, craft materials, wild foods, and some medicines (Box 35). They also collect forest products for a variety of other purposes, e.g., basket making, dyeing and utensils, and so often have a more detailed knowledge of trees and their uses (Fortmann & Rochleau 1985). Men are usually involved in the more physically strenuous activities of collecting and processing materials for construction and agricultural production, e.g. poles and timbers, household items and agricultural implements. Both men and women make medicine from trees, but usually for different purposes, and women are more likely to have a more intimate and wider knowledge in this regard.

Table 7: Broad Division of Tree Use by Gender

Women	Men
• Subsistence focus • Fruit and wild food collection (with some for sale) • Medicines • Craft making • Fuelwood collection • Collection and sale of range of natural products • Knowledge often more developed for the use of trees in the home situation	• Commercial focus • Control of disposal of planted trees • Medicine • Sale of domestic fruits, planted poles • Poles and timber for construction and farm implements • Knowledge often more detailed for livestock management and browse

Women often have little power over resources that they may have an interest in. For example, in Tsunelane village in Bushbuckridge, Northern Province in South Africa village women were neither consulted nor informed of a plan to convert a large area of natural woodland into farm land. This is despite the area being the closest source of marula (*Sclerocarya birrea*) trees and products for the village. The women only became aware of the decision once clearing started, but were powerless to do anything stating "who will listen to us". In another case a group of women, with the aid of the Department of Land Affairs and under the Interim Protection of Land Rights Act, are challenging the decision of a local chief to exclude them from access to indigenous medicinal plants in a nearby forest (Shackleton & Willis 2000).

While the knowledge domains of women and men are different, they do overlap. Both are important to the overall household and community livelihood strategies, particularly, products used from natural resources. When natural forest and woodland resource use is substituted by an on-farm focus on cropping, much of this knowledge may be lost. Development emphasis on one group, historically the men, can often have a differential effect on the role of women in natural resource use, which can compromise livelihood security, as well as gender based power relations. When a resource is seen as subsistence or "subsistence plus", it will often stay in the domain of women (Box 35). But when the resource becomes an important financial opportunity, men may well take over the activity. With commercialization, the number of potential uses for a particular tree species may result in the development of more than one, often competing, resource user group (Box 36). In such cases the commercial, usually male-based use will dominate.

Box 35: Wild Foods from Savannah Woodlands in Botswana, Malawi, South Africa and Zimbabwe

Mopane worms (edible caterpillars of the *Gonimbrasia belina* moth) are a valuable seasonal resource in the drier parts of Zimbabwe, Botswana, Namibia and South Africa where *Colophospermum mopane*, the host plant for the caterpillar, is dominant on red clay soils. Harvesters, primarily women, come from a wide area to collect these caterpillars on both communal and private land. The business is relatively lucrative in South Africa, and harvesters can earn up to US $600 over the harvesting season. But the value of savanna woodlands as a major source of edible caterpillars is little recognized by planners and policy makers. The Savanna trees that are the most important food plants for these edible caterpillars are *Colophospermum mopane*, *Burkea africana* and *Erythrophleum africanum*.

A survey of resource use by Mkanda and Munthali in Kasungu National Park in Malawi, an area dominated by miombo woodland, found that the most important resources harvested by people were honey and caterpillars (Mkanda & Munthali 1994). Firewood, building materials and mushrooms were of lesser importance to subsistence and commercial collectors. This illustrates that it is not only the type of woodland, and therefore the existence of such products, but also the intended use of the products (here for subsistence or commercial purposes) that is important. In addition the proximity to the resource (rural or town) also affects the harvesting of these resources.

Resource	**Number of users**						
	Subsistence		**Commercial**		**Town**		**Total**
	No.	**%**	**No.**	**%**	**No.**	**%**	**No.**
Honey	38	52%	30	41%	5	7%	73
Caterpillars	37	52%	28	39%	6	9%	71
Firewood 25	33%	28	37%	23	30%	69	
Building materials 26	42%	18	29%	18	29%	62	
Mushrooms	28	52%	25	46%	1	2%	40

Products such as wild fruits, mostly collected and marketed by women and children, are typically low value and seasonal, and are sensitive to price and transport costs. Fruits are also perishable and are often only marketed locally. For many sellers, a seasonal glut of fruit may cause a collapse in prices, and result in a decrease in the value of their stake. Where possible, seasonal products are dried to increase their shelf life and transportability, thus increasing the marketing potential. These include products such as small fruits, wild vegetables, caterpillars and other insects, and mushrooms.

Sources: (Arnold 1992; Cunningham 1996; McGregor 1991b; Shackleton & Willis 2000)

Box 36: Intra Community Competition for use of Ilala Palm in South Africa

Certain vegetation types such as those found in Maputuland in Northern KwaZulu-Natal provide species such as Ilala or Doum palm (*Hyphaene coriacea*), not found elsewhere in the country (Cunningham 1990). This has resulted in two, often competing, resource user groups. Women who harvest young palm leaves for basketry and weaving may come into conflict with men, and sometimes other women, who harvest whole stems to tap the sap for palm wine production.

Both these activities can be commercialized, with the wine tappers holding relatively secure individual tenure over the palm 'fields' (Cunningham 1990; Mabalauta Working Group (eds) 2000), while those who harvest palm leaves for craft tend to have a lower level of security over the resource. But even here there can be differentiation, often along gender lines. In southern Zimbabwe certain types of mats, door frames and chairs are made from leaf mid-ribs by men, while women (and some old men) use leaf blades for baskets and hats (Mabalauta Working Group (eds) 2000).

A recent initiative by the KwaZulu-Natal Nature Conservation Services has provided a group of women weavers from the Mabaso community with access to, and individual tenure and management control over palm trees in an area within the Greater St Lucia Wetland Park (McKean 1998.). This provided a degree of resource tenure security that these women needed. It represents a significant shift in policy and a progressive step forward for the Parks Board since it recognises the women not just as resource users but as the "owners" and managers of the palm trees (McKean 1998.).

Sources: (Mabalauta Working Group (eds) 2000)

6.5. COMMERCIALIZATION OF SUBSISTENCE USE

Increasingly the economic value of non-timber forest products is being recognized. Historically trees and forests were mainly exploited for their valuable timber. Now the acknowledged range of valuable economic products is much wider, and includes timber, foods and fruits, and medicinal plants. This change, which has been quite rapid, has created its own set of opportunities and threats. Realizing the value of these products can, if managed sensitively, increase the livelihood benefits, while enhancing the conservation value of the resource. Yet this increased value can attract commercial interests that are less interested in sustainable yield than in short term gains. The example of *Prunus africana* (Box 37) illustrates this dilemma well. If resource users and communities do not have secure land and resource rights, combined with the power to exclude outsiders, powerful commercial interests can override community values.

Entrepreneurs are a powerful group of stakeholders and this power can be enhanced and consolidated if they organize themselves into formal committees or associations. Commercial resource users regularly ignore boundaries and, therefore, have little incentive to manage a resource sustainably, because once it is depleted they simply move on to another area. In the face of such situations, there is little incentive for local users to restrain resource use and put management systems in place. Indeed, the most logical course of action would be to use resources more rapidly. As a result, there is often a conflict between the promotion of strategies to enhance the value of, and benefits from natural resources, thus creating greater incentives to manage them, and the potentially negative impacts that increased commercialization may bring (Box 38 and 39).

Commercialization tends to increase the pressures on the resource base and can result in a wider exploitation of resources including from protected areas and neighbouring communal lands. This is particularly a problem regarding carving and medicinal species. In KwaJobe, bordering Mkuzi Game Reserve in KwaZulu Natal, South Africa, local residents complained about the damage herbal medicine traders from Durban were causing (Shackleton et al. 1999a). These women traders arrive in the area every month on buses from Durban, spend 1-2 days filling large sacks with medicinal plants, load these on the buses and return to Durban. They are said to have no respect

for sustainable harvesting methods and regularly ring bark trees. At a village level, there appears to be no effective institutional mechanisms to deal with these traders and people appear relatively helpless in knowing how to prevent such exploitation, and how to be able to exclude such harvesters. In parts of Northern Province local villagers, especially women, often complain about wood vendors with vehicles harvesting wood from what is effectively their resource in their village's communal lands (Shackleton et al. 1995). Again, there appears to be little they can do about this especially when they have to confront men. The case of stripping *Prunus africana* has the same underlying dynamic (Box 37).

Products harvested by large-scale extraction and clearance of woodlands pose major threats to the maintenance of woodlands in the region (Brigham et al. 1996). However, the use of medicinal plants by local communities in every country in Eastern and Southern Africa poses a threat to the continued survival of certain species because of the particular plant parts which are harvested, as Box 39 shows. The use of bark, particularly of slow-growing hardwood species, is a case in point (Box 37).

Box 37: *Prunus Africana* from Traditional to High Commercial Value

Prunus africana (Bitter Almond or Red Stinkwood) occurs in Bwindi, Kalinzu, and Maramagambo montane forests in Uganda, as well as in central and eastern Africa and Madagascar. Its bark provides natural medicine for prostate disorders in men, and has an annual market value of US$200 million in the West. An estimated 3,500 metric tons of bark is exported from Madagascar and Cameroon every year, and demand for the bark is increasing. The extracted powder from its bark is packaged and sold in drug and food stores under the name of "Pygeum". As a result there is an increasing commercial market evolving, stimulating extensive harvesting, debarking, and tree destruction. The tree takes 12-15 years to produce bark that can be used for medicine. Although the tree is listed under CITES Category II, which means that controlled trade is allowed through sustainable use, it is clear that much of the harvesting is far from sustainable.

When people first started to collect the bark, it was done sustainably with small pieces of bark being removed, which allowed for regeneration. But with the realization of high value, increasingly larger quantities of bark were removed and sustainable practices were overlooked. This resulted in indiscriminate stripping of the trees, leading to their deaths. Whereas the bark can re-grow within four years if peeled in patches (and still yield about US$20 per year), poachers greedily strip the entire tree to earn US$200, and kill it. Villagers can earn from $0.20 to $0.40 per kg. of bark harvested. However when processed the bark is worth about $60 per Kg.

ICRAF and forest scientists in Uganda have initiated a pilot programme to domesticate *Prunus africana*, through germ plasm collections, establishment of live gene banks, and prototype development of agroforestry systems to promote the tree on-farm. This will help farmers generate income and reduce rural poverty as well as preserve viable populations in the wild. *Prunus africana* is of high commercial value, and makes sustainable use of naturally occurring trees difficult without the necessary controls in place. Domestication, however, can create a farm based alternative to natural forest exploitation, and can also create a basis for certification

Sources: (Cunningham et al. 1997; Dawson 1997; ICRAF 1996; Lodoan 2000)

New markets may increase the diversity of products obtained, and the stakeholder groups involved in a given area. Many forest products, which had, and may still have customary subsistence value are increasingly being commercialized. Honey is sold in the markets. Medicinal plants find market values beyond the village. Wild foods and fruits are commercially available far from their origins. The increased value of, and demand for such resources places an added burden on the sustainability of use and management.

Trading in natural resources can be well developed in many communities, whether *ad hoc* in times of cash need or more formalized (Shackleton et al. 1999a). This can be done on both an inter- and intra- community level. Generally, it is the less 'secure' households that are more likely to trade in

natural forest and woodland products, with the more well off often being the primary consumers of these goods. The less secure families need to harvest products from forests and woodlands for basic livelihood security, not as a luxury. Many of these products collected and traded come from communal lands, and *de facto* private lands. In particular such forest product related trade maybe used to meet contingencies and short term cash needs.

Some products, particularly wild foods, household implements and mats, are traded locally on an opportunistic basis or at markets, and are often highly seasonal, although traders are increasingly adopting a range of strategies, such as drying and preserving, for extending the availability of food products. Others, such as medicinal and craft products, form part of a more sophisticated market chain and may be sold in distant and urban markets or even internationally.

In these instances, the production system is often highly specialized and the entire livelihood of the producer may be based on a particular resource, as in the case of woodcarvers (Section 6.6), furniture manufacturers, medicinal plant traders and herbalists, weavers, wood vendors, palm wine producers, wood rose vendors and other specialized craft producers. The value of some of these activities to producers is often substantial, but difficult to quantify. The demand may be higher than the sustainable yield, leading to a conflict between short and long term gains. Other than work on medicinal plants (Box 38), there has generally been little systematic research on natural resource-based 'industries', especially at a national scale. Though in some countries, e.g. Kenya and Tanzania, there is a growing body of knowledge on the wood carving industry and its impact on forest conservation (Section 6.6). As a result we have a limited understanding of these activities, their value, their linkages to urban centres and economies, and their impact both on the resource base and subsistence use. In addition we also have a limited understanding of how commercialization affects intra-community decision making and negotiating processes concerning benefit sharing. For instance what might have been a resource harvested on a subsistence level by women, may become a commercially important resource sold by men.

Medicinal bark used in traditional medicines and rituals is a relatively high volume, low value product compared to processed medicinal products. But rapidly increasing demand for these products in recent years has resulted in over-exploitation of wild populations, a reduction in supply, and an increase in cost (Mander et al. 1996). In South Africa, the demand for traditional medicines continues to grow as the population increases, alternative employment opportunities decrease, and government primary health care declines. Development decreases the resource base through clearing for housing and agriculture while the increased demand results in greater harvesting intensity. The result is often localized extinction (Mander et al. 1996). Many traditional practices aimed at sustainable harvesting of bark and roots are often abandoned as the market increases, and healers who normally harvest their own medicines are joined by traders with fewer scruples.

Box 38: Commercialisation of Resources and Influence on Stakeholders: Trade in Traditional Medicines

The gathering and trade in traditional medicines is a good example of the economic value of resources available to communities from non timber forest products. Medicinal plants can go through a number of pathways before being used by the consumer. Many rural inhabitants collect certain plants from woodlands, forests, and plantations for self-medication. Other people visit traditional healers. There are an estimated 27 million users of traditional medicines in South Africa alone. This is not restricted to rural inhabitants, as traditional medicines are also popular amongst urban and peri-urban communities. Medicinal plants and animals are harvested from the wild and transported to regional centres. Here they may be sold directly to consumers by the gatherer, or the gatherer may sell them to other street traders, traditional healers, shops or pharmaceutical companies. There are approximately 16,000 gatherers in KwaZulu-Natal, each earning, on average, about US $60 per month. Approximately 4,000 tons of plant material are traded per year with a wholesale value of US$10 million. In South Africa the street trade value is estimated to be approximately US$45 million representing a 450% mark-up in price between the gatherer and street trader. The mark up between street trader and the healer is approximately 600% depending upon the species traded, with similar mark ups from trader to healer, and again from healer to patient. It is estimated that in KwaZulu-Natal there are up to 30 000 people deriving an income from trade in medicinal plants. Of the key species used, 49% come from forests and 51% come from savannahs and grasslands.

