



Research article

What explains the demand for collective forest rights amidst land use conflicts?



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ABSTRACT

This article presents one of the first empirical studies of the demand for collective forest rights by forest-dependent groups locked in longstanding conflicts with government forestry agencies, which is a common feature of forested regions in the Global South. This analysis shows that (1) past engagements with community-based forest protection help foster demand for collective forest management rights despite the longstanding land use conflicts; (2) large areas of forest land affected by land use conflicts undermine the propensity of community groups to demand collective forest rights; (3) after the area affected by land use conflicts is controlled for, a larger *number* of land rights claimants is associated with a greater probability that a village group will claim collective forest rights; and (4) micro-institutional variables, particularly financial autonomy of village groups engaged in forest protection efforts, are likely to be among the main drivers of the local demand for collective forest management rights. The main finding is that community-based forest management is not merely an agenda that is imposed from the top by donors. Rather, recognizing the agency of rural residents in the process of adjudication of land use conflicts and providing them with autonomous spaces for management of local resources is likely to significantly boost the local demand for environmental stewardship.

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1. Introduction

The scholarship on the commons sheds light on the factors that facilitate collective action for sustainable management of forests and forested landscapes, which are crucially important for the protection of environmental services, security of rural livelihoods, and climate change mitigation and adaptation (Ostrom, 1990; Agrawal, 2001). Past research highlights the role of social capital and prior institutional engagement with co-management programs in influencing community resilience against undesirable social and ecological shocks, especially in rural communities within developed countries (Akamani and Hall, 2015). These authors also review the scholarly literature to show that in developing countries, past institutional engagements led to elite capture, intensification of conflicts, and loss of trust among rural communities. Such findings reflect the unruly history of nature conservation in the developing countries, which is one of “conflict and negotiation” primarily because conservation programs reflect the priorities of external government and non-government agencies and actors in most

cases (Kaltenborn, 2006, 137). Conservation projects are also deeply intertwined with the colonial era forestry institutions. First, legal designation of state forests subsumed village common lands and other lands that forest dependent people had used de facto without holding legal titles. Many of these land conflicts remain unresolved to this day. Second, colonial era forestry institutions gave government forestry and wildlife officials discretionary punitive powers, which undermine any efforts on behalf of indigenous and other forest-dependent groups to hold government officials accountable (Brechtin et al., 2002; Kashwan, 2013). Even so, few systematic analyses exist of the relationship between conflicts associated with the legal designation of state forests and forestland rights of community groups.

This article offers one of the first empirical studies of the demand for collective forest management rights by forest-dependent groups locked in longstanding conflicts with government forestry agencies, which is a common feature of forested regions in the Global South. I test hypotheses about the effects of past institutional engagements on the grassroots demand for collective forest rights in the presence of land rights conflicts. For this purpose, I outline an analytical framework in the next section, which helps address two puzzles of theoretical and policy significance for

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collective forest management in the Global South. First, how do the contested history of forestland rights and associated conflicts affect the ability of forest-dependent groups to learn from their past institutional engagement? Second, what role does such institutional learning play in creating grassroots demand for collective forest management institutions? Such an analysis contributes new insights about the often-cited and widespread conflicts between the demand for forest protection and the subsistence farming practices, including “shifting” cultivation, which continues to be practiced in dozens of countries in the Global South (for extensive analysis, see, Lawrence et al., 2010). These questions are of great significance in light of the United Nations’ 2030 Sustainable Development Goals, which include securing “ownership and control over land and other forms of property (i.e. natural resources as well)” and “the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally” (United Nations, 2015).

To examine the effects of past institutional engagement in the presence of land conflicts, this article analyzes the assertion of collective forest rights by rural forest-dependent groups in response to India’s Forest Rights Act (FRA) of 2006. Noticeably, the enactment of the FRA came about following nearly a decade and half of the promotion of community-based forest protection and joint forest management programs of various types. For a proper appreciation of the juxtaposition of community-based forest protection efforts of the past and the provisions of the more recently enacted FRA, an essential description of historical context and contemporary policy interventions follows.

