

## APPENDIX 4:

### Forest Governance in an international context

#### Introduction

This section provides a comparative analysis of the forest governance in other jurisdictions in the world. The purpose of the section is to look at key reform issues for Thailand within the framework of international developments in forestry governance.

#### Regulatory framework to secure and transfer forest right to community and indigenous people

A survey of national laws related to the forest tenure rights of Indigenous Peoples and communities in 27 of the world's most forested developing countries conducted by Rights and Resources Initiative (published in May 2012), revealed that Latin America has the highest percentage of guarantees of rights for communities to access, commercially exploit and to manage forest resources. This is also the region where forestry rights of community are likely to be constitutionally guaranteed for an unlimited period. By contrast, Asia has a mixed record, and Africa follows a long way behind.<sup>678</sup>

In Latin America, **Brazil** is one of five of the most forest-rich countries in the world. It is the country with the most tropical forest area but is also known for its high net loss of forest in the 1990s. The country has reformed its forest governance to designate more than one-fifth of its forest area for the protection of the culture and way of life of forest-dependent people.<sup>679</sup> Brazil has forest tenure for communities and indigenous people that are better than those in other countries.<sup>680</sup>

**Brazil** has devolved forestry rights to forest communities and indigenous people and those forest rights are clearly recognised by its higher-level national legal framework, including its *Constitution*, the *Forestry Act* and *Decree*, which are relatively hard to change by bureaucratic discretion.<sup>681</sup>

**Bolivia** has second most secure rights after Brazil for its communities and indigenous people.<sup>682</sup> Forest rights allocated to people are recognised by the Bolivian *Constitution* and by legislation including *National Service of Agrarian Reform Law N° 1.715/1996*; *Law N° 3545/2006*; *Forestry Law N° 1700/1996*; *Supreme Decree N° 29.215/2007*; and *Supreme Decree N° 27572/2004*.<sup>683</sup>

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<sup>678</sup>RRI, above n 1, 8, 24-25, 31-32.

<sup>679</sup>FAO, above n 490, 10, 15, 17.

<sup>680</sup>RRI and ITTO, 'Tropical Forest Tenure Assessment: Trends, Challenges and Opportunities' (The Paper Prepared for the International Conference on Forest Tenure, Governance and Enterprise: New Opportunities for Central & West Africa May 25 – 29 2009, Hôtel Mont Fébé, Yaoundé, Cameroon, 2009), 10, 12; RRI, above n 1, 24, 35.

<sup>681</sup>RRI, above n 660; FAO, above n 138, 41.

<sup>682</sup>RRI, above n 1, 24.

<sup>683</sup>RRI, above n 658.

**Nepal** has many similarities to Thailand. The country is also ranked as a pioneer of reforming rights to forests, particularly community forests.<sup>684</sup> Like Thailand, Nepal has a number of ethnic groups who rely on forests.<sup>685</sup> More than 80 per cent of the total population of Nepal, especially in rural areas, rely on subsistence agriculture for their livelihoods. Agricultural practices are dependent on forests and other natural resources. Forests provide fodder and other material necessary for rearing livestock. They maintain soil fertility and protect watersheds that supply water for domestic consumption and irrigation. Livestock provide manure and power for agriculture and offer an important source of nutrition. Landless people, small landholders and other marginalised communities generally have a greater dependency on forests. Therefore, it is the poor and marginalised groups, rather than the richer ones, that attach a greater importance to forests for their livelihoods.<sup>686</sup>

Nepal has constitutional monarchy<sup>687</sup> and a government system similar to Thailand.<sup>688</sup> Forest resources in Nepal are managed through a centralised bureaucratic authority and, since 1986, has reformed its forest governance by gradually handing over power over forest management to local communities.<sup>689</sup> Both the *Forest Act of 1993* and the *National Parks and Wildlife Act of 1973 (amended in 1993)* clearly recognise forestry rights and define the right holders of those rights.<sup>690</sup>

**The Philippine** has a progressive community forestry policy. The Philippines, particularly through its Department of Environment and Natural Resources (DENR), made an effort to involve communities in the management of its forests earlier than most other countries in Asia.<sup>691</sup> The Philippines has national legislation –*The Indigenous People’s Rights Act (1997)*, which clearly recognises the forestry rights of community, particularly of Indigenous Cultural Communities and Indigenous Peoples.<sup>692</sup>

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<sup>684</sup>Larson, Barry and Dahal, above n 651, 146; FAO, above n 138, 36.