Source: (Mander 1998)

Box 39: Woodlands, Commercialisation and Social Differentiation in South Africa

Commercialisation and trade in woodland and forest products is increasing as more people, particularly women and retrenched workers, seek additional opportunities for cash income. Women and women's groups in Bushbuckridge were selling or had sold natural resource products at some stage (Shackleton & Shackleton 1997). In KwaJobe in KwaZulu Natal, two young families (out of a sample of 30 households) in which the breadwinner had recently lost his job had turned totally to the natural resource base for survival. As a coping strategy, these households were gathering and trading in almost all resources available to them, with the women focusing on weaving, and the men on wood-based products and other activities such as farming and building (Shackleton et al. 1999a). In most areas, except possibly parts of Ciskei, there are few rural households that are entirely removed from the natural resource economy and most are harvesting and processing a wide variety of products for both household use and trade (Cocks 2000). Case studies in woodland areas have indicated that between 18 and 27 resource 'types' and some 100-200 species are procured regularly for domestic use, with fuelwood, fencing poles, wild fruits and wild herbs being the most important both in terms of the proportion of households using these resources and monetary value (Shackleton et al. 1999a). The economic value of this use is approximately US $650 household per year. Overall, this represents a significant cost saving, and, given that most rural households live below the poverty line of US $125 per month, and that up to 20% may have no income at all (even from pensions), it is clear that few households could afford to replace these goods with alternatives. Indeed, in terms of inter-household differentiation, there is evidence that the poorer and more vulnerable households, such as those headed by women, tend to be more dependent on natural resources, use a greater diversity of resources and more of each resource than more 'well off' households with access to other forms of income or employment.

This socio-economic differentiation is seen as a major factor creating disincentives or weak incentives for collective action in the management of communal resources, especially in the former Ciskei where there appears to have been a movement away from agriculture and land-based livelihood activities (Ainslie 1999; Cocks 2000).

Source: (Shackleton & Willis 2000)

Honey is a good example of a high-value product, often found in savanna woodlands, for which there is usually a thriving local as well as an external market, if transport and proper packaging are available. Honey is a local currency amongst smallholder farmers in north-western Zambia where it is used for the payment of services like field cultivation, and traditional ceremonies (Fischer 1993). In addition, the traditional beekeeper works within a framework set by household

subsistence needs, the chance to earn supplementary income, and the opportunity of supplying important commodities to the community to enhance social relationships (Fischer 1993). Honey production is negatively affected by increasing deforestation, not only because bees rely on flowering trees at specific times of the year for pollen and nectar, but also because local conservation policies may restrict the use of tree bark in the making of traditional hives (McGregor 1991a). Though in Uganda, collaborative management agreements reached enabled beekeepers to keep beehives in the forest in Kibale National Park, provided that improved hives and harvesting methods are used (Chetri & Kandole 2000).

The negative impact of commercialization on the availability of resources, in a typical 'boom and bust' cycle, is clearly demonstrated by the carving industry in eastern and southern Africa (Section 6.6), and the fish-smoking business in Malawi (Box 40).

Box 40: The Impact of Commercial and Domestic Uses of Woodfuel on Miombo Woodlands in Malawi

Aerial photography of the forested areas on the shores of Lake Malawi revealed that 8.5% of the closed-canopy woodland in Lake Malawi National Park had been converted to sparse woodland in just eight years from 1982 - 1990. Among the lakeshore communities, woodfuel is used domestically, and for smoking fish. This commercial activity not only provides income from an unrestricted resource for the lakeshore communities, but is also an important source of protein for those inland. Domestic wood collectors, largely women, use a wide range of species and collect mainly dead wood and small sized branches. Wood smokers, however, target large logs of *Brachystegia microphylla*, which requires the felling of these canopy trees. Thus fish smoking appears to be a major factor contributing to woodland decline in Lake Malawi National Park.

Source: (Abbot 1996)

Examples of over-exploitation of natural resources for commercial purposes abound, making resource availability and sustainability in the long term an essential factor in the development of any rural income-generating project based on natural resources. In a study of basket-makers and their resources in north-western Botswana, Cunningham and Milton (1987) describe a seven-fold increase in the value of the industry over an eight year period. This reflected a concomitant rise in the number of people benefiting from the manufacture and sale of baskets. This sudden development of the market resulted in heavy exploitation of the palms and dye species associated with basket production. As a result the palm sites were being exploited to the limit (Cunningham & Milton 1987). Weavers were already complaining of having to walk long distances to obtain the palm fronds for their craft. A similar situation occurs in the refugee camps in Turkana, north west Kenya, where palm leaves are used for a variety of purposes to satisfy the subsistence needs of refugees, as well as for the wider national level trade in woven palm leaf baskets. As a result the regenerative capacity of the palms, sustainable under customary conditions, is under threat.

Unlike the examples from the carving and medicinal plant trade, Gum Arabic production and commercialization (Box 23) reflects the sustainable utilization and enhancement of a valuable resource through a partial domestication process. By incorporating trees into a bush-fallow system, the numbers of trees are increased, and are carefully tended by the owners of the agricultural land (Seif el Din & Zarroiug 1996). As the commercialization of the Sudan Gum Arabic trade dates back over 4,000 years, many indigenous norms, rules and procedures have been put in place over time to try and ensure its sustainable management. Here commercialization has lead to a strengthening of local rules and regulations governing harvesting of forest resources. However, artificial substitutes are undermining the Gum Arabic industry, causing production to decrease in recent years (Table 8).

Table 8: Gum Arabic Production in Sudan, 1969-1998

Period	Total and average annual production	*Acacia senegal var. senegal* and *var. seyal* metric tons	% of 1969/70 to 1978/80 production
1969/70 to 1978/80	Total production	384,272	
	Average per annum	34,934	
1980/81 to 1989/90	Total production	277,867	80%
	Average per annum	27,789	
1990/91 to 1997/98	Total production	179,595	47%
	Average per annum	22,449	

Source: (Ibrahim & Osman 2000)

The relatively lop-sided relationship between commercial interests by entrepreneurs, and local more subsistence based, or "subsistence plus" village communities is a cause for concern. Many communities and resource users have sustainable use interests, as they know that they depend on these resources to meet contingency and cash needs. Entrepreneurs have a business and profit focus, and can move to other places when the particular resource is exhausted. The rattan cane industry in Uganda is an exaggerated example of this over exploitation, as the resource has been depleted close to Kampala. Rattan cane is presently harvested from over 250 km from where it is used in Kampala. Clearly communities and resource users need support, so that they can take more control over natural resource use. This will need to include the power to exclude and include users, as well as an ability to understand, and address such issues as:

- A change from sustainable to unsustainable use when commercial pressures apply;
- The marginalising of community members who used to manage the resources by more powerful external forces; and
- A change in intra-community relations, as community elites move into areas that might have been the domain of women, landless people, or a marginalized group.

6.6. WOOD CARVING - A TESTING CASE FOR SUSTAINABLE USE

The lucrative wood carving trade has become a multi million dollar business in the region, particularly in countries where the appropriate trees are (or were) relatively abundant and where there is a significant tourism industry, for instance in South Africa, Malawi, Zimbabwe, Tanzania and Kenya (Boxes 41 and 42). Combined with the hard wood furniture trade, the trees in these countries are being exploited beyond their sustainable yield. As a result efforts are now being put into the management of woodlands and trees for the wood carving industry, including the testing and use of alternative wood species (Table 9). As the case studies from South Africa and Kenya show, commercialization often leads to increased competition. In Malawi, woodcarvers are virtually a law unto themselves with neither community structures nor the law enforcing agencies being able to control their use of the resource base (Kayambazinthu 1999). In addition, the industry has become increasingly male dominated.

Table 9: Indigenous Species Used for Wood Carving, and Potential Alternatives

Indigenous Species Used at Present	Alternative "Good Wood" Species
Pterocarpus angolensis	*Azadirachta indica* (Neem)
Spirostachys africana	*Mangifera indica* (Mango)
Dalbergia melanoxylon	*Jacaranda mimosifolia* (Jacaranda)
Brachylaena huillensis	*Grevillia robusta* (Grevillia)
Olea africana	
Combretum schumanii	

Source: (UNESCO 2000)

There have been changes in the gender division of labour in the wood carving industry, as the industry becomes more commercialised. In the past, craft production and sale was dominated by women who made and sold pottery items, crochet work and palm baskets on a “subsistence plus” basis. Where women are involved in carving production, it is seldom as carvers, but usually restricted to the final sanding and polishing stages, or selling, for which they are paid a wage. Women's participation is restricted by their perceived lack of strength to harvest and carve wood, and by their other household obligations, which require them to stay within a close distance of the home. At some markets, local elites such as teachers and shop owners have opened stalls in which they employ staff to resell carvings bought from the makers. This is a common occurrence in Zimbabwe, where local elites such as councillors or businessmen become involved in an activity once a forest product has been developed and they foresee a business opportunity.

Box 41: Access to Wood for Woodcarving in Kenya

In Kenya, the 'ecological footprint' of a carved wooden animal can be heavy, not only for the forest habitat or rare wildlife species, but ultimately for the woodcarvers themselves. The woodcarving industry in Kenya has been an incredible rural development success, but poses a major ecological problem. The trade in carvings, which began as a family business in 1919, now has an export value of about US$20 million per annum. There are an estimated 500,000 people dependent on the approximately 80,000 dominantly male woodcarvers in Kenya, many of whom are now organized in one of the 7 co-operative societies which are associated in the Kenya Crafts Co-operative Union. Over 50,000 trees (8,000 m^3) are used annually.

Over the past few years however, all the large hardwood trees have been cut from the local indigenous woodlands in Central Kenya near Nairobi, and also along the coast. Most of these trees are slow growing, taking more than a century to reach just 40 cm in diameter. The burgeoning wood carving industry in East Africa makes the search for alternative species and carving techniques crucial to the survival of many valuable forest stands in East Africa, and to the industry in general.

Alternatives are now being promoted as "good woods" to reduce the overexploitation of indigenous woods. Because of their fast growth, general availability, and suitability to produce quality carvings they are being termed "good woods" (Table 9). A *Brachylaena huillensis* tree takes 200 years to produce a tree of 80cm diameter, which a neem tree can grow to in 50 years. It is estimated that an annual allowable and sustainable cut of neem trees along the Kenya coast is about 200,000 m^3 and could support a vastly enlarged wood carving industry. In addition, local environmental groups in Kenya have been instrumental in establishing an alternative market for wooden carvings, through advertising, and by attempting to influence the choice of foreign buyers. By developing a 'green' market for carvings made from fast-growing exotic species, it is hoped that carvers will switch production to these species, and leave the more slow-growing indigenous species to regenerate.

Source: (UNESCO 2000)

Box 42: The wood carving industry in the lowveld region of South Africa

Harvesting hardwoods suitable for carving was the biggest cost facing a woodcarver in South Africa, so they purchased wood from local wood-cutters, rather than collect it themselves. Similarly, commercial woodcarvers and furniture manufacturers are only found in regions of the country where suitable hard woods occur in sufficient density to make production cost effective, e.g. parts of Northern Province, Mpumalanga and the Zululand-Maputuland region (Steenkamp et al. 1999). In these areas, woodcraft producers represent a powerful stakeholder group who often ignore local boundaries, rules and regulations, sometimes to the consternation of local villagers and conservation authorities (Shackleton et al. 1995).

Over 2,500 people in the Bushbuckridge district (2,400 km^2) of the Mpumalanga lowveld of South Africa are supported by the local woodcraft industry, representing about 0.5% of the estimated total population. Total income generated by local woodworking enterprises is approximately US$100,000 per annum. Wood is harvested by local users from communal grazing lands, and conservation areas nearby. A complex license and permit system applies for certain indigenous hardwood species, including payment for the wood. The wood is converted into a range of products with the help of family members and employees. Carving tends to be kept within families, while furniture making can employ outsiders. In general, women and children are responsible for the sanding and polishing of carved items, and sometimes for their sale. Production and income is erratic, characterized by peaks and troughs influenced by factors such as the tourist season, availability of suitably-sized dry wood, working order of machinery, cash-flow situation, successful items, and numbers and size of orders. Woodworkers have about six 'good' selling months per year, in which carvers earn an average of US$78 and furniture makers US$ 326 per month.

The industry is affecting the forest base, and most woodworkers perceive a decrease in the availability of wood, particularly of larger sizes and preferred species. There has also been an influx of newcomers to the carving trade, as economic hardship increases in the area. Users recognize the need to regulate the use of the resource, and in particular to protect it from illegal exploitation by outsiders, but are not happy with the present system. Participation of user groups in developing new management strategies is seen to be important.

Source: (Shackleton & Willis 2000; Shackleton et al. 1996)

6.7. ANALYSIS

Trying to understand the complementary or competing interests and interest groups within a community is complex and difficult, and influenced by many factors. The interests and interest groups are determined by the nature and value of the resources, and people's dependence on them, a dependency which increases with poverty, aridity and isolation. In response, a range of rights to access certain resources has evolved within, and between communities. Formal or informal interest or user groups have evolved to use and manage these resources, often with their accompanying rules and regulations. The informality of such groups has often meant that they are not understood, and are ignored in processes of change.

Tree and forest products are important in helping secure and strengthen people's livelihood basis. But this is not equally spread within a community. The richer are less likely to depend on trees and forest products as compared to the poorer, and especially poor women who may be most dependent on natural resources. Yet it is often the richer, and within that – the richer men - who are making decisions about use. Those who really use and depend on the resources are often "voiceless".

A key issue here, especially for the large areas of drylands in the region, is the role that areas of "rich patch" particularly forest vegetation play to mitigate risk, enhance resilience, and create contingency benefits. These areas have been exposed to increased land use pressures, and many have been converted to other forms of land use, for instance irrigation schemes and national parks which further compromises the integrity of the larger pastoralist based land use system. Many rich

patch vegetation areas have a range of local rules and regulations which govern their use, including the conferral of ownership, where different stakeholder groups in a community may use different resources. Actively supporting and strengthening local management capacity for such rich patch vegetation areas will be important to enhancing community and user group livelihood security.

Gender and equity considerations are vital to understand, as there are significant differences in the type of assets, and amounts of resources used. These intra community complexities are characteristic of many communities. Most studies do not adequately address the complexity and detail of other aspects of intra-community tree and woodland use. Much work tends to be too general, and focus at the level of the community. This is often not adequate, and may result in a further weakening of certain groups already weak livelihood strategies, for instance those of the poor, marginalized and women, in favour of more powerful groups. This is exacerbated by the commercialization of subsistence use. Some of the commercialization pressures are internal, but many are externally driven, and may over ride, or ignore community mechanisms to conserve communal resources. Commercializing subsistence use often changes who directly benefits. Clearly a balance needs to be reached between unsustainable external exploitation, and how sustainable commercial exploitation can assist communities in securing their livelihoods.

A greater understanding of intra-community stakes and interests, together with the institutions that mediate these interests is required, especially for resources that are important to the poor and marginalized, and then in particular those that are used to meet contingencies. At a local level we often see two broad factions competing for power – elites and traditionalists. The primary concern of the traditionalists is ritual, whereas elites tend to hijack community based processes and forcefully occupy the political space open up by decentralization (Kajembe et al. 2000). This can be exacerbated by commercialization, which can further divide communities where subsistence use, often in the hands of the poor, is commercialized by the richer, who can afford the necessary investments. Enabling a wider array of stakeholder groups to benefit from commercialization will be important, so the benefits are not concentrated in the few. But this has to be balanced by a community's power to include or exclude outsiders, and especially outside commercial interests.

The bottom line is one of conflict between class and gender, and the impacts of commercialisation. This is overlain by a range of environmental factors which exacerbate this class divide. What is needed here are more detailed livelihood analyses that show the added value of looking at individuals, not simply groups or communities, and nature resource use.

CHAPTER 7: INSTITUTIONS FOR RESOURCE MANAGEMENT

7.1. BACKGROUND

In Chapter 6 we highlighted characteristics of the resource base and the users who influence forest stakes and other stakeholders. To fully understand intra-community stakes, however, it is necessary to go one step further, and examine the institutional framework that governs the relationship between people and resources at the community level. In Chapter 4 we noted that current use rights and restrictions governing access to natural resources in communal lands are the outcome of two main influences, namely customary tenure systems, including local controls over resource use and access, and overarching national laws and policies. The impact of national laws and policies on the stakes of local communities in relation to the State and the private sector was explored in some detail. Here in Chapter 7, we return to the theme of resource use rights and controls, and examine how they shape intra-community stakes, and focus mainly on customary and local level institutions for regulating access to resources. This includes the systems of norms, rules and rights, and the authority structures which enforce and administer these. However, it is important to remember that these customary institutions operate within the broader framework of national policies and legislation that were explored in Part II of the paper.

