

Recommendation 1: Give Communities Greater Rights to Use Forest Resources

Communities must be given secure and enforceable rights to use forest resources to help them plan for the long-term and raise their incomes.

Current position

Fifteen years ago, the Government of India introduced the innovative concept of Joint Forest Management (JFM) to increase community participation in forestry.

Where JFM has been successfully implemented, local communities assist forest departments with forest management. They are usually given expanded rights to use minor forest produce such as fuelwood, fodder, food and medicinal plants in return for providing forest protection.

But, discussions with JFM communities often show that they are not very clear about what rights they actually hold under their agreements or for how long, or where their forest boundaries actually are. Where a community may hold historic or traditional resource rights to the forest, these are not usually recognized in JFM agreements.



Recommendations

- 1. Give communities more efficient rights over forest resources.** Where traditional rights to use forest resources already exist in tradition or old laws, recognize them in forest policy and law.
- 2. Specify the duration of communities' rights and responsibilities** for forest management, production and marketing.
- 3. Clearly define forest boundaries** under the agreement.
- 4. Ensure that communities' rights are enforceable under law.**
- 5. Make sure that communities have access to simple material that clearly explains** the general agreement with the state, forestry rights and responsibilities of both the community and forest department, shows the boundaries, and indicates an objective process for resolving disputes.

International Examples

Many countries have granted resource rights to forest dwellers while the state retains the ownership of land:

China has allotted individual farming households with a fixed-term lease for the commercial production of forest products for up to 99 years. The land qualifies as collateral for a loan.

Canada and many other countries use a 20 to 25-year management agreement, renewable in regular increments, say every five years. If performance is satisfactory, the contractual agreement is extended for another five years. This always gives the agreement holder a renewable 20- to 25-year planning horizon.

In **Nepal**, forest user groups are established as autonomous and corporate bodies with legal and statutory perpetual rights to develop, conserve, use, and manage the forest, and sell all forest products independently of the state. Failure to meet specified performance standards could remove their forest rights or, in less serious cases, lead to closer supervision and control by the forest department or other designated agents for a defined period.



