



4.1 Unintended effects of international forest initiatives at the local level

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Introduction

In response to concerns over the loss and degradation of tropical forests industrialized countries have introduced numerous initiatives to regularize the forest sector in the tropics. Most prominently this includes initiatives for the promotion of sustainable timber management (STM) such as Criteria and Indicators (C&I) to measure progress towards STM; FLEGT; FSC certification; and REDD+ (Kissinger, Herold and Sy 2012). National responses to these initiatives include legal reforms, National Forest Plans (NFPs) and the establishment of environmental agencies.

A number of impressive successes in effective management and forest protection have emerged from these initiatives. In many of these cases the rural poor, living in and around these forests, have benefited directly due to job creation, improved working conditions, new income sources and investments in infrastructure. They also benefit indirectly from the environmental services provided by forests that are more effectively protected.

As with all interventions, however, these forest initiatives may have unforeseen and undesired consequences (Rogers 2003). An awareness of these effects is crucial in order to accurately assess the success of the initiatives and identify ways to improve them. Generally, when evaluating and monitoring such initiatives, the focus is on successes, strengths and potentials. This article concentrates on the possible negative outcomes of international forest initiatives. It examines their effects on the rural poor as identified in field studies and from discussions with families, community members, technicians, development workers and politicians during more than 20 years of research in Latin America (Pokorny 2013). The insights presented below refer primarily to the negative outcomes of older forest-related initiatives. However, observations involving current initiatives (REDD+) and initiatives operating in fewer countries, such as FLEGT, suggest that undesirable patterns are emerging.



OFTEN, REGULATIONS AND REGULATORY FRAMEWORKS MEAN THAT POOR PEOPLE ARE NO LONGER ABLE TO USE THEIR FORESTS.

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New requirements

International forest initiatives inevitably trigger new mechanisms and procedures at the national level. These in turn pose new challenges and opportunities for the governments responsible for their implementation and for those who use forest goods and services. Although the specific measures for the implementation of initiatives may vary among countries, forest users are commonly confronted with a number of similar issues.

Formal land title and the right to use resources

All international initiatives require the existence and formal recognition of legal ownership in order for the right to use lands and forests to be accepted. These rights may be individual or collective; the latter will require local rules for use and access. For public forests, the state allocates rights to the use of land, forests and related goods and services. This is most commonly done in the form of concessions.

Tenure is often complex, as are the rights to land, minerals, water, forests and related services — each of which may be regulated by different legal frameworks. In many places the local population, whether indigenous groups, traditional communities or colonists, do not have legal title to the land or the legal right to use resources and services. Frequently, large landholders manage to procure tenure rights for the land and resources used by local people. In most countries, it is very difficult to obtain a clear picture of land tenure or customary land and forest rights.

Bureaucracy

To achieve better control of forest use, governments — and, in case of the FSC and carbon trading, the business sector — have intensified administrative mechanisms and procedures. People have to apply for authorization from government agencies and report on the compliance of the authorized activities. This involves filling out forms and may also include the preparation of management plans and legal documents. Occasionally the procedures also necessitate the use of sophisticated technologies such as GIS and other internet-based tools; for example, to demarcate management areas, issue transport permits and report financial flows.

Technical requirements

Many of the newly established regulatory frameworks for forest management also prescribe, often in detail, the technologies to be used. These technologies originate from researchers and experts and are governed by staff working at the responsible government agencies. The technologies are mostly standardized and leave little room for local circumstances regarding forest use.

In most Latin American countries the overall responsibility for forests lies with the Ministry of the Environment, which tends to rank environmental concerns above the commercial interests of users. This leads to operational standards, regulations and requirements — including management plans, forest inventories, tree categorizations, the use or prohibition of certain technologies, monitoring systems and security standards — that are generally complex and frequently new to local forest managers.

Purchase of equipment and material

To comply with newly established technical norms, specific materials, equipment and machinery are needed. This might include personal protective equipment, tree-felling tools, labels for marking trees and logs, and skidding machines. Computer hardware and software are also often necessary to process inventory data, issue certificates and document payments for transportation and sales. Acquisition of this equipment involves considerable costs.

Formal qualifications

Forest management initiatives generally require qualified staff, even in the case of small-scale operations. In most countries, foresters and forest technicians are required to prepare forest management plans and supervise forest operations; they usually have a university degree. Qualified personnel may be also required for activities such as identifying species during forest inventories, felling trees, planning infrastructure, processing data on harvested trees and logs, and establishing, measuring and analyzing permanent sample plots. It is unlikely that poor rural forest managers have formal qualifications, which means that they need to hire staff from outside their local setting, often from distant urban centres.