<sup>685</sup>James Michel, Barry Walsh and Mihir Thakur, 'Nepal Rule of Law Report' (USAID/Rule of Law Assessment: Final Report, Rule of Law Division, Office of Democracy and Governance, USAID, 2009), 2.

<sup>686</sup>Forest Action, 'Forest Action: Nepal; For Environment, Democracy and Livelihoods ' (Annual Report 2010, Forest Action 2010), 2.

<sup>687</sup>Michel, Walsh and Thakur, above n 685, 2; Dinesh Paudel, Dil Raj Khanal and Peter Branney, 'Transparency in Nepal’s Forest Sector: A Baseline Assessment of Legal Indicators, Provisions, and Practices ' (Livelihoods and Forestry Programme, 2011), 4.

<sup>688</sup>Singh and Chapagain, above n 644, 122.

<sup>689</sup>Keshav Kanel, 'Nepal Case Study on Forest Tenure Reform for the Rio+20 Report: The Overview of Nepal Tenure Reform, 1992-2012' (Rights and Resources Initiative, 2012), 2.

<sup>690</sup>RRI, above n 1, 24; RRI, above n 658; FAO, above n 138, 41

<sup>691</sup>Herlina Hartanto, 'Facilitating Change from the Inside: Adaptive Collaborative Management in the Philippines' in Robert Fisher, Ravi Prabhu and Cynthia McDougall (eds), *Adaptive Collaborative Management of Community Forests in Asia: Experiences from Nepal, Indonesia and the Philippines* (Center for International Forestry Research (CIFOR), 2007) 162, 162-163.

<sup>692</sup>Christy, above n 333, 105.

## Duration of granting rights

Granting long-term rights could ensure more security for forest communities. Forestry rights in **Bolivia** are consolidated with unlimited duration and the rights to forest concessions has a 40-year term and is extendable.<sup>693</sup>

**Nepal** has five regimes of forest rights.<sup>694</sup> Four were transferred with unlimited duration to communities.<sup>695</sup> One was transferred with renewable 40-year term.<sup>696</sup>

Forest rights in **Vietnam** have a 50-year renewable term.<sup>697</sup>

## Clearly identifying the responsible authority

All forestry rights in Brazil clearly identify the responsible authority. The Chico Mendes Institute for the Conservation of Biodiversity (ICMbio) is in charge of implementing Extractive Reserves, Sustainable Development Reserves and National Forests.<sup>698</sup> The National Institute for Colonization and Agrarian Reform (INCRA) administers forest rights under Forest Settlement Projects – the Agro-Extractive Settlement Projects, the Sustainable Development Projects, and the Quilombos communities.<sup>699</sup>

## Due process of laws and compensation for revoking right

All forestry right regimes undertaken in **Brazil** require the State to comply with due process of law and to provide sufficient compensation in the circumstance of cancelation of rights.<sup>700</sup>

**Bolivia** has laws ensuring that all forest rights cannot be taken away from community unless the government complies with the due process of law and provides sufficient compensation.<sup>701</sup>

**Nepal** has laws assuring that, before revocation of rights, the government follows the due process of laws (such as people are entitled to appeal the revocation to the courts).<sup>702</sup>

In the **Philippines**, forestry rights transferred to Indigenous Peoples cannot be expropriated unless the government follows the due process of law. The *Act* requires free, prior, and informed consent for relocation, exploration, development, and use of natural resources, among other activities. In addition,

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<sup>693</sup>RRI, above n 658.

<sup>694</sup>Lynn Ellsworth and Andy White, 'Deeper Roots: Strengthening Community Tenure Security and Community Livelihoods' (Ford Foundation, 2004), 11.Christy, above n 333, 96-100.

<sup>695</sup> RRI, above 658.