There is an increasing interest in institutional changes and development so as to exploit the synergies that exist between formal and informal, commercial and nor profit, government and non- government, and traditional institutions (Gordon 2000). This is based on an emphasis on

- Increased public participation to provide direction and accountability;
- More effective public and private roles;
- Innovative and constructive partnership;
- Enabling statues; and
- Building on informal and traditional institutions (Gordon 2000).

The vitality of institutions and different levels will depend in large part on the extent to which they meet local expectations, and are owned at the local level. Local institutions are likely to be more successful when the resources are bounded (known, predictable), and when the users are an identifiable group or community with their own authority structure (Table 10, Uphoff 1992).

Table 10: Examples of Institutional Robustness

Users, managers are	Known, predictable	Little known, unpredictable
Identified and coherent groups	e.g. irrigation water management by water users themselves	e.g. coastal fishing by local fisheries groups
Lack group identity and structure	e.g. forest management by all who have access to the forest	e.g. rangeland and browse management by pastoralists

Source: (Uphoff 1992)

Despite the far-reaching socio-political changes which have swept the region over the last century, including forces of colonization, modernization, political independence and more recently globalization, customary tenurial arrangements and remnants of customary resource use controls still exist in communal lands throughout the region. Indeed many remain strong, particularly those

which operate in remote areas, or have not been replaced. These norms and controls have not remained static, but have evolved in response to changing circumstances. Likewise, traditional authorities have been surprisingly resilient and remain powerful and influential in many parts of the region, despite the lack of support they have received from both colonial and post colonial governments. They have also redefined themselves as a result of the changes in the wider political and economic environment. We analyse in more detail these use rights and regulations, and community-level resource management structures in the following sections, where functioning and effective community institutions are essential to successful co-management, and decades of exclusion have resulted in the withering of these community institutions.

7.2. RESOURCE USE RIGHTS AND REGULATIONS

There are two basic forms of land access rights within communal lands, namely usufruct land, which is *de facto* privately owned land, and communal land, where a range of customary controls may be found which govern the rights to trees and woodlands on the commons. Four categories of community-level controls in communal lands have been described in Zimbabwe (Bruce et al. 1993), which are broadly applicable to other countries in the region, and are:

- Pragmatic controls, such as the prohibition of cutting of indigenous fruit trees;
- Sacred controls which can be applied to individual trees, species of trees or to woodland or forest areas;
- Civil contract, in which private rights to trees or their products can be signaled, and given recognition by others; and
- Emergent controls, such as those evolving under the range of co-management arrangements.

The last category includes more recent controls that have arisen out of efforts to promote community based natural resource management by various government and non-governmental development services agencies over the past decade or so.

7.2.1. Pragmatic Controls

Where trees have a clear and demonstrated value, for example important fruit or fodder trees, practical controls may have evolved to own and manage them, such as some of those described in Section 7.2.3. Traditional rules might have been made to ensure that such trees were not cut down, or their products stolen. This might have included trees, indigenous or planted, on farm land as well as important trees found on communal lands and in forests. Fruit trees in Somaliland, such as citrus or *Zizyphus mauritiana* are examples of the former, and *Ficus spp*., and *Tamarindus indica* are examples of the latter (Barrow et al. 2000a).

While fruit trees are the most obvious example of pragmatic controls, there are other examples, which demonstrate the importance of trees and their products to local people. The provision of access to bamboo shoots in Mount Elgon National Park to the local Bagisu people, for whom the bamboo plays a critical role in their rituals as well as their diet, is another example as there is no substitute for the ritual functions of bamboo (Scott 1994b). Farmers may travel up to 50 km to collect shoots. The user community comes from far and wide, and is not the same as the "administrative" community. Though the bamboo forest is now part of Mount Elgon National Park, historically this was not the case, and the local people had rights and responsibilities for access, which have now been embedded in collaborative management agreements.

Such pragmatic controls need not be only species specific, but can also relate to wider natural resource management issues. For example, in many areas there has been a tacit understanding between traditional and more "modern" administrative structures. Here the local institutions

complement each other, for example if the administrative chief is also a respected traditional elder. This has happened in a number of pastoralist areas in Kenya, and in some administrative areas in Zimbabwe and South Africa. In some cases there has been conflict, for instance in group ranches in Kenya (Box 29) where many of the traditional range and browse management institutions have been replaced, often ineffectively, with more formal group ranch committees.

In more remote areas, customary institutions are more likely to survive and thrive, as they are the *de facto* resource management system. Official administrative structures have not been able to penetrate into such areas. But customary institutions have had to evolve, and a powerful driving force relates to the economic or cultural importance of the resources around which such institutions evolved. Where the economic importance declines, the managing institutional strength is likely to weaken, as has happened in some rangeland areas, where cultivation based agriculture increasingly dominates. In many cases it is the subsistence economic base which will strengthen the importance, or not of local institutional management arrangements. But when cash based economic interests become more important, the institutions responsibility may gain in importance out of proportion to the overall management system.

In Section 6.5, we discussed the influence of commercial interests on subsistence use, as the economic value of many resources are increasingly acknowledged. Such commercial exploitation, if not controlled, has resulted in much unsustainable use (Box 37, 38, and 39). In addition powerful commercial forces undermine local institutional management and control measures. It would seem that local natural resource institutions survive best where isolation precludes ease of exploitation, and the returns from collection do not offset the costs of doing so. This maintains the space for local institutional rules and regulations to develop and strengthen.

It is in this context that, in many societies, the rules governing the use of natural resources, including land and trees, are part of wider encompassing networks of rights and obligations. Such networks are key because they provide the individual with security in times of need. While such systems are adaptable in the long term, in the short term, which is the life of most projects, it may be necessary to adapt the technical requirements of a project to existing systems of tenure and property relations, rather than force the system to change (Fortmann & Riddell 1985).

A clear lesson from this is that there can be a synergy between existing and traditional natural resource management institutions. However this will require adaptation on both sides. Often traditional institutions' roles and responsibilities need to change with new and increasing pressures, and sometimes they are not able to respond quickly enough to the rapidity of change. A better and clearer understanding concerning the roles and responsibilities of these different institutions can lead to situations where both customary and administrative bodies are respected, and where both retain their roles, rights and responsibilities. It is the integration of "customary" and "modern" institutions, rules and regulations that create stronger more robust emerging institutions, which are built on time respected pragmatic controls.

7.2.3. Private Rights to Trees

Under customary land tenure arrangements, homesteads and arable land holdings are held under individual or family control. This may change seasonally, with arable land reverting to common property during the dry season. Tree ownership and control reflects underlying land tenure to a certain extent, although there may be subtle differences. For example in the communal lands in Zimbabwe, family and individual rights to planted trees were stronger than those over indigenous trees growing naturally on their land, and with trees growing near to the home as compared to trees growing in far fields (Bruce et al. 1993). Different controls also applied to the type of product harvested. It was found, for example, that collection of fruits from naturally established indigenous

trees growing in far fields was generally open to all, as these fruits were not considered to be the exclusive property of a particular family. On the other hand, rights to harvest eucalyptus trees planted near to the home exclusively rested with the male head of household. In Somaliland it was found that farmers and agro-pastoralists had rights to indigenous trees on their cultivated lands, especially those trees considered important, for instance the fruit from *Zizyphus mauritiana*, while the same trees on grazing lands were a communal resource (Barrow et al. 2000a).

In Turkana, Kenya indigenous tree rights to rich patch vegetation areas, for example riparian woodlands and forested hills have become *de facto* ownership rights to an area of land, although it is the trees that are the basis for that ownership (Box 43). However, such rights have to be continuously re-enforced through social linkages, discussions and negotiations, if not they can be lost. In addition Turkana pastoralists have detailed rules and regulations relating to important and not so important trees, and what trees (or parts thereof) may or may not be used or cut and under what conditions (Table 11). This also relates to forest and tree ownership, and rules relating to reserved grazing and browse areas in the context of natural resource management. The rules of use or non use are enforced through the Turkana elders who represent the institution responsible for overall natural resource management.

Table 11: Important and Not so Important Trees in Turkana, Kenya

Important Tree species	Not so Important Tree Species
Conditionalised use - products, parts of, no felling	All freely usable
Acacia tortilis	*Cadaba rotundifolia*
Cordia sinensis	*Acacia senegal*
Zizyphus mauritiana	*Acacia reficiens*
Faidherbia albida	*Acacia nubica*
Tamarindus indica	*Grewia spp.*
Salvadora persica	*Cassia spp.*
Ficus sycamorus	*Abutilon hirtum*
Ficus populifolia	*Acacia paolii*
Dobera glabra	*Euphorbia cuneata*
Hyphaena coriacea	*Commiphora trothae*
Balanites pedicellaris	*Acacia mellifera*
Berchemia discolor	
Balanites orbicularis	
Diospyros scabra	
Boscia coriacea	
Delonix elata	

Source: (Barrow 1996)

Box 43: Maintaining Interests through Social Ties - The Turkana of Kenya and their Trees

The institution of *ekwar*, or tree ownership in Turkana, is part of a land-use management strategy for the Turkana that includes wet- and dry-season grazing combined with reserved grazing areas and dry-season fodder reserves (Box 31). Illegal browsing, burning and timber cutting are subjects of much argument among the people, and the regulation of access, be it individual or group, is a crucial part of natural resource management. Property ownership among the Turkana pastoralists is not definite, but intimately related to the social organization of the people so as to make optimal use of the vegetation (Storas 1987). Where an *ekwar* owner is absent for a period of time and not using the produce of his *ekwar*, it is likely that someone else will take it over. This social organization has ecological implications, as it enables people to regulate the exploitation of the natural resources.

The importance of access to natural resources can be assessed according to the relative abundance of that resource. Recurrent confrontations over land-use are intimately linked to a territory and, more significantly, the relative importance of the resources there. Thus the person who has rights of access and use of those resources has to maintain communal agreement so that his rights are established and maintained by use. Such rights form the basis for extending and reinforcing the web of relations to people on whose support such agreement depends (Storas 1987). This helps to maintain flexibility in resource management both in space and in time, and in relation to other users.

Source: (Barrow 1990; Storas 1987)

7.2.3. Sacred and Cultural Controls

In sections 7.2.1. and 7.2.2., we described some examples of pragmatic and private controls relating to trees and forest use. Such controls relate to the more direct use of trees. This section is related, but is concerned with trees of sacred and cultural importance, where consumptive use is not the main determinant of control. As a result there may be different forms of institutional control and management, which are usually vested in religious leaders or respected elders. The practice of preserving single trees or blocks of forest for spiritual reasons is still common in rural areas throughout eastern and southern Africa (Box 44, 45, 46).

Cultural norms and values vary greatly throughout the region, and are gradually being replaced by a mix of western and traditional values, which in turn affects the use and conservation of natural resources by local people. In Zimbabwe and Botswana for example, the making of traditional beer with the fruit of the *marula* (*Sclerocarya birrea*) is confined to communal work parties or ritual ceremonies, and the products from the *marula* could not be sold commercially. Until recently this was true for South Africa. Now, however such taboos are being eroded, presumably because of economic need. A similar situation exists in parts of Eastern Africa were the fruits of *Kigelia africana* are used with honey to brew beer, as part of communal activities such as land cultivation.

Box 44: Sacred Controls on Trees and Woodlands in Zimbabwe

The Karanga people of Southern Zimbabwe have a variety of sacred controls that govern access to, and use of certain trees and woodlands. Particular trees and woodland areas are held to be sacred because of their association with ancestral spirits. Ancestral spirits provide a crucial link between the people and God (*Mwari*) according to the religious beliefs of the Karanga. Generally, all large trees, regardless of species are protected from cutting, as they are believed to be resting place of the spirits. Religious ceremonies such as for rain-making, often take place under individual large trees. Other trees may be important for other ritual meetings, or form homes to ancestral spirits (Campbell et al. 1993; Mwambo 2000).

The guardians of some protected areas are endowed with power over other would-be users (Daneel 1998). This is often used to legitimize their rights to chieftainship, but increasingly they are tempted to abuse these powers and allow themselves privileged access to scarce woody resources. In pre-colonial times in Zimbabwe, protected woodlands could be as large as 80 ha, but in most areas they are now restricted to sacred hilltops (Campbell *et al*., 1993). Grave-sites, where trees are left to shade the ancestral spirits, are also commonly protected in the region, and form useful sources of dead wood for domestic fuel.

In Zimbabwe there are many incidences of spirit mediums ensuring ancestral prohibitions on tree felling in holy groves, or "*marambatemwa"*, where chiefs and highly respected people may be buried, and which can cover quite extensive areas of forests and mountain ranges. Such areas may be subject to many rules and customs to conserve them. Sometimes there may be ritual tree planting ceremonies. In Shona society virtually all large trees used to be protected, though this custom is not as strong as it once was.

Particular forest or woodland areas may also be held sacred. Sacred trees and groves are protected to a greater or lesser degree by the pervading cultural norms of the neighbouring communities, and are frequently found on hills or mountains, or may be ancient burial sites. There are strong religious taboos preventing tree cutting in graveyards. Forests and woodlands growing along rivers, and particularly those growing around springs or river sources, are held to be sacred. Woodlands in which certain species of trees predominate, for instance groves of *Uapaca kirkiana* are often sacred. Access and use controls applied to sacred trees and woodland areas are very strict, and are still in force in many parts of the country. Only spirit mediums are allowed to enter or closely approach the most sacred sites. In others, ordinary people can enter the forests, but there is a strict code of behaviour covering not only what can done but also what can be said and worn, for example, wild fruit collection in a *Uapaca kirkiana* sacred forest must be done using one hand only, the fruits must be placed in a container made of natural products, and no negative remarks may be made about the quality of the fruit.

Source: (Campbell et al. 1993; Makamuri 1991; Matose 1992; Mwambo 2000; Nhira & Fortmann 1993; Wilson 1987)

Box 45 demonstrates the cultural importance of relatively small areas of trees in East Africa. While small in area, such sacred sites maybe numerous, as the well known Kaya forests of Kenya demonstrate, and have been well documented (Box 46). But the survival of such sites is contingent on the power that the management institutions, for example the council of elders or religious leaders, have to be able to protect them. Other trees may be consecrated as holy. For many societies in the region the fig tree, *Ficus sycomorus*, is considered holy, and may not be cut down (Porteus 1996).

Box 45: Sacred Groves and Trees - Some Examples of Indigenously Conserved Areas

The Mbeere people of south eastern Mt. Kenya have numerous sacred groves or "*matiiiri*" in the forests. These belonged to the people and were under the control of the ruling generation set, acting as a focal point for local concerns. In the 1930s there were over 200 such groves, mainly on hill tops or along ridges, varying in size between 0.1 to 1.5 ha. and composed of large spreading trees. No cutting, clearing or cultivation was allowed, except of branches to propagate new sacred trees. The cultural significance of these practices is being eroded by new religious practices and privatization of land tenure. Some groves were maintained in forest reserves. In a similar manner the Pokot of Western Kenya consider *Ficus natalensis* as sacred. However changing land use and population pressures are placing such sacred areas under an increasing risk of conversion.

In Uganda ridge elders and medicinal specialists have traditionally used the forests in Rwenzori National Park in the west of the country for sacrificing to the forest spirits, for a range of reasons. Shrines were constructed out of *Dracceana afromontana*, and the location of such shrines is related to historical occurrences, for example a burial site.