Requirements resulting from regulations in other sectors

International initiatives have to consider adherence to a number of regulations outside the forest sector, such as national labour regulations. Certified forest management activities require formal labour contracts and need to comply with legal norms governing wages, holidays, health care, etc. For forest managers this results in higher indirect costs for items such as health care, pensions and insurance against unemployment and accidents. Better control of the forest sector also allows for more effective enforcement of tax regulations. Due to the complexity of these regulations it is often necessary to hire qualified administrative staff. Contractual agreements also reduce the flexibility that is essential to respond to seasonal and economic fluctuations.

Monitoring and issuing certificates

Within newly established frameworks, forest managers have to monitor forest operations. This includes regularly measuring permanent sample plots and documenting log harvest volumes and value chain activities. In addition, several international initiatives require external audits by government agencies or contracted experts. Normally, forest managers have to bear a major proportion of these costs, which tend to be proportionally higher for smaller forest operations.

Management capacities

New modes of production and organization mean that forest managers must acquire new skills and management abilities. Forest operations have become more complex and involve more activities that need to be coordinated. Strategic planning is essential due to higher fixed costs and long-term obligations, such as the protection of concessions and

the recruitment of qualified workers. Challenges include ensuring that forest management is carried out in a way that guarantees the availability of sufficiently large annual logging areas and the capital liquidity to prefinance annual harvesting operations and pay costs between harvesting periods. Access to information and skills related to technologies and processes, international market chains and the business sector are also essential. In view of the scope of the initiatives, the capacity to effectively negotiate with international business partners is also a must.

The consequences

These requirements, and others that directly or indirectly result from international forest initiatives, have a number of far-reaching implications, as do the responses to them at the national level.

National

Initiatives are negotiated at the international level, but it is national governments that are responsible for implementing the agreed measures (or, as in the case of FSC, the legal criteria).¹ To meet these responsibilities most governments have received significant amounts of international support, either in the form of training or expert financial advice. This cooperation has generated significant benefits for the countries taking part; for instance, by stimulating urgently needed administrative reforms, establishing environmental agencies or providing technologies to effectively monitor land-use dynamics.

In poor countries external funding may have made them more dependent on continuous support provided by donor countries. In some cases, this dependence might have influenced the country's decision to accept the conditions attached to the funding. Numerous NGOs and universities have also prospered from international funding and have often filled gaps left by inept governments.

The funding may also result in the creation of parallel governance structures that undermine national sovereignty. Despite receiving significant funds, most of the participating countries in the tropics also bear a significant proportion of the costs. Expenditures by the national government in the environmental sector could negatively affect other sectors that are more important from a societal point of view. The commitment of large areas of land to forests means that more lucrative land uses are waived.

International funding may free up national funding that governments previously invested in mining, energy and agriculture to produce goods for export. New mechanisms also create the potential for corruption at all levels. They may also produce a dynamic that allows well-funded business actors, often from outside the region, to enforce their claims to resources. This in turn contributes to the expansion of agricultural areas and the related problems, such as (often violent) land conflicts, migration and environmental destruction.

The forest sector

The many requirements to use natural forests legally have made forestry less attractive compared to competing land uses such as agriculture, which is much less regulated,

particularly in the production of export crops. The production of forest products is generally more attractive in plantations than in natural forest. In natural forests productivity is lower, logistics are more complex and marketing conditions are less favourable. In many regions, local land-holders have started burning their natural forests and the regrowth to prevent legal restrictions on future land uses.

Within the forest sector, international forest initiatives tend to reinforce the massive structural changes induced by the dynamics of globalization. Although the export of tropical timber is traditionally controlled by international companies — mostly from Europe, the U.S. and increasingly, Asia — in most tropical countries, many small local enterprises and forest owners harvest timber and process logs in primarily informal settings. These smaller forest actors lack the human and financial resources necessary to adhere to the new rules and fulfill their requirements. Consequently, large, often international, enterprises with sufficient capital, know-how, access to information and institutional links are better able to take advantage of the new rules.

The local poor

One of the most positive effects of international efforts regarding forests has been the ability of many countries to make great strides toward clarifying land tenure (Larson, Cronkleton, Barry and Pacheco 2008). Over the last decade many customary rights to lands and resources have been recognized and huge tracts of tropical forests have been legally awarded to indigenous groups, traditional communities and colonists. Many forested regions, however, have experienced a strong frontier dynamic, where small colonists and well-funded business interests compete for land and resources.

Governments have also demarcated large areas for environmental conservation and forest concessions. The original inhabitants of these forest regions may find themselves in one of three situations: legal owners of their forests; tolerated as residents; or expelled from their homelands.

Even more than small enterprises, those families and communities who legally own forests lack the capacity to adequately respond to new requirements. In practice, the new regulations and mechanisms are insurmountable barriers for most rural dwellers. Attempts to set up simplified legal frameworks for small-scale forestry, to accept local management practices, or to include local people in certification programmes have not been very successful.