<sup>696</sup> Ibid,

<sup>697</sup> RRI, above n 659,3.

<sup>698</sup>RRI, above n 660, 2-5.

<sup>699</sup> Ibid.

<sup>700</sup>RRI, above n 1,35, 37; RRI, above n 660.

<sup>701</sup>RRI, above n 658.

<sup>702</sup>RRI, above n 658.

the process for solving disputes and appealing the decision of government officials regarding the rights granted are also precisely stipulated.<sup>703</sup>

### **Participation of Indigenous People and communities**

In **Brazil**, community forest management rights are recognised by laws as Extractive Reserves, Sustainable Development Reserves and National Forests. Brazilian communities share in forest management with government through their representatives on the management board responsible for managing the forest resource.<sup>704</sup> In the extractive reserve areas, people can also conduct subsistence activities and are allowed to engage in extractive activities. They may also carry out agricultural activities and graze small animals.<sup>705</sup> Both Extractive Reserves and Sustainable Development Reserves create legal framework for the participation of Indigenous Peoples and communities in the management of state forests.<sup>706</sup> In addition, communities under the Forest Settlement Projects (unique to the Northern Region); the Agro-extractive Settlement Projects; and the Sustainable Development Projects have management rights to forest through their representative unit, helping to develop the Settlement Development Plan with technical assistance from the Federal Land Reform Agency – the National Institute for Colonization and Agrarian Reform (INCRA).<sup>707</sup>

### **Clear definition of forest rights**

**Brazil** has laws to differentiate between the right to harvest timber and the right to harvest non-timber forests products (NTFPs).<sup>708</sup> People in Brazil have clear rights to harvest non-timber forest products (NTFP) for their subsistence and traditional purposes.<sup>709</sup> People may also harvest timber products, depending upon terms of a Contract of Real Right of Use (CDRU), a Management Plan and a Forest Management Plan.<sup>710</sup>

People, who have been granted forest rights under the Forest Settlement Projects; the Agro-extractive Settlement Projects; the Sustainable Development Projects; and the Quilombos communities Projects, have the right to exclude non-member from their protected forestlands.<sup>711</sup>

**Brazil** has classified forests into several areas with different purposes:

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<sup>703</sup>Christy, above n 333, 105.

<sup>704</sup>RRI, above n 1, 17, 28-29, 64.

<sup>705</sup>Ibid, 26, 58.

<sup>706</sup>Ibid, 37, 65.

<sup>707</sup>RRI, above n 660.

<sup>708</sup>RRI, above n 1,16, 63.

<sup>709</sup>Ibid, 35, 64-65.

<sup>710</sup>RRI, above n 660.

<sup>711</sup>Ibid.

a) Extractive Reserves: These are nature reserve areas within the public domain in which traditional populations can carry out subsistence activities. Such activities are prescribed by laws and the terms of the Contract of Real Right to Use (CDRU).<sup>712</sup>

b) Sustainable Development Reserves: These are natural reserve areas within the public domain, which contain traditional populations who collectively hold usufruct rights. Laws and the terms of the Contract of Real Right to Use (CDRU) prescribe such usufruct rights.<sup>713</sup>

c) National Forests: These are areas of public domain and ownership with predominately native species forest coverage. This regime aims at multiple sustainable uses of forest resources and scientific research, focusing on methods for sustainable use of native forests. Traditional populations who were living in a National Forest at the time of its creation have been allowed to remain and have been granted collective usufruct rights. The rights of people under this regime are prescribed by the terms of a Management Plan and the Terms of Use.<sup>714</sup>

d) Agro-extractive Settlement Projects: These are established to allow traditional populations, through their representative association, to have rights to forest. Rights of people under this regime are determined by the terms of Contract of Real Right of Use (CDRU) the Management Plan and the Forest Management Plan.<sup>715</sup> This regime is recognised by the national Constitution and subsequent laws define the extent of them.<sup>716</sup>

e) Forest Settlement Projects (unique to the Northern Region): This regime aims at granting forestry rights to communities engaged in sustainable family forestry with a common property regime represented by an association, condominium or cooperative. The rights of people are prescribed by the terms of Contract of Real Right of Use (CDRU).<sup>717</sup> This regime is recognised by the national *Constitution* and by subsequent laws<sup>718</sup>.

f) Sustainable Development Projects: This regime aims to grant rights to forest for people whose livelihoods rely on extractive forestry practices, family farming and other low-impact environmental activities. The rights of people under this regime are also prescribed by the terms of Contract of Real Right of Use (CDRU).<sup>719</sup>

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<sup>712</sup>Ibid.