Kipumbwi village, along the coast of Tanzania, started before the arrival of the Arabs in the 18th century. After a period of prolonged hardship for the village, the elders decided to bring the spirits from their original home (near Mombasa) to a sacred site in the mangrove forest, called *Kwakibibi*. It is believed that the spirit is still there. Nobody may enter without the consent of the three elders (two men and one woman) who are responsible for the management of the site. Historically only Kipumbwi and neighbouring villages used the site. But now people come from as far away as Arabia, mainland Tanzania and Pemba to worship. If they succeed with their prayers they must bring something to leave at the site, for instance a white goat, red or black cloth, rice etc. The Ufiome people have similar sites, or "*kayamanda*" in Tanzania with each village maintaining at least one such site.

These examples demonstrate that people have important knowledge about, and cultural ties to forests which go far beyond satisfying pure subsistence or commercial needs.

Sources:(Alden Wily & Mbaya 2001; Brokensha & Castro 1987; Nurse & Kabamba 1998; Ostberg 1988; Scott 1996a)

Box 46: Sacred Forests - the Kayas of Kenya

Kaya forests are relic forest patches held sacred by the Mjikenda people along the coast of Kenya, and are an integral part of their cultural heritage. The word Kaya means homestead and historically these forest patches sheltered fortified villages or kayas, which were set up by the Mjikenda people. During the past century the people moved outside the forest patches, and their Kayas have come to mean the forest patches which have survived and been protected by the traditions and customs of the elders who used them for ceremonies. Many of these Kayas have been degraded due to pressures for land and timber resources, as well as a declining respect for the customs of the people. Within local society, there are conflicts between the elders who still revere the Kayas, and the youth who see the Kayas as an economic opportunity.

Very little of this forest type remains along the East African coast. Research has shown that more than half of Kenya's rare shrub and plant species have been identified in the Kayas. Many Kayas are at risk of degradation or destruction as a result of rapid over exploitation of forest resources due to cultivation, encroachment and allocation of land for other uses. There has been increasing concern over the fate of these remnant forest patches. A number of Kayas are important catchments, and between 1996 and 1999 a total of 16 Kayas, out of over 70 identified along the coast were declared as National Monuments with a total of 1,670 ha protected. Emphasis is placed on the traditional use of Kayas for cultural activities and their traditional management by the council of elders who attach great significance to their sacred nature.

The biggest problem facing the Kaya forests is, ironically, tourism. Many Kayas had already been destroyed to make way for coastal and residential housing, and these pressures are increasing. While many Kayas are protected, they have been violated by powerful people who do not appreciate their importance to the Mijikenda or for conservation. On various occasions local communities have attempted to protect their Kaya forests from land grabbers, and have lost faith in their elected politicians' commitment to Kaya forest conservation. In protest at the Kaya Waa allocation, one traditional elders asked "…how can we (the community) campaign for the preservation of sacred forests or any forest at all if our leaders grab the only remaining forests?" (Standard, 27.9.1995). For example Chale Kaya was gazetted as a national monument in 1992, but tourism pressures resulted in a hotel being built on part of the Kaya. This result in a loss of biodiversity and a reduced access by the people to their shrines in the hotel area.

Sources: (Luke 1996; Negussie 1997; Njugi & Manu 1993; Robertson 1987; Sayer et al. 1992)

The baobab (*Adansonia digitata*) has numerous cultural and mythical associations which contribute to its conservation. In some societies in, for example eastern Africa, spirits may reside in the baobab tree. It is often known as the tree of life, because of its water storage abilities. Historically this water storage ability has assisted in the migration and expansion of many peoples in Africa. The San of the Kalahari use hollow stems of grass to make long straws to reach the water inside. In Sudan some large baobabs are deliberately hollowed to collect rainwater. In many places *de facto* use and ownership rights may be conferred. Because of its shape, longevity, and multitude of uses there are many myths and legends surrounding this tree (Lewington & Parker 1999).

Even when a specific resource has no known economic value, it may have other values, judged equally or more important by a local community. The cultural practices of the Abatwa of Bwindi and other forests in Uganda link them to the forest more than the consumptive values. Clearly, the relationship between local peoples, and especially forest dwellers is not purely economic. Access to resources is a crucial element in cultural identity and continuity, and economic values actually form part of a broader concept of cultural values.

7.2.4. Emergent Controls

Many of the emergent controls have been discussed in other sections of this review, particularly those relating to collaborative management. Such controls have developed as rural people and communities have fought for greater involvement in forest management, often as a result of long term customary use of trees and forests. While formal forest conservation did not fully acknowledge the importance of forests to people, nor the various customary control measures in place, many communities are now contesting the alienation of lost rights, and are negotiating for an increased formal stake to resources and areas of forests previously considered theirs. Restitution in South Africa, and collaborative management in Uganda and Tanzania are two examples of this.

Mangrove management presents an especially sensitive example of community use, where over use can quickly have disastrous ecological results. The KiSa collaborative mangrove management agreement in Tanga region (Box 47), Tanzania, demonstrates that mangroves are important to fisher communities, and that the resource management institutions need to be strictly defined, to ensure that realistic and accepted “checks and balances” are agreed to and put in place. This also demonstrates that communities can organize themselves for the common good, provided that there are, or very likely to be adequate returns and benefits coming from that mutual organization. In this case, this is the recognition of the importance of the mangrove forest to the village, combined with the benefits coming from the forest on a sustainable basis. These have been the main drivers for the controls and management systems emerging.

Box 47: Defining Institutions for Collaborative Mangrove Management - Tanga, Tanzania

Kipumbwi, a major fishing village in Pangani District, consists of four sub-villages with about 130 households and 981 people (Gorman, 1996). The indigenous systems of institutions for management and use of the mangrove forest were analyzed, and institutions identified for the protection and wise use of the forest. These now have an organizational basis as the Lands and Environment Committees of Sange and Kipumbwi. Equity in decision making and in representation within the new institutions, was in particular examined. The initiative has resulted in the Collaborative KiSa (Kipumbwi-Sange) Management Plan for the management of the mangroves, which includes an action plan that details the activities that the villagers will carry out, and contains indicators for monitoring the effectiveness of the Plan.

The study found the new institutions equitable and representative of the two communities. The nature of organizations and decision making at the village was evolving rapidly in response to national moves towards more democratic and decentralized processes in government. Social capital in the form of institutions and organizations for collaborative management can be externally sponsored, but a great deal of effort is required to develop and check socio-economic indicators of institutional robustness. Much effort is required in monitoring by external agents, and by resource users themselves, once an institution has been identified. It is much easier to build on a successful indigenous institution, as functioning organizational and resource management systems may already be in place.

The Management Plan describes the silvicultural regime and institutional arrangements for forest management and is divided into a number of sections that describe the forest, the roles of partner organizations and protection and management arrangements. The crucial elements in the negotiated roles are that the:

- Forest users have exclusive rights to forest products made available through the implementation of the management plan;
- Forest users are accountable to village government but retain authority to make management decisions;
- The Lands and Environment Committees represent the forest users;
- Forest users can delegate responsibilities and authority to the Lands and Environment Committee and the Co-ordinating Committee, but they can change the decisions made by those committees or remove any members based on a majority vote in a meeting of a quorum of members; and
- Central Government provides advice and assistance on demand.

The situation evolved rapidly as the villagers' understanding of the process and its objectives grew. However the administrative structure has responded more slowly to a newly emerging shift to democratic processes in government in Tanzania. As such, criteria favouring the KiSa management arrangements included a:

- Strong desire to maintain the commons as a common pool resource;
- Strong sense of community within, and between the villages;
- Substantial need for the resource to satisfy livelihood needs;
- Well defined boundaries of access and use;
- Reasonably large resource of approximately 1.3 ha per household; and
- Strong desire to manage the resource sustainably to benefit future generations.

However the user group is large and cannot easily meet to make joint decisions. As a result the representation through committees is a concern, as power will be vested in a few individuals. The legal basis for collaborative management in Tanzania is still unclear which results in high transaction costs and high risk for the participants in the process particularly for the rural poor.

Source (Nurse & Kabamba 1998; Pangani District Council & Kipumbwi and Sange Villages 2000)

Power relations within a community are also significant and can vary greatly. For example, around Mt. Elgon in Uganda, negotiations in pilot parishes were carried out with a committee of elected representatives from the villages within the parish. These elected representatives were inevitably mainly local government officials or other community leaders, namely the more powerful or respected people in the community (Hinchley & Turyomurugyendo 2000). The majority of forest

users were not directly involved in the discussions and negotiations, and were thus dependent for their "second hand" information on the more powerful committee members who may or may not have sought their input or passed on results of discussions with the Park managers. There are no mechanisms built into the agreement for formally or informally obtaining the input of users as part of ongoing management. Ordinary forest users thus have limited power to influence the pilot collaborative management agreements.

Colonial and post independent Governments created and imposed a range of administrative and institutional structures. Until recently these were seen as the main vehicle for development. It is now increasingly acknowledged that there is often an uneasy, often conflictual relationship between these modern and customary institutions. These conflicts usually remain hidden to the outside world in the spirit of preserving an organized and peaceful structure for development. Simplistic definitions and top down institutions rarely lead to increased benefit flows and a poverty reduction focus. When such institutions fail to deliver on what they are supposed to rural communities may be severely affected, and this fosters further distrust (Gordon 2000).

Now it is recognized that many of these customary institutions should be brought into the mainstream of local planning and development. This re-vitalizing of local institutions can create a power crisis between "customary" and "official" institutions, as we have seen in some of the examples (Box 16, 29, and 32). Clearly sensitivity and understanding is required. The ideal would be to legitimize and strengthen the positive aspects of the customary institutions for natural resource management, and have them integrated within the more formal and official structures, or the customary structures are legitimized. Box 29 demonstrates an unrealized potential for this in the Group Ranches of Kenya. However power ultimately determines which type is more important.

7.3. TRADITIONAL AUTHORITY STRUCTURES

Historically, traditional authorities and lineage leaders were responsible for resource management and land allocation under systems of customary tenure and law. Past political processes, and pre- and post independent Governments undermined the authority and legitimacy of traditional leaders and caused distrust and disrespect (Keulder 1998). Nonetheless, in most rural areas they have continued to remain the primary decision-makers in communal land and resource management, even though their role may not be acknowledged or understood by government. But, because their role is in question, uncertainty, confusion and the erosion of existing authority systems pervade. In some areas this has resulted in the dissolution of existing institutional arrangements for natural resource management and land allocation such that open access systems are becoming a norm (Ainslie 1998, 1999; Pollard et al. 1998).

Traditional structures have been replaced by non-statutory civic organizations such as residence associations, for example Peddie district of Ciskei in South Africa (Cocks 2000). Most of these new structures have taken on the issue of land, but have rarely actively addressed resource management responsibilities, though the various residents associations in Nairobi, Kenya took up the "fight" against the allocation of Karura Forest. A consequence is that an institutional vacuum exists at the local level regarding the regulation and control of natural resource use, for example in Uganda where forests are on "private" lands have no formal management regimes. This lapse has resulted in damaging opportunistic exploitation of the resource base in both communal woodlands and in forests by both locals and outsiders.

The networks of structures, organizations and committees found at a local level can be complex. Often a multiplicity of community level structures have emerged at village, tribal authority or district level, driven by the participatory ideologies of rural development and the specific, and

often uncoordinated, agendas of sectoral agencies, NGOs and large donors. Some of these organizations may have similar functions, may be linked to different authority structures or government agencies, and may be in competition with one another either openly, or at a more subtle level. Some are transient and will disappear when a particular activity ends. Such a plethora of networks, institutions and organizations cause confusion and often undermine important existing institutional arrangements for community cohesion, stability, and for natural resource management. A better understanding of existing structures is more desirable, though a longer term process, than the creation of specific separate institutional arrangements for a particular activity.

This highlights two important institutional issues, which has resulted in much tension between customary and official structures as Box 48 demonstrates. Some institutions are strong customary institutions, but have not been able to integrate well with contemporary pressures, laws and policies. Others may be fragile or new and are being pulled in many different directions at once as a result of donor, project and government pressures due to the need for participation and devolution.

Box 48: Which Institutions and Which Institutional Members - a South African Example

In South Africa the stakes around land and natural resources in rural areas tend to be high as there is often little else around which power can be consolidated and held. Conflict and power struggles between traditional authorities and elected local government structures are commonplace, mainly because there is little clarity regarding the roles and functions of these different structures, and how they should relate to each other. Few attempts have been made to reconcile overlapping areas of jurisdiction. If anything, the situation is becoming more complicated with traditional leaders feeling increasingly threatened. In some areas chiefs are no longer enforcing rules and regulations and punishing transgressors for fear of becoming unpopular and losing support, whilst in others, processes around land transfer, have unleashed unprecedented tensions between the two structures (Claassens 1999).

Some of these organizations are short lived, unstable and reliant on one key member, show little real activity, have uncertain membership, and are more outwardly than inwardly focused, responding to external opportunities rather than internal needs (Steenkamp 1999). Furthermore, placement of a new institution causes further tensions, and becomes a source of conflict over benefits and their distribution (Fabricius 1999; Grundy et al. In prep). For example, at Madikwe in South Africa, the creation of an umbrella institution that represented all villages led to conflicts which impacted negatively on the community based natural resource management process. The pattern that emerges is that community members in power positions, i.e. those that sit on these committees regard it as their right to "siphon off" some of the benefits for themselves. Other community members suspect this, committees are disbanded, a new committee is formed and the cycle continues (Fabricius 1999). In an example from Dwesa/Cwebe in South Africa, the new institutions which have been set up to represent the community in the land restitution process have come into direct conflict with the traditional leadership, which in the past was responsible for all land issues (Grundy et al. In prep).

There are clear lessons in this, namely

- The importance of supporting and strengthening institutional capacity to deal with the issues it has to;
- Equity and representation - so as to ensure the institutions are representative;
- External agents (Projects, NGO's, donors, Government, private sector) not competing with each other and creating a plethora of institutional arrangements which are often transient and can actually increase intra community tension; and
- Institutional sustainability - institutions need to have internal ownership of the group it represents in order to be viable.

Source: (Shackleton & Willis 2000)

Traditional structures remain important politically and administratively and should not be ignored or underestimated. If too much power is given to either local government councils or to customary authorities for instance, then problems may arise relating to the participation of community members, particularly women, in decision-making and in the distribution of benefits. This is a particularly important issue where the roles and responsibilities of the institutions and members thereof have not been discussed and agreed to before hand. This often relates to personal power, where new institutions, ostensibly for the common good, are formed as a result of a project intervention, for example, shift the power balances at a community level, and may create new elites and leaders. In such cases, traditional institutions will usually be the losers.

Local institutions often have little real authorities to decide on how to manage the forest resources, as there is often a lack of political will to give to give power to such groups in the first place (Kajembe et al. 2000). Further, benefits need to be significant enough to warrant the community level investment in such local institutions. As a result rural communities are undergoing rapid social, economic and political changes as the development, modernization and decentralization trends spread and become more embedded.

Community forest management, decentralization and participation are more likely to work better if they are compatible with the traditional power and authority structures. It is only then that local communities may accept long-term accountability, because of local peoples long term support and understanding for such institutions. In Uganda there are statutory and political structures which can play a role when recourse to a higher authority is required, and in conflict management. Various mechanisms to include traditional leaders in new structures, either as full members, figureheads (e.g. patrons) or as ex-officio members, have been shown to work. The whole issue of local governance and the division of responsibilities and functions between traditional authorities and local government needs to be resolved if development and the introduction of enhanced systems for land and resource management are to move ahead effectively. Traditional and administrative systems need to be mutually supportive, not antagonistic, and need to complement and provide synergy to other groups. Despite the rhetoric in their favour, these institutions are yet to receive the legal and administrative recognition they deserve, except in Tanzania, and, as a result their potential in expediting shared forest management has not been harnessed. This lack of official recognition of customary institutions is often related to a perceived loss or reduction of official administration power for official recognized institutions.