Even in cases where the local use of forests is allowed, families and communities are forced to justify their activities, often with badly prepared communications and to a distant bureaucracy, with insufficiently prepared governmental agencies and non-local, formally qualified technicians. As a consequence, smallholders generally rely on massive and continuous support to successfully implement the type of management system required. When the external support stops, forest managers tend to give up commercial forest management and hand over their forests to professional loggers. In many places, forest enterprises have already taken advantage of this situation by

systematically approaching local forest owners to obtain their harvesting rights in exchange for modest benefits such as the construction and maintenance of access roads. These types of deals have also become frequent in the context of carbon trading.

In many newly demarcated protected areas (PAs) local residents are explicitly allowed to stay and to continue to employ traditional ways of using their resources. Often, however, the definition of these traditional uses is disputed. In the prevailing interpretation, proposed by legal authorities and many environmental NGOs, local forest use is mainly restricted to subsistence uses; any commercial harvest needs legal authorization and therefore must go through all of the difficulties described above. The prohibition of agriculture, which frequently occurs in these situations, is even worse from an economic standpoint for families and forest users. As a consequence, many communities located in PAs find themselves in the paradoxical situation of being owners (often collectively) of their land and resources, but not being allowed to use them in accordance with their interests and capacities.

Many countries have not recognized the customary rights of all families and communities to land and resources. The process of land-use planning and the demarcation of forest concessions still ignore the rights of thousands of families, communities and indigenous groups. In many places the original residents have been evicted from their land by settlers and investors, or depend on the goodwill of the new legal owner or concessionaire. They find themselves in the same situation as many families who live around forest concessions and are not allowed to hunt or to harvest forest products; in other words, to carry out activities that are crucial to their livelihoods. This particularly affects the poorest people in rural societies, since they depend on free access to forest resources.

Most international initiatives primarily target commercial companies. These initiatives have brought significant improvements to many people; for instance, those employed by large forest enterprises (particularly those that are FSC-certified). Working conditions are controlled and formal contracts have significantly strengthened the position and security of employees. However, forest enterprises tend to work with non-local staff from outside the forest management area. Thus, it is mainly the sawmills in urban centres that create local employment opportunities. This may accelerate the already overwhelming dynamic of urbanization and expansion of the agricultural frontier, resulting in social and environmental problems.

Conclusions

The many international initiatives for the sustainable management and protection of tropical forests — and the resulting measures instituted at the national level in tropical countries — have not generated only positive outcomes. They also have negative impacts. In particular, poor rural dwellers who depend on free access to forest products struggle with competitive disadvantages that are worsened by the new institutional context. Often, the regulations and regulatory frameworks put in place mean that poor people are no longer able to informally use forests. In some cases, their actions are outright illegal, which further weakens their already fragile situation.

The new legal and technical frameworks — combined with the establishment of effective enforcement mechanisms — have further marginalized local modes of production and social organization. This is critical: these locally driven schemes, in contrast to prevailing beliefs, are not necessarily ineffective, unfair or unsustainable. They may reflect the cultural diversity of the region and pragmatically respond to local capacities and interests. In fact, for generations many indigenous and traditional communities have proven their ability to manage complex ecosystems in a responsible way. Recent studies highlight the important role played by local forest managers in forest protection (Porter-Bolland et al. 2012). Under certain conditions, they might even provide a viable alternative to sustainable local development. In contrast to the “professional” way of managing tropical landscapes, smallholders work at smaller scales, often less intensively and with significantly lower profit expectations.



This allows for the creation of more diverse landscapes, which have the potential to fulfill environmental functions and provide the economic basis for a much larger number of families.

From the industrialized countries’ perspective, their efforts to protect tropical forests have contributed to continuous access to forest goods and services, in particular timber, carbon and biodiversity. Large international timber companies, well-qualified forest consultants and service providers, and environmental NGOs at the national and international level have also benefited.

The needs and capacities of rural dwellers – who are probably the people most capable of protecting forests in the long run – are still insufficiently taken into account, however. This is despite the fact that at least some efforts are being made to discuss ways to avoid, or at least soften, the negative effects of international initiatives on local people, such as defining safeguards and working principles. Local poor people are insufficiently included in the new standardized forest and carbon frameworks, and more serious effort is needed to consider their interests and their cultural, technical and economic potential. It is hoped that it is not the industrialized countries’ interest in profits from tropical timber and in reducing the costs of their own carbon emissions that hinders them from more seriously considering the capacities and rights of the rural poor. The opportunities are there for putting local people, their cultures, capacities and needs — as opposed to the goods and services provided by their forests — at the centre of conservation efforts.

Endnote

1. FSC requires the fulfillment of legal regulations that in turn are defined and enforced by the government.

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