<sup>713</sup>Ibid.

<sup>714</sup>Ibid.

<sup>715</sup>Ibid.

<sup>716</sup>Ibid.

<sup>717</sup>Ibid.

<sup>718</sup>Ibid.

<sup>719</sup>Ibid.

g) Quilombola Communities. This regime aims to grant forest rights to African-Brazilian populations. This right is recognised by the national and by laws to create land titles for the Quilombola Communities.<sup>720</sup>

h) Indigenous Lands. These grant forestry rights to native Brazilian people. This right is recognised by the national *Constitution* and by decree.<sup>721</sup>

The case of Brazil suggests that in situations where governments claim ownership over the forests and wish to maintain those forests for conservation outcomes, communities may share management responsibilities with government officials. Recognising management rights of the community in a variety of forms could help weaken the power of government.

**Nepal** has a clear definition of forestland and who has rights over the forestlands.<sup>722</sup>In Nepal, the *Forest Act of 1993* provides a tenure system for forests including private, leasehold and community forests, while maintaining State ownership of all forestlands. The following are the categories of forest defined by the *Forest Act*:

(a) *National forest*: All forests other than private forest, regardless of the demarcation of their boundaries and including cultivated or uncultivated land, roads, ponds, lakes, rivers, streams and the shingly land that is surrounded by or in the areas of a forest.

(b) *Government-managed forest*: National forests managed by the government.

(c) *Protected forest*: National forests that the government has declared protected because of their environmental, scientific and cultural importance.

(d) *Community forest*: National forests that have been allocated to forest user groups for development, conservation and utilisation in the interest of the community.

(e) *Leasehold forest*: National forests that have been leased for specified purpose(s) to a legally defined institution, forest-based industry or community.

(f) *Religious forest*: National forests that have been transferred to a religious entity, group or community.

(g) *Private forest*: The planted or protected forests on land that belongs to an individual as per the prevailing law.

The *Forest Act 1993* and the *Forest Regulation 1995 of Nepal* is clear about rights and responsibilities related to community forests. Community Forest User Groups (CFUGs) are legally registered at the

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<sup>720</sup>RRI, above n 1, 25, 64; RRI, above n 660.

<sup>721</sup>RRI, above n 1, 25, 64; RRI, above n 660.

<sup>722</sup>Singh and Chapagain, above n 644, 121; Ministry of Forests and Soil Conservation (Nepal), above n 644, 39.

District Forest Office. In accordance with the provisions made in their operational plans, CFUGs are authorised to protect and manage the forest and establish plantations. The operational plan of a community forest is prepared by the CFUGs, with technical assistance from forestry officials and/or NGOs) and approval by the District Forest Officer. The plan describes how to protect, manage and utilise forests, identify the price of, sell or dispose of its products, and the provision for punishment in case of violation. An operational plan is valid for five years and is renewable after termination.

The CFUGs can collect forest products and distribute them among its members according to the rules indicated in the operational plan. A community forest should be managed and utilised in such a way that there is no negative impact on the environment. CFUGs can sell forest products to outsiders if there is a surplus after the requirements of group members have been met. They are authorised to fix the prices of forest products for sale to outsiders, but these prices cannot be lower than those noted by the government. The forestland cannot be sold or used as collateral for loans. CFUGs are responsible for protecting the community forests from encroachment. It is illegal to construct residential buildings, cause erosion and landslides through CFUG activities, quarry, collect stone or soil and catch or kill wildlife.<sup>723</sup>

### **Enhancing the ability of right holders**

In **Vietnam**, forest resources have improved in villages granted rights to forests where community members have developed the rules for forest protection in the villages. These rules have been actively enforced to prevent forest encroachment and illegal logging. This contrast with village communities who have also been granted rights but did not adequately develop regulations for forest protection. As a result, deforestation and forest degradation have continued.<sup>724</sup>