But, customary and traditional forest resource management can be idealized and romanticized. Admittedly, many indigenous groups have countless generations of experience of cohabiting with, and managing natural resources. These groups have developed a spiritual stance toward forests that is often insightful, protective, visionary and reverent. This strikes a resonant chord with those whose growing ecological anxiety makes them impose idealized values regarding forest management on traditional livelihood systems, thereby reshaping indigenous values into concepts that are more palatable and reflect their own values, experiences and aspirations. Such a reshaping may or may not support forest conservation, and this depends on the extent to which the traditional institutions have been able to adapt to fast changing situations. In some situations, traditional institutions can play a strong and proactive role, for example the manner in which the Kaya forests in Kenya have been gazetted (Box 46) and the "Ngitiri" grazing and browse reserves in Tanzania (Box 49). In a similar manner a dramatic restoration of *Acacia tortilis* woodland was noted in Turkana Kenya when traditional rules and regulations were instigated (Box 50).

Box 49: The Sukuma Practice of "*Ngitiri*" or Reserved Grazing Areas in Tanzania

The Sukuma agropastoralists in Shinyanga region of Tanzania make *ngitiri* grazing reserves. This practice is known all over the region. Though not practiced in all villages it is culturally a well-established concept—everybody knows what a *ngitiri* is, and what it entails. In order to have access to pasture during the dry season, areas within village borders are closed at the beginning of the wet season. In the dry season, when pasture is becoming scarce, the *ngitiri* is opened up for grazing. Up until the late 1980's, many of these *ngitiri* were no longer recognized by Government, due in part to tsetse fly eradication programmes, and in part to the process of villagisation. However, since then, the livelihood and natural resource management value of *ngitiri* has been increasingly recognized, and there are now many thousands of *ngitiri* in the region covering areas of between 1 and 250 ha. Between 1988 and 2001, over 18,000 *ngitiri* (284 communal and the remainder individual) covering over 80,000 ha had been established in a sample of 172 villages out of the total of about 800 in the region. This was due in part to the recognition by HASHI, a Government soil conservation programme for the region, of the importance of *ngitiri* as a means to conserve soils and manage natural resources on a more sustainable basis. In addition NORAD supported both HASHI and other soil and afforestation activities in the region.

Two types of reserves are made: family and communal. Family reserves can only be made on arable land lying fallow, since there is communal access to all land not efficiently cultivated. Communal reserves can be made on any village land suitable for dry-season grazing. The *ngitiri* is opened in sections, one being completely grazed and finished before the next is opened. The underlying idea is to maintain an area of standing hay until the next rains. The last section is ideally not opened before November or December, i.e., at the onset of the rains.

For instance, in one village, Isagala, the villagers had, on their own, made a large stretch of land into a village reserve, divided into two sections. One section was totally closed for any use. From the other section, the villagers were allowed restricted grass and wood cutting based on a letter signed by the village secretary. People from other villages paid $0.25 for a head load and $0.50 for an ox-cart of firewood. The reserve was spoken of as "our property". The reserve was patrolled by *wasalaama,* or local village guards. When a former chairman of the village was asked why it was possible to implement this, he said the villagers had made the decisions themselves and that the rules had not been imposed on them.

To ensure that the closed areas were guarded and respected, traditional law known as *mchenya* was applied by punishing every person who did not abide by the management plan for the village forest. *Mchenya* is supervised by the village security committee, which falls under the traditional military force called *sungusungu* and *wasalaama*. The traditional *mchenya* fine starts with one bull, which is valued at between $50 and $100, but the fine can be heavier depending on the kind of destruction that occurred. In this way the village maintains strict control over communal reserves. The village government decides where to make the reserves and village *wasalaama* or *sungusungu* guards are responsible for enforcing *ngitiri* rules. *Ngitiri,* as a concept of conservation, could be enhanced to include village woodlots and forest reserves.

To strengthen the protection of the village forests there is mutual support to make sure the local by-laws are upheld. From the time these *ngitiri* were re-established in 1987 to 1990, the *sungusungu* in four villages of Meatu district have collected fines worth $126,000 from trespassers destroying forest areas closed by villages. Trespassers have been sent to the district court and during the past three years a number of people have been jailed for up to six months each.

Sources: (Barrow 1996; Barrow et al. 1988; Kaale et al. 2002; Malcolm 1953; Mshuda 1991)

Box 50: Acacia Woodland Recovery in Turkana, Kenya

There has been dramatic natural revegetation on hitherto bare grounds at Lorugum, Turkana, Kenya, where there was a large famine relief and feeding camp in the late 1960s and early 1970s. People had cut down most of the existing vegetation, except some of the riverine forest, to build houses, erect fences and as fuel. As the effects of the famine receded, the people gradually accumulated livestock, mainly goats. The goats consumed *Acacia tortilis* pods in the riverine forests. The hard seeds were deposited in the goat droppings and germinated when the rain came. With the onset of good rains, people gradually left the famine camps and returned to their pastoral ways. During the 1980s, the local chief and the elders agreed to conserve the natural regeneration of *Acacia tortilis* at the local people's own initiative and later, with moral and extension support from the Forestry Department. Rather than create new institutional arrangements, the Turkana elders and people agreed that the area should become a dry season reserved grazing area. With that agreed to, everyone understood the conditions, rules and regulations governing use or non-use of such a traditionally reserved area. According to the chief, at the start only five large Acacia trees remained; they are still visible two to three metres higher than the surrounding young forest. The young trees vary from a few centimeters to over three metres in height and cover approximately 30,000 hectares. The reason the chief gave for conserving the trees in the area was to provide shade and pods for grazing livestock. Not everyone at first agreed with the policy but it prevailed when it began to reap dividends.

Source: (Barrow 1996)

Uncritical espousal of traditional management systems is as unfortunate as that of dismissing it. Traditional uses and controls worked under different pressures and livelihood patterns. The social cohesion, which was at least nominally present in the past, is being eroded, and time-tested strategies that benefited local people, customary relationships and use patterns are being replaced by an often selfish consumerism ethic. Development has generated new and different relationships and disputes for which traditional forms of management have not, in general evolved fast enough to cope with. It is clear that both traditional knowledge and customary institutions can not be a panacea to resolve all the problems of contemporary natural resource management. They have not adapted fast enough to the rapid changes that are taking place, particularly the pressure on resources caused by poverty and population increases. The important lesson though, is to learn from what is good, useful and valuable from the traditional knowledge and institutional base, and integrate "modern" knowledge and institutions with traditional ones.

7.4. INTER-COMMUNITY INSTITUTIONAL DYNAMICS

Communities do not live in isolation. They are connected to, and have a range of social ties and relations with other communities, in particular their neighbours. These relationships, mutual dependencies and social linkages often determine how rural people interact with each other and use the natural resources around them. This becomes especially complex when such resources are sourced from perceived communal areas, as many forest resources are, for example with respect to mangrove forests in Tanga (Box 13, 47), and resource user groups around Mt. Elgon (Box 11). It is also made more complex in extensive pastoralist land use systems where reciprocity is a key natural resource management tool. Pastoralists have developed the principal of reciprocity further than settled agrarian societies because they have to be able to move and interact with other groups as part of their natural resource, and in particular tree management strategies (Box 51), to cope with risk and enhance the systems' resilience in highly risk prone environments.

Box 51: Pastoralist Reciprocity Enhances Resilience and Risk Spreading for Natural Resource Management

Pastoralists have evolved well-managed and sound ecological strategies which enable them to utilize vegetation on a sustainable basis through exploiting different vegetation types. Such silvo-pastoral systems make best use of the vegetation in time and space through a transhumant system of wet- and dry-season grazing combined with the setting aside of specific dry-season grazing reserves (Barrow 1986). This is made more complex, though necessary, by a variety of social controls concerned with sharing, flexibility and mobility (Norconsult 1990). Pastoralists require access to large areas of land and need a considerable capital stock in the form of a herd of animals before they can operate in the pastoral economy. Traditionally, access to land was made possible and regulated by a variety of mechanisms, for example, joint ownership of pastoral water points and recognition of priority foraging and browsing territories which served to spread land-use evenly. An important issue is the extent to which a social organization is closely related to, determined by, and in turn determines economic and ecological land-use strategies (Swift 1982).

The drier an area becomes, the more central control over access to water and fodder becomes. For example, Turkana herd owners depend, in the dry season, on the pods from *Acacia tortilis* along major water courses for animal fodder. Here family ownership of such important resources is clearly defined. Likewise, herd-ownership rights to water is an important consideration in determining new grazing destinations.

Pastoralists endeavour to make the most efficient use of their environment without over-stressing it. They are aware of the need to preserve their resource base and their social institutions to ensure that the pastoral economy does not prejudice the environment. Other elements of pastoralism may include: movement of marginal members in and out of the system to settlements; wage labour and agriculture; restriction on the use of certain water sources; grazing areas and tree products; high valuation of livestock as bride-wealth; reciprocal claims on livestock (Norconsult 1990); dividing livestock into smaller herds; moving to areas considered insecure for grazing; and selling livestock to buy grain (Ellis & Swift 1988).

Source: (Barrow 1996)

The Dukuduku forest example (Box 52) highlights the problem of immigrants from other areas and their stake in natural resource management. As population and natural resource pressures increase, such in-migration is likely to increase and has to be managed at both the community and natural resource level. In some cases, such in-migration results in expropriation. For instance rich patch vegetation areas have been expropriated for irrigation, cultivation and as reserved areas, from the wider natural resource management systems with no or minimal consultation, for other forms of land use. In other areas communities themselves regulate who may or may not become part of the community, and under what conditions. For instance in Zimbabwe in Masoka village (Guruve District) the village assesses potential immigrants as to their suitability. If accepted for admission to the village, such immigrants are not allowed to receive direct benefits from the CAMPFIRE programme for a period of time of 2 - 5 years (Murphree M., 1997 pers, comm).

Box 52: Dukuduku Forest in South Africa

The Dukuduku State Forest in KwaZulu Natal has been inhabited by local communities as well as immigrants from neighbouring Mozambique for many years. The situation between the forest dwellers and the government has been tense, volatile and often violent. Although the area was thought to be managed by the provincial government, this was not clear, and may have been one of the factors resulting in the lack of effective control of the situation. In 1998, when the Department of Water Affairs and Forestry (DWAF) was requested to intervene, it was undertaken within a participatory spirit of negotiation and co-operative governance. Some of the initial constraints in the process included:

- Perceived political differences at all levels of government;
- Groups of dissidents intimidating the majority of forest dwellers;
- Illegal cropping and other activities within the forests providing a lucrative trade and a disincentive to move; and a
- Lack of trust between the parties and a perception of "hidden agendas".

While most of the forest dwellers were keen to accept the proposed solution for the conflict, the process is still in progress, and includes:

- Endorsement of the process by Cabinet and the President;
- All relevant government departments being involved through the Dukuduku Implementing Committee. Together they have established an "Integrated Dukuduku Resettlement Business Plan" in which each department has defined its contribution and role in the process;
- The Uthungulu Regional Council and the Hlabisa Regional Authority are in support of the process and have passed certain resolutions which they presented to Government for implementation;
- A census of the forest dwellers was completed and the majority of forest dwellers have registered their households in order to be considered in future negotiations. One of the resolutions of the Regional Authority does, however, express a willingness to include "outsiders" in the process provided these people are prepared to accept the authority of the local chief; and
- The purchase of two lucrative sugar cane farms adjacent to the forest was made for the resettlement of the forest dwellers. A resolution has been passed to have the ownership transferred to the Mpukunyoni Tribal Authority who will then oversee the resettlement process.

Source: (Shackleton & Willis 2000, and pers. comm. DWAF staff)

As communities can no longer live in real isolation, they have to develop institutional and organizational arrangements to relate to other communities and other stakeholder groups. Historically there were often mechanisms to allow inter community dialogue, for instance to manage a communal area of woodland, a sacred forest, or as part of wider natural resource management. Some of these arrangements still survive, and many have been re-enforced. When they have failed, this has often been due to economically and politically more powerful groups moving in either to settle or to harvest resources, as some of the examples have shown. Here community institutions and organizations simply do not have, or have not been given the power to exclude outsiders. If communities have clear rights to, and responsibilities for their lands and resources, they have to have the power to include and exclude others.

7.5. PROXIMAL-DISTANT DYNAMICS

The devolution of authority and responsibility from one level to another implies a shift of power wherein the lower level has gained, and can accommodate more power than it had before (Jones & Mosimane 1999). It can be expected that such a shift in power will be accompanied by competition for the benefits of that power. This competition is likely to take place between the institution receiving devolved authority and existing institutions that believe their own position to be threatened. It is also likely to take place at an intra-community institutional level where interest

groups are moved to try to take control of a community-based process to further their own interests. As a result conflict is common. At an individual level, social inequities and more devolved authority can lead to differential power balances.

Power and power shifts are key notions in this analysis and can be differentiated in a number of ways. If rural people and communities are to be "empowered" or to regain "lost power", then those holding the power have to devolve it, which may result in a loss of patronage, access to bribes etc. It is for these reasons that such power shifts may be resisted, despite participatory rhetoric to the contrary. Real community based forest management is a continuous "battle" requiring not simply policy and legal support, but real power devolution so that the rights and responsibilities are clear, unequivocal and linked. In addition the roles of those "losing" power have to be acknowledged as still important, as is demonstrated in many of the case studies (Murphree 2000).

Proximity to the resource is not the only consideration in determining rights and responsibilities. This is particularly so with extensive land use systems, for example pastoralists, where the land users may only use forest resources at certain times (Box 32), as a resource to meet contingencies or as part of seasonal grazing patterns. Other cases are more difficult to manage, especially where there are cultural linkages (Box 1), where the people have cultural ties to areas of trees may be widely dispersed, not cohesive as a group, and may not be even an administrative group.

Restrictions on the use of resources have an impact on the people who depend on them. Consumptive uses are essential for the people's welfare and any restrictions may lead to conflict, unless properly understood, negotiated, and agreed. It is the level of dependence on the resources in a specific ecosystem, and the extent to which access is allowed that determines the type, magnitude and form of conflict and overall social impact of a given forest reserve. The various social units within a local community are affected differently by restrictive measures and have to be considered separately. For example in South Africa, in many of the communal areas, overlapping layers of rights exist as a result of people having been repeatedly dispossessed of land, removed and resettled.

Migration, mainly to urban centres, has been a feature in most South African communities for decades. Many of these migrants still claim rights to land and resources in their rural "homes". Some may be urban-based entrepreneurs such as medicinal plant vendors or woodcarvers. Others, through their clan names, claim links to particular tribes and access to certain rights that pertain to members of the community or tribe (Voster 1999). Some resources such as forests or rivers may be used by a number of different communities, or villages, to varying degrees with different claims to access or ownership. In the Dwesa area in the Eastern Cape the total "community" surrounding the Forest Reserve is about 32 villages although only seven have entered into a joint management agreement with the Government (Kepe & Wynberg 1998). Sometimes Chiefs and Tribal Authorities, as representatives of the tribe, assert their "ownership rights" over and above the rights of individual communities and villages falling under the Tribal Authority. Thus, there is a great deal of ambiguity and "fuzziness" over boundaries, who has rights to land and resources, and who is responsible for their management (Kepe 1999). This can make it very difficult to implement community-based programmes where a great deal of emphasis is placed on the need to define group membership, boundaries and being able to exclude outsiders or non-members of the group from accessing and exploiting resources as well as receiving benefits (Shackleton & Willis 2000).