The colonial British Government of India founded the Imperial Forest Department in 1864 primarily for “securing the best possible legal titles” in favor of the government (Haeuber, 1993, p. 55). The pre-colonial landscape, which was a mosaic of wooded savannas, cultivated fields, and some dense forest areas, did not lend very easily to centralized colonial control (Saberwal and Rangarajan 2003). Forests and forestlands that British officials sought to reclassify as state forests were under a complex set of tenures. Forest peoples watched over as common property, used as open-access, or, in many cases, household and extended families occupied and farmed parcels of lands within landscapes that colonial governments believed to be uninhabited wilderness (Baviskar, 1994). As a result, the officials who relied mainly on “desktop cartography” ended up classifying vast areas of previously used lands as state forests (Kalpagam, 1995). These colonial-era forest settlement and mapping processes gave rise to land rights conflicts between households with claims to parcels of lands they had farmed for generations and colonial forestry agencies who took the government maps as authoritative representation of forested landscapes. Instead of resolving these land rights conflicts, governments in independent India further consolidated the areas designated as de jure state forests, which increased from 40.48 million hectares in 1951 to 69.63 million hectares in 2008.¹ In other words, governments in independent India added over 70% land to the territory that the colonial government classified as state forests. Neither these historical features nor their contemporary effects are unique to India.

The template of forestry regime developed in India and other British colonies in South and Southeast Asia influenced colonial administrations in countries on the continent of Africa, where it produced similar effects of dispossessing forest-dependent people (Fratkin and Sher-Mei-Wu, 1997; Matose, 1997; von Hellermann, 2013). Even though governments and other institutions of the post-

colonial states in countries on the continents of Asia and Africa acknowledged these conflicts, they failed to resolve them (Colchester, 1993; MoEF, 2004). Post-colonial governments often retained colonial laws viz Indonesia’s forestry laws define “customary forests” as “state forests located in the areas of custom-based communities” (emphasis added).² These recurring failures are attributed to the pattern of property rights in forested regions. Governments and government agencies own more than 85% of the forests worldwide, a percentage that goes up to 95% in Asian and African countries (Agrawal et al., 2011; RRI, 2012). Governments seek to maintain such control because of the strategic importance of forests, particularly in the developing world, as frontiers and as sources of minerals and valuable natural resources (von Hellermann, 2013).

The government strategies for securing control over vast areas of hinterlands have led to a variety of land and resource rights conflicts, a vast majority of which remain latent though some of them turn violent and fatal on occasions (Hirsch, 1990). One important way out of these conflicts have been the participatory and co-management forestry programs that international and national NGOs, multi-lateral agencies such as the World Bank, and national governments have promoted since the late 1980s. These policies produced highly variable outcomes in countries in the Global South. While the participatory forestry programs of various kinds helped empower community groups in some countries, in most cases, scholars of forestry decentralization criticize these programs for promising radical devolution of powers to community groups, which did not materialize in most cases (Tacconi, 2007; Bauman REF). In dozens of cases of forestry decentralization analyzed by Jesse Ribot and colleagues, they found that governments had actually recentralized, that is taken control of decision-making power after promising initially to decentralize (Ribot et al., 2006). Most pertinent to the arguments of this article, government forestry agencies have strategically exploited forestry decentralization and co-management programs to create incentives for local leaders to work in ways that serve the agenda of the agencies, while often undermining the interests of the poorest among forest-dependent groups (Tacconi, 2007; Larson and Soto, 2008).

For all of these reasons, forestry decentralization and co-management programs have mostly failed to bring about transformational changes in forest governance, as promised in the wake of the 1992 Rio Earth Summit. On the contrary, poorly designed and even more poorly executed decentralization and co-management programs often set into motion new conflicts or cause old ones to escalate (Castro and Nielsen, 2001; Kashwan, 2013). Under the conditions, increasing areas brought under state forests, protected areas, and biofuel crops exacerbate the colonial-era land rights conflicts discussed above. India’s Ministry of Environment and Forests launched a nationwide campaign in May 2002 to summarily evict forest-dependent peasants who farmed lands within areas classified legally as state forests (Dreze, 2005). Amnesty International expressed concern regarding the large-scale violation of human rights during these evictions, which displaced at least 150,000 peasant families.³ National forest rights movements, such as the Campaign for Survival and Dignity (CSD) and the National Forum for Forest People and Forest Workers among others,

² Constance Johnson, Indonesia: Forest Rights of Indigenous Peoples Affirmed, Library of Congress, June 3, 2013. In May 2013, Indonesia Constitutional Court instructed the government to revise the law and delete the word “state” from the law. http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205403604_text.

³ <http://www.amnesty.org.au/news/comments/1160/>. Press reports suggest that the evictions affected 168,000 families. See T.K. Rajalakshmi, “Fatwa raj is over: Interview with Brinda Karat, CPI(M) leader and Member of the Rajya Sabha,” *Frontline*, Volume 23 - Issue 26 Dec. 30, 2006-Jan. 12, 2007.

¹ Data available from <http://www.indiastat.com>.

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