In **Nepal**, the majority of disputes regarding forest management are handled not only by courts or government officials but also by informal local actors such as village chiefs.<sup>725</sup>

### **Bureaucratic complexity**

Under the community forestry management agreements in **Cameroon**, people have rights to extract forest products, but are constrained by high transaction costs arising from laws controlling market access and transportation. These laws require a community to obtain a letter of transportation from the forestry administration before the community can transport forest products to an urban

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<sup>723</sup>Singh and Chapagain, above n 644, 125; Hemant Ojha, Lauren Persha and Ashwini Chhatrea, 'Community forestry in Nepal: a policy innovation for local livelihoods' (The International Food Policy Research Institute (IFPRI) Discussion Paper 00913, The International Food Policy Research Institute (IFPRI), 2009), 8.

<sup>724</sup>Nguyen Quang Tan et al, 'Red Books for Greener Trees: Strengthening Community Forestry in Vietnam' (2009) (2) Policy Brief: Forest Governance Learning Group (FGLG) Vietnam, 2.

<sup>725</sup>Michel, Walsh and Thakur, above n 685, 2.

market.<sup>726</sup> Apart from creating opportunities for corruption, this process generates costs, delay and impediments to local trade.

Even though in cases where access rights are recognised by a country's constitution (eg in Local Community Forest Concessions in the **Democratic Republic of the Congo** (DRC) and Adat Forest in **Indonesia**), there is difficulty in implementing these rights in practice (eg due to a lack of implementation of the regulations or cumbersome bureaucratic procedures). Therefore, communities live on these lands at the discretion of the State or other powerful actors, or until the land is put to an alternate use or sold to a private owner.<sup>727</sup>

Even when community tenure rights are assured by laws, the processes for acquiring the official documents and exercising those rights are often extremely cumbersome and bureaucratic. The political forces opposed to community rights often have sufficient political clout to create administrative procedures and bureaucratic hoops that make it almost impossible for communities to obtain them. For example, in **Tanzania**, only one small community forest has actually been gazetted officially despite the publicity about Tanzania's progress toward community rights over forests. In that country, the bureaucratic processes necessary to demarcate a community forest are almost impossible to achieve. Similar situations exist in Bolivia and Ancestral Domains in the Philippines.<sup>728</sup>

Even with clear and secure tenure arrangements in forested lands, as in many **Latin American countries**, communities may be burdened with excessive administrative requirements to obtain harvesting permits, including the design of detailed and complex management plans, which constitute a disincentive to pursue formal forest management.<sup>729</sup>

**China** makes an effort to enable community to access high value of timber as it could be, but timber harvesting is highly regulated with the complexity of a permit system. This limits timber-harvesting opportunities in community forests and decreases the benefit flow to communities.<sup>730</sup>

### **Conflict over land and forest rights**

At least 30 forested developing countries have experienced violent conflicts in the last 20 years. Two-thirds of all violent conflicts taking place in the world today are due to disagreements over land and

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<sup>726</sup>FAO, above n 138, 48.

<sup>727</sup>RRI, above n 1,16.

<sup>728</sup>Andy White and Alejandra Martin, 'Strategies For Strengthening Community Property Rights Over Forests: Lessons and Opportunities For Practitioners' (Forest Trends, 2002), 9.

<sup>729</sup>FAO, above n 138,33.

<sup>730</sup>RECOFTC, 'Sharing the Wealth- Improving the distribution of benefits and costs from Community Forestry: Policy and Legal Frameworks' (Synthesis of discussions at the Second Community: Forestry Forum, RECOFTC 2007), 8.



forest territory. There is growing concern that, if this is left untreated, climate change will exacerbate existing social tensions over land and increase the rate and violence of conflicts.<sup>731</sup>

As forest and land use system is interrelated in Nepal, forestry is determined as part of an extensive land use system.<sup>732</sup> Nepal integrates management of forest and soil into one ministry.<sup>733</sup> The operational responsibility for periodic policy planning and implementation of forestry and related matters lies with the Ministry of Forests and Soil Conservation, which is headed by a Minister of State.<sup>734</sup> This makes it easier to manage national forest resources.