Most communities are stratified according to wealth, education, power, ethnicity, political affiliations, livelihood strategies, access to land, use of resources, access to patronage, allegiance to traditional structures and engagement in the formal economy. Some are strongly divided by factionalism. All these result in multiple interests that can influence which, and how different groups will participate in a project and what their specific objectives are. It is often the more educated, political and social elites who take a leading role. This is a problem in South Africa (Fabricius 1999), and often defeats the fundamental aims of a community-based approach by excluding less powerful groups such as women. Participatory approaches can present a veil behind which power can be consolidated and used more effectively (Malan 1999). On the other hand, socio-economic differentiation can result in weak incentives to contribute to resource management initiatives especially for people with access to non land-based sources of livelihood (Ainslie 1999; Shackleton et al. 1998). People with little dependence on the resource base will show little interest in managing it, while the very poor for whom the resource base is critical may not be able to afford the costs of restrained use in the interests of long term sustainability. The same would apply to entrepreneurs who depend on resources to remain viable. The more differentiated a community is, the less likely it is to share common interests and norms, and the more individual and sub-group interests will predominate (Shackleton & Willis 2000).

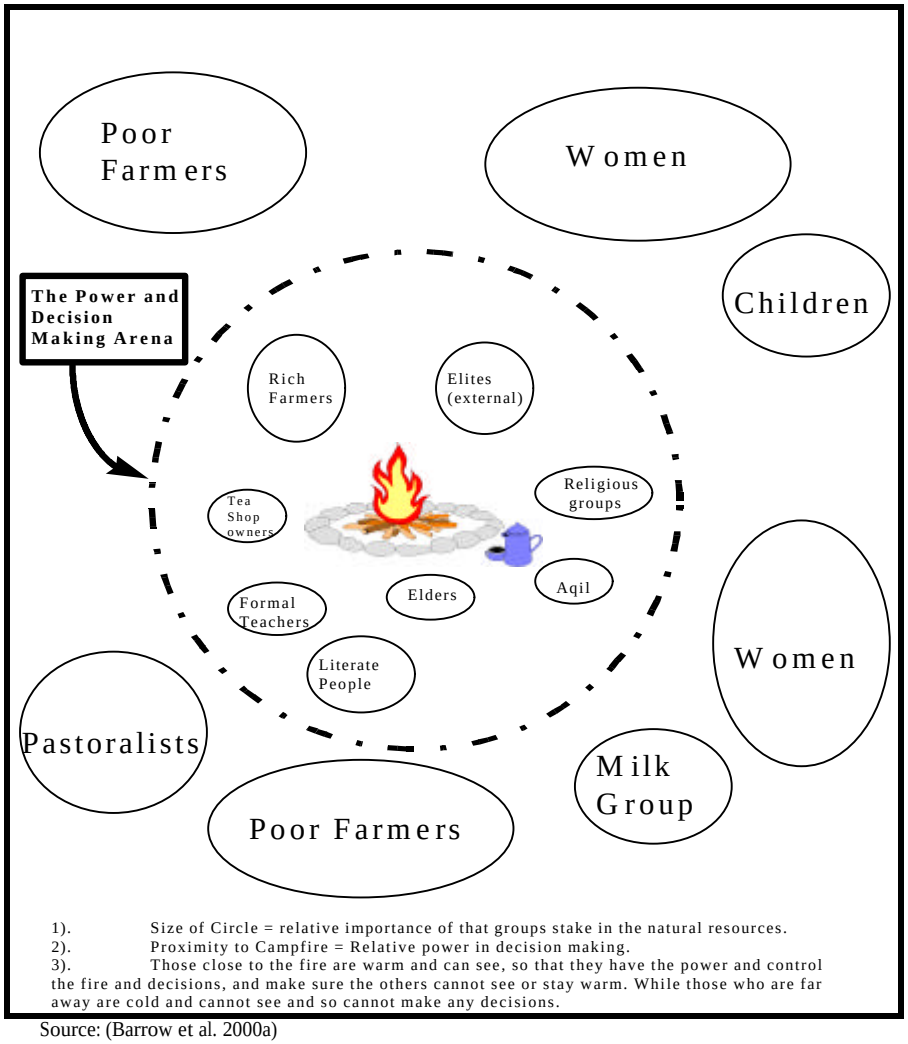
Within a community, different stakeholder groups have different rights and responsibilities relating to natural resources. Some groups, while important users of natural resources, may have little or no decision making power with respect to those natural resources. Conversely some powerful decision-makers may have little actual interest in the resource. Figure 4 illustrates this dilemma in village based natural resource management in Somaliland where the main resource users (women, pastoralists and poor farmers) are not those who dominate decision making processes (religious and external leaders, elders, and village elites). In this case, the power relations and decision making analysis came towards the end of a series of discussions using participatory tools (mapping, transects walks, gender analysis etc.). As a result trust had been built, and this allowed the community time for self reflection and analysis. It was then that power and decision making issues could be discussed, analyzed and broadly agreed to, as Figure 4 demonstrates, and allowed the village to reflect on the power disparities. A process of greater inclusivity in decision making has been started, though achieving real equity will be a much longer process (Barrow et al. 2000a).

Perhaps a more rapid participatory process would not have obtained a reasonably true picture of the power relations, as such processes often cannot obtain that level of important detail. Rapid appraisals of one form or other have been used extensively over the past two decades in response to calls for greater participation and decentralization (Chambers et al. 1989). It is now acknowledged that many of these rapid techniques can be too general, will not allow for real reflection on important intra community issues, and will often be dominated by the vocal and the powerful (Barrow et al. 2000a; Chambers 1997). By its very nature rapid appraisal simply does not allow the time to build trust, and tend to be more problem focused. It is only with such trust established, that many of the more sensitive power and equity issues, as well as the range and variety of local and customary institutional arrangements and interactions can be discussed. This has been a key failing in many so called rapid and participatory processes. As a result the isolated, marginalized and "unheard" may continue to remain so, the best of participatory intentions notwithstanding.

Isolation has enabled local resource users take more control of their natural resource, or to consolidate their customary control mechanisms, as for example in many pastoralist areas. Distances maybe too great for some stakeholders, for example traders, to come to harvest natural resources. Recent case studies on the value of woodland resources for rural households in northern South Africa demonstrated that households in isolated, and less “developed” villages do

make use of a wider diversity of resource types and species. They procure these resources more frequently than people living in less isolated, more "developed" settlements (Shackleton et al. 1999b; Shackleton & Willis 2000; Shackleton et al. 1999c). A much higher proportion of households in isolated rural villages use and depend on locally harvested resources for subsistence, while external traders tend to be more predominant in the more "developed" settlements.

Figure 4: Decision Making over Natural Resources in Qalloa Village in Somaliland - Power Analysis Using a Campfire Analogy



Source: (Barrow et al. 2000a)

Isolation can be a great conserver, allowing local and customary natural resource management and its embodying institutions to dominate, and help ensure long term sustainability, due to resource dependence. Yet the very isolation often precludes access to services people have rights to, for instance health and education. In most cases health care provision and education facility development are not mobile, and are site specific. This serves as a centre and an attraction for increased settlement, as well as attracting outsiders, which may increase natural resource pressure

beyond that which is sustainable. Providing greater access to such services without an increased ability of local people to be able to manage their natural resources in the face of increasing external pressures can, as so often happens, result in degradation, over use and expropriation by such outsiders (Norconsult 1990).

In practice, the direction and priorities of many interventions in forest management are often determined by a small group (donor agency staff, consultants, government officials), who are usually distant from the people who are the real or *de facto* managers, and may have little real understanding of such important inter- and intra-community dynamics. Even if they do, donor and project development time constraints do not allow for such consultation. During the design stage, all stakeholders may be asked for information or even for their opinions, but the decisions are often made by others, who may have little real understanding of the importance of community ownership and responsibility. The opinions of local people are not translated into actions and rarely are people asked what should be done in the first place. This perception is slowly changing, as forestry institutions embrace more participatory and empowering approaches.

Too often projects, and particularly those that are bi- or multi-laterally funded in partnership with Governments, do not pay adequate attention the responsible involvement of rural communities, and ownership of the activities by them. Communities may have provided information through some form of rapid appraisal and they may have attended a "participatory" project planning workshop, yet the reality is that often the project or activity is owned, determined and funded by others. The "beneficiary communities" are beneficiaries from others, not the owners of the activities, nor do they really determine what can and cannot be done. If communities and rural people are to be responsible managers, they need that responsibility in the first place, and any external support should be channeled to empower them, and provide the capacity and training when they need it. Often, the rhetoric of community participation is, sadly, subsumed by Government and donor expediency and conformity, as well as to decisions made by people who do not understand the importance of such local ownership.

7.6. ANALYSIS

Understanding the institutional dynamics at village and community levels is key to improving sustainable natural resource management. Understanding the organizational set up, though important, is not enough and is usually too simplistic. The rules and regulations, norms and procedures for community based natural resource management govern access, establish the mechanisms for responsible use, and enable communities to have the power to include or exclude users. Many of the institutional arrangements are often hidden, unseen and unheard by development agencies, yet are vital for community cohesion, social responsibility and natural resource management. Box 53 summarizes some of the key attributes required for successful community institutions (Roe 2001).

Box 53: Some Key Attributes for Successful Community Institutions

Community institutions need to

- Build on existing motivation
- Be seen to be representative and legitimate
- Be adequate and resilient to changing circumstances and conditions
- Be able to apply effective rules, mutual obligations and sanction
- Have a balance between customary and statutory law
- Have negotiated goals;
- Have conflict resolution capacity
- Demonstrate equity in distribution of benefits and social justice;
- Have the ability to negotiate;
- Have political efficiency and space to build community – government relationships
- Have a capacity for layered alliances
- Have the confidence to coordinate external interventions

Source: (Roe 2001)

Tenurial institutional arrangements and dynamics underpin this discussion where *de facto* or statutory rights to land and resources determine who has rights and responsibilities. Such institutional mechanisms may be at the individual or family level, or at the community level, or a combination of all three. Trees and forests may be seen as private or community property. Determining who has such rights and responsibilities, even if time consuming, is essential and can only be understood when there is trust between and within communities, and between communities and external agents of change. Tenure on its own is not enough, as resource users and communities need to have the power to include and exclude outsiders, a power that tenure may not actually be able to provide in real terms. Such power relates to a person's, a community's or a group of users ability to enforce its will, be able to make and enforce decisions, and have the legitimacy, both at a community level and in law, to do so in the first place. Some strong communities have such power, while many clearly do not. This is likely to be stronger in the more "traditional" communities with a strong sense of identity and cohesion, than in those that are more fragmented.

Institutions for natural resource management may be obvious or hidden, and may or may not be linked to formal administrative institutions and organizations. Defining the appropriate institution, and ensuring that some resource users are not marginalized can be difficult, and time consuming. However, if the institutions are not analyzed properly, the real managers may lose their institutional power to either Government administrative structures or to outsiders. Many of these institutional arrangements survive, not by statutory decree, but by the ability of their proponents to maintain and negotiate for such rules, norms and procedures with other community members and outsiders.

Embedded in this institutional analysis are a wide variety of cultural and sacred values, which may be inwardly far more important for natural resource management, than are outwardly visible. Such values are increasingly being acknowledged as vital for natural resource and tree management. These are often directly linked to "customary" community structures, which may have worked in the past, but have often not adapted fast enough in contemporary Africa. They still function well in many isolated areas, for instance in pastoralist and hunter-gatherer lands. Many such institutions have been replaced, often ineffectively, by more formal structures, which may be externally formed and can be transient. Conflict between customary and more formal government structures is common, except, possibly where the more formal structures are built on customary institutions, as is the case with some pastoral natural resource management systems and with some institutions for managing sacred forest groves, for example.

Commercialization has added a further threat to the building up of customary and local institutional arrangements. Strong commercial interests often override local level institutions. Commercial interests are more likely to relate to Government administrative structures, rather than the natural resource management institutions, thereby further reducing the power of such local institutions.

Institutional performance can be measured in terms of effectiveness (does the right thing), efficiency (at least cost), and accountability (to stakeholders). Effectiveness depends on identifying needs and concentrating on areas of importance. Efficiently is mixed, but is often better within the private and commercial sectors. While participation is key to public sector accountability (Gordon 2000).

In all these institutional arrangements at the community level, power is key. Those with power tend to be the more visible and represent the community to outsiders. The weaker or marginalized are not seen or heard, yet it is they who more than anyone else may depend on the natural resources for their livelihood security. Without a proper understanding of community relationships, it can be such people who are further disenfranchised to the benefit of the more powerful, both within and external to the community. Understanding the power and decision making dynamics at a community level is crucial to the understanding of the institutional complexities. This can in turn determine the basis for successful and equitable management of trees and forests. Too often, there is too much focus on creating new institutions for management, rather than understanding and building on existing institutional arrangements. This requires capacity building, improved incentive systems, and changes in approach and attitude (Gordon 2000). Ultimately sustainable institutions, which meet people's needs and expectations are important for sustainable forest management and development (Uphoff 1992).

PART IV:

SUCCESS - BUT LIMITED BY RELUCTANCE

CHAPTER 8: DISCUSSION AND RECOMMENDATIONS

8.1. DECENTRALIZATION - INCREASINGLY IMPORTANT

Governments, generally, still control funds available for managing public goods, as well as having much of the enforcement capability. Formal resource management decisions were ideally based on information that was collected and interpreted through the lens of science (McCay 2000). However, over the past decade, governments are facing the reality of declining budgets, structural adjustment, retrenchment, increasing population and land use pressures, and other macro economic forces. They no longer have the human or fiscal resources to manage trees and forests as they used to. New and innovative arrangements are now a necessity, if the continued degradation and conversion of forest land is to be averted. Securing rural people's and community rights to trees and forest products through community involvement is one route to the greater participation of civil society in natural resource management.

There is now an increasing focus on decentralization and localization of development and service provision. Governments are not only privatizing industries and services that they once owned and managed, but more significantly for the environment, they are starting to decentralize responsibility for the management of natural resources. Though there are certain and significant exceptions, notably the broad retention of central control over national parks, wildlife reserves and many forest reserves, local government responsibility for natural resource management is increasingly becoming an important feature of government policy.

Decentralization processes should give locally based, often customary institutions greater responsibility for natural resource management. Unfortunately much decentralization has devolved power and control to lower levels of government structures, rather than building on, and adapting existing customary institutions. This "deconcentration" of Government power, while being administratively tidy and easy with clear and simple reporting lines, may usurp or down play the importance of local institutions. A clear understanding of these institutions would enable a greater synergy between decentralized Government institutions, such as village committees and parish councils, and existing customary institutions, such as pastoralists' elders and traditional religious leaders. This in turn would reduce institutional conflict, and create the space for greater community cohesion and improved natural resource management.

Many governments have put in place often far reaching policies and laws to encourage decentralization. Despite these trends to promote local community involvement, little real transfer of power has taken place, except in certain cases. Government, as the dominant land owner, remains the dominant stakeholder, and there has often been a reluctance and lethargy to truly implement decentralized policies, except at the level of rhetoric. A history of command and control is one reason, and this is exacerbated by losses of patronage implied in such devolution of power and authority. More insidious, perhaps, is the still held belief by many technical experts that rural people and communities do not have the capacity to manage such resources (Murphree 2000), despite the many case examples in this study.

This historic reliance on technical expertise and command and control management was based on the premise that natural resource management needed to rely on scientifically generated data sets and models. As a result formal natural resource management was generally hierarchical and top down in organizations. This was an outgrowth of government responsibility for the management of public lands and waters, and the practise in many modern nation States of making virtually all common pool resources either public or private (McCay 2000). Scientific models used to

understand and predict population changes tended to be deterministic, not adaptive. Lastly formal resource management had little to say about people, except as sources of constraints and demands on the systems.

Contemporary thinking is now more based on "ecosystem" management, which is more holistic, and has people at its focus (Table 12). This is a major feature of changes in natural resource management throughout the world, together with attention to the local impacts of natural resource management policies. Ecosystem and landscape management both lend themselves to decentralized approaches, but decentralization of administration has not, in general, meant the devolution of rights and responsibilities to the village or resource user levels, rather it has been a deconcentration of authority, though Tanzania shows a greater commitment to real devolution of power than many other countries. A more effective mechanism for increasing community involvement in forest management would be the transfer or upgrading of community land rights at the landscape and lower levels. We have seen that some of the most promising examples of transfer of power from the private sector and State authorities to local communities arise where land reform has resulted in the restoration, transfer or upgrading of community land rights.

Table 12: Traditional and Modern Thinking on Natural Resource Management

"Traditional or Formal" Management	Ecosystem "Management"
• Utilitarian values • Commodity production (maximum sustainable yield) • Singles species models and management • Deterministic scientific models • Top down; government and expert based • Scientific monopoly on data and analysis • Social = level of resource use	• Utilitarian and "land ethic" values • Multiple species; habitats; interactions, discontinuities • Humbler science, accepting uncertainty • Adaptive and Bioregional management • Bottom-up, collaborative • "Social"= active, engaged user groups and communities

Source: (McCay 2000)

Policies of decentralizing timber royalty payments to local councils was, and remains, a mechanism intended to ensure that benefit flows back to communities. Until now there are very few examples of systems in place which ensure that local councils pass on all, or a proportion of timber payments directly to a community or family, from where the timber was harvested. Instead they are used by local councils for priority development projects, often far from where the wood was harvested, further de-linking the rights from the responsibilities for forest management.

If the linked rights to, and responsibilities for natural resources are not devolved to the local level, especially at the village and community levels, then there has not been a real shift in power to the community or village from the central or local Government. This de-linking of rights is still pervasive, though collaborative forest management and community based forest management are starting to change this trend. Rights to and responsibilities for trees and forests need to be firmly linked at the local level. If not, rural resource users and communities will not be empowered to safeguard and defend their interests from those of more powerful groups and individuals, as well as extractive, more commercial interests. This requires firm policy and legislative commitment.

8.2. COMMERCIALIZATION, A BENEFIT OR A THREAT?

Diversification and commercial interests have had a powerful influence on the way people view their trees and natural resources, where increasing, and often urban based demands have imposed unacceptable pressures. The involvement of the private sector has received particular attention in South Africa. If community groups are to benefit from conservation on their newly acquired land, then private sector involvement to generate income is essential. But this has to be balanced with what is sustainable. A balance is desired where trees and tree products may be components of a range of opportunities that rural people have open to them. Without substantive benefits, communities may choose different land use options, or may decide to settle on that forest land. But, a danger exists in overestimating the potential benefits from tourism and other forms of sustainable use ventures. This can lead to raised expectations and subsequent disillusionment that could affect sustainability. Clearly a balance is required, where potential commercial enterprises are informed by sound economic and market analyses which takes into account issues of sustainable use and equity, and ensures that environmental concerns are addressed.

Most local communities are in contact with the outside world, and have economic and social ties with it. This has meant that the economic and social centre of gravity is shifting away from community and rural subsistence economies to the cash economy of the wider world. The commercial emphasis that this implies is undermining local use of forests and control mechanisms. The many external influences that local cultures are exposed to inevitably leads to changes in local practices. While the commercialization of tree use may yield increased incomes, it is not clear who really benefits - private sector business interests or rural people. It is also clear that sustainability of use has become a serious issue, when relatively low pressure subsistence or traditional use is commercialized.

Communities are part of a rapidly changing broader political and economic environment. These broader influences have major impacts on the livelihood strategies of local communities, and on forest stakeholder relationships. There is a strong trend towards commercialization of forest products, for example, which can skew the distribution of benefits of forest resources within communities, unless managed appropriately. Governments need to maintain a conscious vigilance on commercialization and a liberalized economic environment in which the private sector is prominently active. To the extent that governments are custodians of public well being, they will need to intervene, especially where commercialization and liberalization push the livelihoods of rural people to the periphery.

There are positive aspects of commercialization, for instance an increased demand for sustainably produced products, where the links between sustainable use and commercial values are clearer. On the other hand much commercialization of natural resource use has resulted in gross over exploitation because the links are neither clear, nor enforceable. This is compounded by a community's often lack of ability to exclude powerful external commercial interests who over exploit or expropriate common lands and valuable resources.

Governments need to be able to foster commercial opportunities for rural people and communities, so as to increase the potential benefit flows from trees and forests to them. Improvement and diversification of markets, both national and international, is required, especially for many of the non-wood forest products. While the value of these products, on an individual basis, may not be great, the variety of products which can accrue from forest use can be significant and make an important contribution to livelihood security. However market improvement and diversification is not enough. Resource user groups and communities need to be able to organize effectively to make the best use of such opportunities, and have the power to manage resource use on a sustainable basis, through, for example management plans and being able to restrict the amounts harvested.

8.3. UNDERSTANDING LOCAL KNOWLEDGE AND VALUE

For most rural people forest foods add variety to diets, improve palatability, and provide essential vitamins, protein and calories. Quantities eaten may not be large, but they often form an essential part of otherwise bland and nutrient-poor diets, particularly in poor families (Arnold, 1992). While rural people may be well aware of the importance of trees and forest products, this is often not acknowledged by national planning institutions, as the value of their products is rarely reflected in national accounting. Despite this, trees and their products are an integral and important, albeit often hidden component of land use in all rural livelihood systems in the region, for rural livelihood security, and especially for the poor and marginalized.

Conventional forest interests relate to the commercial exploitation of trees for timber products. Forestry departments and institutions evolved based on this premise, with the supporting silvicultural management systems and training. This became the dominant forestry paradigm, where national, not local, economic interests were paramount. While these interests may have been or are important in terms of national and international timber markets, their status as the dominant driving force in forest conservation and management is being challenged from both biodiversity and conservation perspectives, as well as from livelihood and rural resource user interests. Managing trees and forests solely for timber is no longer acceptable. This has been one of the premises for changes in forest policies in many countries, for instance Tanzania, Uganda, and Sudan. Increasingly the multiplicity of goods, services and values, and the variety of interests there may be from different resource users and groups is being given increased recognition. It is clear then that no single agency can be responsible for such a complexity and multiplicity of interests. This, therefore, argues for

- A change in the way forest institutions operate, as the new forest policy and statute in Tanzania illustrates;
- A better understanding of the meaning of conservation, from one of more strict preservation, to the sustainable use of natural resources; and
- Changes in the way other organizations operate with respect to trees, woodlands and forests. Such changes could include the decentralized management of natural resources, conservation authorities adopting a strong community and resource user focus, agricultural institutions recognizing the value and validity of tree and forest management as a livelihood strategy, and higher national planners promoting conservation as part of national economic planning and accounting.

Forest products form important components of rural strategies to tide people over seasonal gaps between harvest, and to cope with drought or other emergencies which reduce supplies of staple foods or cash crops. The variety and range of strategies which rural people and communities use to access trees and tree products, whether for consumption or for other cultural purposes is wide. The importance of trees and tree products to meet contingencies in times of hardship, to offset risk, and as a resource for the poor and marginalized in society is less than adequately understood, valued or acknowledged, or integrated into land use planning and policy. The contingency value of trees and tree products is difficult to quantify. Quantification of the amounts and direct value is not enough, as such products maybe of inestimable importance in dry and drought times to sustain life, or to meet important cash needs. Such resources act as a buffer to mitigate risk, and ameliorate resilience. The centrality of this is very clear in pastoralist societies, occupying vast tracts of the arid and semi arid lands of the region, where risk and resilience are central to dryland natural resource management. Trees play a vital role in this, as they produce more, and better quality browse in the dry and drought times than other forms of vegetation. But if rich patch vegetation areas of forests and woodlands are expropriated, or have been converted for cultivation, irrigation or as reserved areas, then the underlying efficiency of the overall pastoralist system is compromised (Barrow 1996).

Much of the value of forest products to users lies in the way they are used to maintain livelihood security and manage risk. Users, therefore, tend to focus on products which are readily available on a daily basis and heavily discount the values of those products which are available only in the future or periodically (Arnold, 1992). Thus only immediately realizable values are likely to be of relevance to most users, though pastoralist use is an exception to this. But value is more than the direct use or economic value that a certain resource or forest area might have. Cultural and sacred values are important to people, and the fact that so many of these values have survived the onslaught of privatization and commercialization is testament to their resilience. These cultural and sacred values often help give rural people and communities a sense of "belonging". Linked to these values are the variety and range of customary institutions, which manage such sites and areas, and can be important in contemporary natural resource management. Yet they are often not formally recognized, and may have been ineffectually replaced by centralized or administrative systems.

It is important to be able to validate and integrate what is good and valuable in customary natural resource management systems, yet, at the same time help people adapt to a changing socio-economic and environmental world. It is important to catalyze and facilitate that change from within, not to impose it from without. What is required is a mutual understanding and respect for the knowledge and management systems that local people and technical authorities have, and to build on that to create, or re-create a more sustainable forest management approaches, where local people are a major part of the solution, and not the continuing problem. It is important that:

- A more holistic understanding of the range of goods and services that trees provide to society is achieved, and acknowledged in national planning and accounting;
- Policies reflect and support the important contingency values which trees provide, particularly as a mechanisms to offset risk in many risk and drought prone areas;
- Governments assist local communities to secure their rights to, and responsibilities for such areas of trees and forests, whether on private or "communal" lands through improved tenure security and local management strategies;
- The value of local and traditional knowledge systems about species and management, and the encompassing rules and regulations are better understood;
- The importance of cultural values about trees and forests is recognized; and
- Customary territory and resource access rights are recognized in law.

8.4. RESPECT FOR AND SAFEGUARDING LOCAL LIVELIHOODS DEPENDENT ON WOODLANDS

There is an important link between livelihood and environmental security, which past sector-focused approaches generally ignored, as local rights and responsibilities were lost to more centralized command-and-control systems. Making trees, woodlands and forests matter to rural people is key to integrating livelihood and environmental security. Community livelihood strategies are at the centre of understanding local stakeholder interests. Trees and forests may be highly important for livelihood security, but agricultural and national planning sectors have not adequately integrated such needs. Rural economics is still based on the premise of cultivation and livestock. These factors may be the main drivers and supporters of livelihood security, but they are not the only livelihood opportunity. In some cases they are not even the most important, as pastoralist strategies for natural resource management demonstrate. An understanding of the role of trees and tree products in rural livelihoods is only beginning to emerge, though more detailed economic analyses are necessary to demonstrate their value in terms of household and community economics (Emerton et. al. 2000).

Where there are clear community rights and responsibilities over forest management, how can we ensure that the conservation status is at least maintained, if not enhanced, in the face of ever increasing pressures? Robust monitoring and adaptive management measures are needed, as, in the rush for more responsible community involvement and resource user benefits, less attention has been devoted to sustainable use. The levels of sustainable use for different products will vary under different conditions.

Private land owners and the State have, from the early colonial period up until the present day, formed partnerships with local communities, for example as tenants, "squatters" or neighbouring communities, for a variety of pragmatic, political and economic reasons. In most cases, however, these partnerships are highly skewed in favour of the land owner, where the real power to make and enforce decisions lies. Collaborative forest management, based on negotiated and contracted agreements challenges this power structure, and is leading on to community based management, where the full rights and responsibilities over forest management lie with communities.

Even on their own land, local communities have been disadvantaged by the informal nature of their land rights, and over-arching national legislation controlling forests and woodland resources, which gives the State ownership of valuable timber resources, even if they occur in people's home gardens. As a result throughout history, we see that outside commercial interests, often with the direct support of the State, have continued to plunder forest resources from community land, and communities have been powerless to stop this. In dryland natural resource management systems, the security of community rights and responsibilities is not strong enough, thereby undermining the only viable systems for such land areas. It is hoped that the tenure reform processes being undertaken in many countries will contribute to transforming the situation on communal lands by providing local residents with legally enforceable rights, especially against outsiders. This could include redefining rules and regulations for resource use, and establishing legitimate and statutory local institutions for land and resource management.

Tenure and clarity over rights of use and access are central to responsible community forest management, as has been well illustrated (Alden Wily & Mbaya 2001). This implies not only the existence of boundaries, but also clear membership criteria (McCay 2000). The case of restitution in South Africa has graphically illustrated this. Only in a few countries, for example Tanzania, has forest management been linked to tenure policies and laws, yet this is a crucial link to make. Throughout the region land reform (and land restitution in South Africa) has probably been the biggest driver of change on the ground with respect to community involvement in woodland and forest management. It has been more effective than any policy rhetoric. Indeed it will be interesting to see if the principles of restitution will be applied in countries other than South Africa, where lands were also expropriated from their customary holders.

In order to safeguard and improve local livelihoods it is necessary to:

- Make the link between livelihood and environmental security;
- Strengthen individual and community tenure rights over their lands and resources;
- Support mechanisms which link tenure to tree and forest management, as Tanzania is doing;
- Understand the importance and value of trees and forest products to rural people;
- Focus more on forests on private and communal lands, and not just on the reserved forest estates;
- Ensure that communities, resource user groups and forest authorities adopt simple and robust adaptive management monitoring tools to help ensure that forest use is sustainable; and
- Remove perverse incentives (tenure, economic, and social) from tree and forest management, so that rural people can trap the real value of these trees and forests.

8.5. PROVIDE LOCAL INSTITUTIONS SPACE TO MANAGE WOODLANDS AND BUILD THEIR CAPACITY

Generally, post independence governments have no more represented local peoples' interests with respect to forests and trees than did their colonial forebears, being more interested in protecting outsider commercial interests, and generating revenue for the State. In addition, many other factors threaten initiatives for community involvement in forest management, such as increased levels of poverty, commercial exploitation, greed, and corruption. The dramatic reduction in real wages paid to civil servants over the past 25 years, since the introduction of structural adjustment and the collapse of local currencies, has been a driver for corruption, favouring commercial interests over those of local communities. For example the purchasing power of a forest officer's salary in Uganda in 1988 was 0.4% of its 1961 value, 0.6% of its 1970 value, and 16% of its 1980 value (Howard 1991).

Customary forms of natural resource tenure and management, which operated effectively in conditions of low population densities and abundant resources, were often centralized by colonial and post colonial governments as they took over control of natural resources. Ostensibly to improve management, and justified by the assumption that rural people were not capable of managing their resources, there were also other objectives, for example the exploitation of natural resources for national rather than local gains. Policies and laws, many of which are still in force, were promulgated to effect these “command and control” systems, and bureaucracies established to enforce them.

While quick to take rights and responsibilities over natural resources away from rural people, reversing the process has taken much longer. Forest authorities have been reluctant to lose power, and retain the belief, sometimes with justification, that rural people are not capable of managing their natural resources on a sustainable basis. The anticipated loss of direct revenues to national treasuries has also slowed progress. This is attributed to a reluctance and resistance on the part of State bureaucracies, and the deeply entrenched attitudes amongst government, technical experts and educated elites, that they know what is best for rural people, though many of the examples in this study demonstrate the efficacy of building on community and customary structures for improved tree and forest management.