## **Traditional forest-related knowledge**

The most recent world comprehensive survey published on the 1 January 2012 about traditional forest-related knowledge conducted by the International Union of Forest Research Organizations (IUFRO) with the collaboration of front-line decision makers and international organisations concludes that the countries around the world have increasingly recognised how significant the customary forest-related knowledge is to effective forest governance in their own nation.<sup>735</sup>

The *Biological Diversity Act of India* (2002) stipulates that the Central Government shall endeavour to respect and protect the knowledge of local people related to biological diversity. Forests that are protected as sacred groves, based on local communities' belief systems, may be recognised as the heritage sites under the *Act*.<sup>736</sup>

At the local level in India, peoples' biodiversity registers (encompassing records of individuals' knowledge of biodiversity, its use, trade and efforts for its conservation and sustainable exploitation) have been established and recognised in the Indian *Biological Diversity Bill* (2000). These have reportedly contributed to the recovery and conservation of traditional forest-related knowledge in **India**.<sup>737</sup>

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<sup>731</sup>Jintao Xu, Andy White and Uma Lele, 'China's Forest Tenure Reforms Impacts and implications for choice, conservation, and climate change' (The Rights and Resources Initiative (RRI), 2010), 1.

<sup>732</sup>Ministry of Forests and Soil Conservation (Nepal), above n 644, 17.

<sup>733</sup>*Ibid.*, 9.

<sup>734</sup>Singh and Chapagain, above n 644, 122.

<sup>735</sup>Parrotta, and Troster, above n 665, 1-4; FAO, 'State of the World's Forests 2011' (State of the World's Forests, FAO, 2011), 78; Forest People Programme, 'Customary sustainable use of biodiversity by indigenous peoples and local communities: Examples, challenges, community initiatives and recommendations relating to CBD Article 10(c)' (A synthesis paper based on case studies from Bangladesh, Cameroon, Guyana, Suriname, and Thailand, Forest People Programme, 2011), 1.

<sup>736</sup>Maffi, and Woodley, above n 665, 2012), 179.

<sup>737</sup>Parrotta, and Troster, above n 665, 580.

**Panama**'s legislature has passed a Special Intellectual Property Rule on the Collective Rights of Indigenous People to protect and defend the cultural identities and traditional knowledge of Panama's indigenous people.<sup>738</sup>

### **Recognising indigenous people**

Recognising indigenous people and their rights helps to enhance traditional forest-related knowledge.

**Argentina** has enacted regulations that empower and protect the rights of indigenous people.<sup>739</sup> By the late 1980s and 1990s indigenous peoples in Argentina were empowered by new laws, and their rights were fully recognised by 1994 constitutional reform.<sup>740</sup>

**Colombia, Venezuela, and Ecuador**, have variously given recognition to the land rights and cultural rights of local indigenous people and passed land demarcation laws.<sup>741</sup>

In **Mexico**, the 1986 change in national forestry laws gave communities more control over their forests, thus allowing them to use their own knowledge to a greater degree. Forests managed using traditional systems to produce timber, fruits, latex, and medicines extend throughout the tropical, sub-tropical, and temperate biomes of Mexico. Mexico has more certified community forestry enterprises than any other country in the world, each of these involving, to varying degrees, the application of traditional forest-related knowledge.<sup>742</sup>

In the **Philippines**, the government passed the *Indigenous People's Rights Act* in 1997 that explicitly recognises the rights of indigenous peoples to their ancestral lands, to self-determinations, and to the free exercise of their culture. Around 76,000 indigenous people (out of the total indigenous populations of 8 million) are direct beneficiaries of Certificate of Ancestral Domain, which recognises their inherent rights to self-governance and self-determinations and ensure respects for the integrity of their values, practices, and institutions.<sup>743</sup>

The Republic of **Panama** legally recognises the sovereignty of seven indigenous groups. Panama was the first government in Latin America to recognise this class of rights for indigenous populations, and now 22 per cent of the national territory is designated as sovereign indigenous reserves.<sup>744</sup>

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<sup>738</sup> Christy, above n 333, 14.