Local level institutions for resource management have been surprisingly resilient and are still widespread throughout the region. However many of these institutions' legitimacy has not been formalized, a key requirement for robustness and sustainability. These include both systems of resource use rights and regulations, and authority structures to administer and govern these rights. In most countries these institutions are informal, and exist in parallel to formal institutions that have been established by government. There is great potential to build upon and strengthen local institutions, and better integrate them with formal institutions in order to provide a sound basis for community involvement in forest management.

The capacity of communities to accept the role that forest management programmes and donor projects would have them play is a constraint. In several areas, community institutions are strong enough to take responsibility. In other areas they are not. It is clear that an essential activity is strengthening and democratizing local institutions, so that they can manage their responsibilities for natural resources, and can place sufficient pressure on the authorities to be granted responsibility in the first place. Combining such an understanding with a more realistic appraisal of how benefits accrue to different groups, and whether these benefits are linked to responsibilities, will further help strengthen the links between natural resource management and livelihood security.

The notion of community management of natural resource management presupposes a commitment of community institutions towards the sustainable management of the natural resources. It also presupposes genuine commitment of management authorities to share responsibility and management control. It is not clear to what extent these conditions have been met, either individually or together. However both are integral to long term success, and significant strides have been made towards establishing these preconditions. Until they are achieved, real community involvement in forest management will remain an uneasy but productive compromise between the demands of communities, the reservations of management authorities, and the interventions of external agents.

The rights to benefits from trees and forest resources have to be closely linked to responsibilities for management. But these rights are not the same for different stakeholder groups, nor are they spread equally within a community. The poor and marginalized often require access to natural resources to meet contingencies - contingencies they might not otherwise be able to meet. In dryland systems the value of trees and other natural resources increase proportionately with dry and drought times to meet both human and livestock needs. Removing or privatizing such resources from common property regimes can exacerbate an already high risk situation, as access will be denied or costed.

From a policy perspective, the most serious shortcoming from experiences with community involvement in forest management to date has been that the initiatives, in most cases, have been undertaken by donor funded projects, either through Government, or NGOs or both, though Tanzania has demonstrated that it can be internalized at a national level. Many government agencies have expressed support for these decentralized approaches to natural resource management. But reservations remain. Many agencies have yet to demonstrate that they have either the capacity or the commitment to provide consistent long term direction and support. A second concern is their failure to take a leading role in the majority of the programmes, and that there is a danger of them being denied at a future point in time, or as being 'donor driven' programmes which were not in the interest or control of the authorities.

Governments and responsible authorities need to be able to internalize these decentralized approaches to forest management, as Tanzania has done. For this to happen, Government bodies should be able to reduce their costs of management, yet be assured that those trees and forests under community or collaborative management will be managed on a sustainable basis. Governments need to be persuaded that communities can and do manage forests and trees, as many of the example in this review demonstrate. For this to happen, and to allow local institutions to be able to manage their forests and woodlands it is necessary to

- Create the appropriate incentive structures for Governments to do so, through the various decentralization policies;
- Build on and develop, rather than replace the capacity of existing community institutions for improved forest management;
- Establish and formalize mutually supportive linkages between customary and local institutions with those of Government;
- Ensure that there is equity, and that local institutions do not exclude the weaker and less powerful segments of society;
- Recognize the rights and responsibilities that different interest groups have, yet ensure that none are marginalized;
- Ensure that community groups and institutions have the capacity to take on such rights and responsibilities for management and sustainable use;

- Ensure that Governments', as Tanzania has done, make policy and practice commitments to the greater involvement of communities in forest management, and internalize this so that it is not seen as a "donor, or trial, or a non-governmental" activity; and
- Demonstrate that Government transaction costs reduce with increased community involvement, yet sound forest management is at least sustained or improved.

8.6. POWER RELATING TO ACCESS TO LAND AND RESOURCES

There can be a great variety of stakeholders, of different socio-economic differentiation, affecting and being affected by a range of types of power and influence within any given community. Social ties, linkages and obligations are often at the core of these relations. The equity, or in-equity of these relations within a family or community is key to community harmony. This affects how people view and use trees and forest resources, and the conflicts which may arise as a result of this. Responsible community involvement in forest management recognizes the rights and responsibilities that different interest groups have, and tries to assure equity so that no group is marginalized.

Of particular interest for this review is how these multiple and varied interests in trees and forests are negotiated. At an individual level, social inequities can lead to differential power balances, which can alter with changing situations, external influences, commercialization etc. Many of the examples cited in the study relate to some form of power struggle between different stakeholder groups. The types of interests are reasonably well known, but ultimately it is not the interest or stake *per se* that is important, but:

- The way those interests are negotiated;
- How interests are spread within a community or a wider group;
- Whether certain groups are marginalized, and others strengthened;
- What the role of wider civil society is; and
- How government supports or not such local interests.

Women are often excluded from decision-making regarding land and natural resources and have little recourse to higher authority. However, women often have a greater dependency on trees and forest products for subsistence and livelihood security, while men's interests are more cash based. Not only may women be excluded from decision-making processes, they are often further marginalized by increased levels of commercialization. Culture and tradition are often cited as reasons for such exclusion, yet the reality is more power related at an intra-community level. As a result more equitable decision making processes are slow and incremental at the community level.

Power linked to recognition and position can relate to administrative power (e.g. chiefs), political power (e.g. elected councilors, political leaders, civic organizations), economic power (shop owners, etc.), and power related to levels of education (e.g. teachers). Many community members turn to such people as leaders and representatives when entering into new situations. Indeed many such people represent a village or a community to the outside world, simply by their position in society. But, these people may have their own agendas, or are competing with one another for recognition, and may not always necessarily act in the community's interests. As communities increasingly take responsibilities for their natural resources and trees, inevitably the politicization of natural resource management increases, and local elites will vie for an increased stake.

Power relates to access to land and resources, where women have long been disadvantaged in customary law regarding access to land. In general, single women have no rights to land, and for married women the land is registered in the husbands' names and "belongs" to them. In some

tribal authorities in South Africa this has been modernized and women can “own” land provided their families support this (Shackleton 2000). A similar situation now exists in Kenya and Uganda. These inequalities produce dividing lines between who has a say within the community and who does not, and, therefore, who is able to influence decision-making. With these divides in place, it is difficult to achieve true community-based approaches, and agents implementing community-based approaches need to be aware of these power imbalances, and find mechanisms to include marginalized groups. The strength of the legal position, be it *de facto* or *de jure*, or whether through some form of contracted agreement concerning rights of access to land and resources will determine the power by which such groups can negotiate for their rights. When the rights are weak, the responsibilities are likely to be equally so.

Power struggles can be manifested between different types of power, for example between traditional authorities (customary power), and political leaders and elected representatives (modern power), which can disrupt community-based processes. Traditional authorities, to a greater or lesser extent, have in the past exercised control over the use of natural resources. While their authority has been eroded, they are often fighting to retain the power that they have, or re-establish the authority they have lost (Jones & Mosimane 1999). Sometimes compromises are required so that each group feels that it has been accommodated, for example the inclusion of traditional leaders as *ex-officio* members of local government, or as members of group ranch committees. The customary-modern power shifts and changes can cause changes in management systems, as customary knowledge, rules and norms may be lost or downgraded.

Power and decision-making processes are at the very core of good community work. Yet it is an issue that is often not given the proper attention by projects and activities. Frequently so-called participatory processes do not give people and projects the chance to develop trust, which is so important to even a rudimentary understanding of the power and decision making forces at play within a community. Such an understanding is not gained by rapid appraisal type exercises, but requires significant amounts of time and effort. If not responsibly addressed, the very groups that a project or activity is designed to benefit, may not only be excluded but can be further marginalized.

There is an over-bearing force imposed by the linkages between local patterns of resource use and behavior, and the global economy. Liberalization and democracy are being promoted without the matching development of industry and commercial behavioral ethics seen in some western economies. Commercial interests often force what might have been sustainable subsistence use into unsustainable commercial exploitation. As land is inelastic and populations are growing, there is an urgent need to shift the debate from shortage of land and resources to one of sustainable husbandry, where commercial social ethics is an important area for work, one alluded to in this review, but one which requires far greater attention in future. This is related to corporate social responsibility and fair trade, and is becoming an increasingly important issue for the future as the effects of globalization become more pervasive.

While these various forms of power struggles are often acknowledged at the level of rhetoric, less than adequate attention has been paid to them in practice. This is because they are difficult to address, and do not lend themselves to "quick-fix" technical or social solutions, If the poor and marginalized are not to be further marginalized then

- A greater understanding of the variety and range of power struggles is required, together with the means to address them, so as to ensure greater equity;
- Recognize that "good community" work cannot simply be subsumed to rapid or participatory appraisal type approaches;

- Assist communities to be better able to negotiate with outsiders, and especially those with commercial interests;
- Seek means to create "win:win" situations where customary norms, rules and knowledge systems are integrated and become part of improved management; and
- Work to ensure that commercial interests working with communities practice the principles of social ethics and fair trade.

8.7. COMMUNITY POWER AND DECISION MAKING IN FOREST MANAGEMENT IN THE NEW MILLENNIUM - CENTRAL CONCLUSIONS

A history of undervaluing natural resources in the region by national Governments, especially of wood and non-timber forest products has not only undermined the natural resource base itself, but it has also undermined and marginalized local and indigenous institutions, and organizations which manage those resources. Combined with the push for livelihood security, driven primarily by agricultural based economics, areas of important natural resources and forests have been degraded and cleared. Short term benefits have been achieved, as people gain access to land and areas to cultivate, but long term environmental security is often compromised.

This drive for change and modern development has been based on two false premises, that the use of such natural resources is seen as backward, indeed primitive, and, that by conversion to other forms of agricultural production, higher yields will be attained. The use of natural resources by rural people all over the world is seen as a means to diversify the diet, and provides a strong fall back mechanism in times of need, and should be seen as complementing, rather than being replaced by agricultural based livelihood systems.

A more recent and insidious trend is emerging, which challenges the fundamentals of community involvement in forest management and of decentralization. Some countries are trying to re-centralize control that had been previously decentralized. This is happening in Nepal (Mahapatra 2001), and the Laos Government has recently cancelled logging concessions managed by local communities. A similar process is understood to be happening in Botswana and Zimbabwe where the benefits from wildlife, which previously accrued at the local and community level, are now being increasingly accrued at a district and central Government level. It would seem that the significant revenues generated are the main drivers of this trend, not the principles of decentralization and devolved power.

Governments should enable and facilitate decentralized trends, rather than trying to recentralize control and the revenues earned. Such increased revenue flows at a local level not only contributes to local livelihood security, they also increase the demand for many other goods and serves, which rural people have a right to. This in turn fosters demand and employment in other sectors.

Trees and forest products must have a distinctive and important niche for rural people. But that is not enough. Rural people, especially the poorer and more marginalized who may depend on such resources must be able to successfully negotiate for their rights and responsibilities for such resources. Likewise, commercialization is not panacea, when livelihood and environmental security are key long-term attributes. The heterogeneity of rural people and communities across the region, combined with equally varied forest and tree types mean that there can be no simple or single solution. Rather certain key principles need to be continually borne in mind and applied when working with community involvement in forest management, whether at the level of policy, law or practice, including:

- A sound understanding of, and respect for the inter-, and intra-community dynamics at play, including both commercial and external interests;
- The importance of equity and the differential uses different groups of people may have for different trees and tree products;
- The need for negotiation processes that allow all, especially the least powerful and vocal, to have their fair and rightful say in negotiating rights to, and responsibilities for, trees and forest management;
- Being able to understand and balance the range and variety of power struggles at play; and
- Being able to assist rural people to secure their rights to land and resources.

Despite the good intentions of the institutions concerned, it is unclear whether there has been a real handing over of ownership and responsibility for natural resources and their management to local communities. The reasons for this are complex. Government authorities, both conservation and district level local governments, may remain unconvinced of the desirability of allowing true partnerships with communities. Many still view rural communities as technically unable and politically unprepared to play a serious role in forest management. The continuing weakness of government institutions, hampered by low wages and corruption is an important factor, and this is exacerbated by structural adjustment policies. The lack of land use planning and uncertainty over land tenure are also important issues. Conservation and forestry authorities can contribute significantly to improved national land use by showing that conservation, through sustainable use efforts, can be valid economic options, among other land use options, in helping determine appropriate and sustainable land use. The importance of sound and sustainable practice, supported by strong policies, is now more important than ever.

Many countries in the region will have to face up to the challenge of how to find room for wildlife, forests and trees, and their wild spaces in a land of more people, who are not just expanding in numbers but with expanding expectations for a more secure and comfortable livelihood which satisfies their needs. It is likely that population and land use pressures will have a greater influence than any other single factor on the success, or not of community involvement in forest management, due to the shifting balance between sustainable use and livelihood objectives in a situation where the natural resources are finite. This augurs for the development of a distinct and important niche for forest and woodland management, particularly external to protected areas, for rural livelihoods and land use in the future. Ultimately natural resources on rural landscapes have to have a comparative advantage over other forms of use.

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IUCN - Eastern African Regional Programme

IUCN established the Eastern Africa Regional Office (EARO) in Nairobi in 1986. EARO facilitates the implementation of the IUCN Programme in Sudan, Eritrea, Djibouti, Somalia, Kenya, Tanzania, Comoros, Seychelles, Uganda and Ethiopia. Through its technical group, established in the early 1990s, the IUCN Programme assists members and partners in the region with capacity building through the implementation of programmes and projects, networking, and technical advice. Specific areas of expertise include: protected areas, ecosystem management, biodiversity conservation, environmental planning and strategies, and support to environmental NGOs.

IUCN – Eastern African Activities with Tree Dominated Landscapes

EARO's Forest Conservation activities evolved as a discrete theme in 1993, as part of IUCN's global Forest Conservation Programme, to assist the conservation and forest authorities in the region, and address some of these needs by building on the expertise of the Union and its membership so as to contribute to the overall regional programme. The work focuses on practical methods for conserving forests and promoting sustainable forest use and management. Through this IUCN hopes to help in influencing, encouraging and assisting the countries of Eastern Africa to conserve the integrity and diversity of forest resources and to ensure that the use of these resources is equitable locally, nationally and globally. This will be done through partnerships cooperating to address the priority themes of forest conservation and sustainable management in the region.

Tree-dominated landscapes play an important role in the provision of goods and services to local resource users, communities, and countries in the region. IUCN will work with members and partners to develop the knowledge base about these ecosystems, their importance for both biodiversity conservation and in the livelihoods of rural people. Within conservation areas, sustainable use of trees will continue to be explored through collaborative forest management. Lessons about balancing sustainable use with biodiversity conservation, will be used to inform and influence both conservation and livelihood policy processes in wider and more integrated land use.

IUCN – Eastern African Activities with Social Perspectives in Conservation

It is only recently that IUCN in Eastern Africa has become more involved in work with social issues. The range of social issues are being integrated into the IUCN portfolio of projects as part of implementation and this will enable lessons to be learnt in different ecological and social systems in the region. Such issues include, gender and stakeholders, participatory processes and tools, tenure of land and resources, economics (implemented by the Economics and Biodiversity unit), capacity building for addressing social issues, and the integration of social issues into conservation and natural resource management in the region.

Increasingly conservation has to be seen as a component of land and landscape planning. If this does not take place, conservation resources and areas are likely to be further excluded from mainstream national and local land use planning and land use. Local people and resource users need to have greater responsibility for their natural resources, and not be in conflict with natural resource managers. To achieve this they must benefit from, and have some degree of proprietorship for such resources.