<sup>739</sup> Parrotta, and Troster, above n 665, 113.

<sup>740</sup> Ibid, 103.

<sup>741</sup> Maffi, and Woodley, above n 665, 179; Christy, above n 333, 14.

<sup>742</sup> Parrotta, and Troster, above n 665, 187.

<sup>743</sup> Maffi, and Woodley, above n 665, 179.

<sup>744</sup> Maffi, and Woodley, above n 665, 179.

## **Combined traditional forest management knowledge with modern scientific knowledge**

**Argentina** established a program of multipurpose forest management to create the opportunity to combine traditional forest-related and scientific knowledge into forest management. The program involves different degrees of public participation ranging from indigenous people, private sector, educations, engineers, forestry scientists and government. Those who are involved together carry out a forest inventory, assess natural resources and produce a forest management plan.

The program provides the opportunity for stakeholders, particularly community and indigenous people, to work closely with forestry scientists, engineers and the government. The community and indigenous people exchange their traditional forest-related knowledge with the scientific knowledge from the scientists for carrying out forest inventory and creating forest management plan. This helps traditional forest-related knowledge to be integrated with scientific knowledge for forest management.<sup>745</sup>

**Bolivia** also combines traditional knowledge and science requiring an intercultural dialogue, patience, and tolerance, plus the acknowledgement of the value of the traditional knowledge.

## **Compensation needed for collaborations to provide customary forestry knowledge**

In **Russia**, those who hold traditional forest-related knowledge may not always cooperated in its recording because they fear that they will lose their knowledge, especially that the government will further exploit their knowledge without compensation. Thus the compensation may need for exchange with the knowledge.<sup>746</sup>

## **Involving next generations**

Transferring traditional forest-related knowledge from generation to generation ensures the existence of the knowledge. In the **North America**, some indigenous people transfer customary forest-related knowledge, such as training in proper harvesting technique to their youth.<sup>747</sup>

## **Effective negotiation process helps bring collaboration and trust**

The negotiation system for resource access in **Indonesia** enables negotiation between government and community to fairly recognise rights of community and customary law.<sup>748</sup>In **Indonesia** forestland is

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<sup>745</sup> Parrotta, and Trosper, above n 665, 97-99.

<sup>746</sup> Ibid, 579.

<sup>747</sup> Ibid.

<sup>748</sup> Southeast Asian Regional Center for Graduate Study and Research in Agriculture (SEARCA), 'Practitioners' Notes for Localised Forest Management ' (Small Grants Programme for Operations to Promote Tropical Forests (SGPPTF), European

State owned and there is also the conflict regarding forest management.<sup>749</sup> It has launched a collaborative approach to resolve the conflict between Government and community in Lampung forestland about who should control or own Indonesian forests.<sup>750</sup> This approach also provides the positive outcomes of trust building between government and community as well.<sup>751</sup>

In **Peru**, the Minister of Agriculture of Peru (2001) established a broad-based civil society and private sector stakeholder forum – later named the Roundtable for Forest Dialogue and Consensus (MDCF). This organises the main forest actors in formulating contemporary forest policy in Peru. The participants of this forum are conservation NGOs, the forest industries, forest products trade organisations, indigenous communities, small loggers, and government agencies who meet weekly to work on a consensus basis to review and propose forest policy and complementary forest legislation, and to support the forest administration agency as it moves towards forest sector reform. The diverse set of actors and consensus making from the forum ensures that different interests were represented and that no single actor controlled the decision-making process. This can also help to identify the potential conflict of forest management and to provide the possibilities of conflict resolutions.<sup>752</sup>

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Commission, United Nations Development Programme, Southeast Asian Regional Center for Graduate Study and Research in Agriculture, 2008), 18-20.

<sup>749</sup>FAO, above n 138, 7, 18.

<sup>750</sup> Southeast Asian Regional Centre for Graduate Study and Research in Agriculture (SEARCA), above n 748, 5-6.

<sup>751</sup>Ibid, 6.

<sup>752</sup>Christy, above n 333,107.