Forest Tenure in Africa and South and Southeast Asia: Implications for Sustainable Forest Management and Poverty Alleviation

Dominique Reeb[1] and Francesca Romano[2]

Based on recent studies conducted by the Food and Agriculture Organization of the United Nations (FAO) on forest tenure systems in Asia and Africa, the paper presents an overview of the present situation, characterized by the predominance of public forests under the direct control and management of governments. The paper reviews the achievements of various forest tenure systems in relation to sustainable forest management and poverty alleviation, with a particular focus on locally based forest management. The importance of security of tenure and the need to diversify current tenure systems are identified as fundamental to achieving sustainable forest management and poverty alleviation. The paper also highlights the benefits of a phased approach to forest tenure reform and the elements needed for the establishment of an enabling and secure forest tenure system.

Why Forest Tenure Matters

Forest tenure is a broad concept that includes ownership, tenancy, and other arrangements for the use of forests. Forest tenure is the combination of legally or customarily defined forest ownership rights and arrangements for the management and use of forest resources. Forest tenure determines who can use what resources, for how long, and under what conditions.

While millions of people worldwide rely heavily on forest resources for their livelihoods, the FAO Global Forest Resources Assessment (FAO 2006a) shows that 84% of the world's forests are publicly owned. Continued deforestation and forest degradation call into question the effectiveness of current forest tenure systems. There is increasing recognition that security of tenure is one of the most important mechanisms to ensure accountability and control of forestry operations at the local level (FAO 2005a) and that most rural poor people typically remain poor because their rights to the land are weak and their tenure is insecure (Bruce 2004). In addition, most of the current policies and legal frameworks limit access to forest resources by local people. In order to gain a better understanding of the potential of improved forest tenure, the following questions need to be answered: Are there successful alternative tenure systems to publicly owned and managed forests that can contribute to sustainable forest management and better livelihoods? If such alternatives exist, what are the factors that make them work?

FAO has analyzed current forest tenure systems in South and Southeast Asia (FAO 2006b) and in Africa (FAO forthcoming) as a contribution to enhancing the understanding of the implications of forest tenure for sustainable forest management and poverty alleviation and to provide guidance to governments to strengthen, adapt, and formulate policies that are conducive to local management of forest resources.

The current paper presents the outcomes of these studies focusing on those systems that have demonstrated success in addressing local needs and supporting sustainable forest management

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[1] Senior Forestry Officer, Forest Policy Service, Forestry Department, FAO, Rome.
[2] Consultant, Forest Policy Service, Forestry Department, FAO, Rome

because security of tenure is guaranteed, and an appropriate process of tenure diversification in favor of locally based forest management is in place.

Forest Tenure in Africa and South/Southeast Asia: Current Situation and Emerging Trends

The study was based on the analysis of forest tenure according to the type of legal ownership and the level of formal and informal control of and access to resources. It examined different existing combinations of these two aspects in 34[3] countries, representing different eco-regions and a wide spectrum of tenure systems. Quantitative information was complemented by 23 case studies[4] providing an in-depth assessment of the relationship between forest tenure, sustainable forest management, and poverty alleviation.

Ownership of Forests

The types and distribution of forest ownership in Africa and South and Southeast Asia are shown in Figures 1 and 2 respectively. The main categories of legally owned forests are public, corporate and industrial, small-scale private, and community-owned.

Public Forests

Data collected show that most of the 330 million hectares of forests in Africa (95%) and of the 365 million hectares in South and Southeast Asia (92%) are publicly owned, the majority by central governments.

Corporate, Industrial Private Forests

Large-scale, privately owned forests are not reported in Africa (0%) and are very limited in South and Southeast Asia (1%).
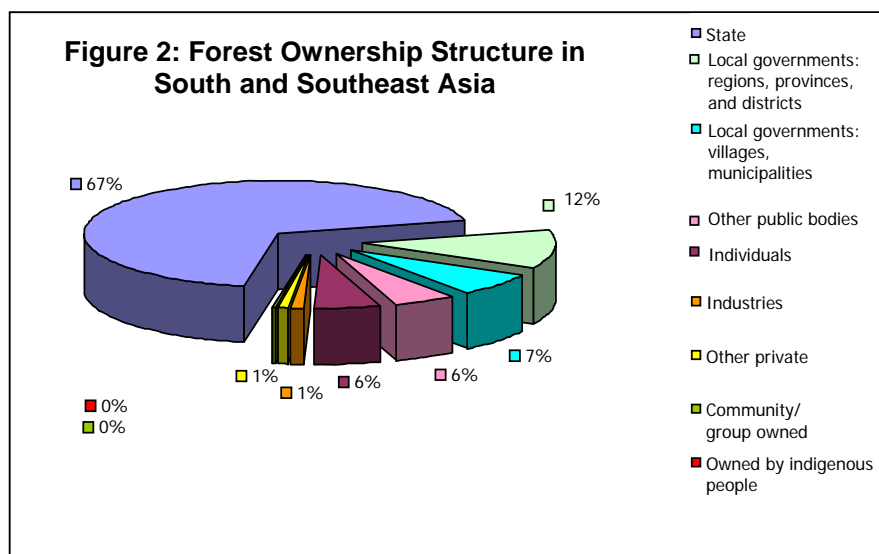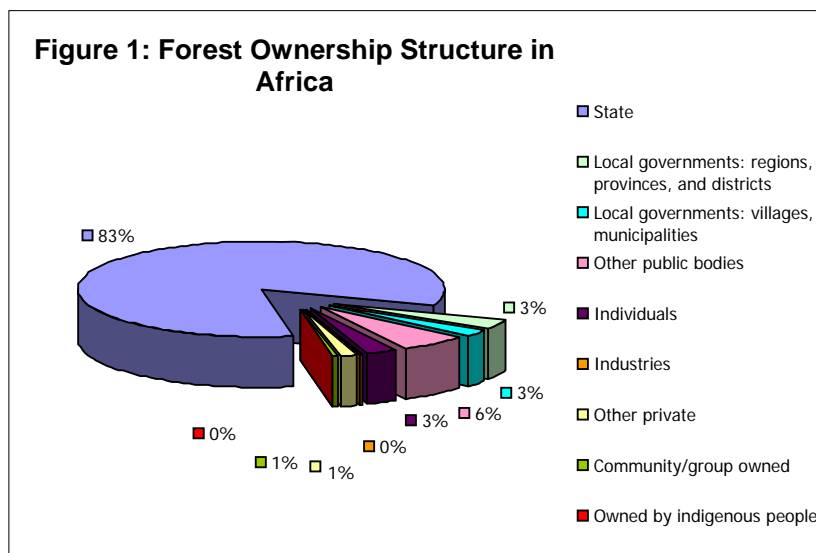
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[3] **Africa:** Cameroon, Democratic Republic of Congo, Gabon, the Gambia, Ghana, Ivory Coast, Kenya, Madagascar, Mali, Morocco, Mozambique, Niger, Senegal, South Africa, Tanzania, Uganda, Zimbabwe.
Asia: Brunei, Bhutan, Cambodia, People's Republic of China, India, Indonesia, Japan, Republic of Korea, Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Viet Nam.
[4] **Africa:** Cameroon, Gabon, the Gambia, Ghana, Morocco, Mozambique, Senegal, South Africa, Tanzania, Uganda, Zimbabwe.
Asia: Yunnan, China; Nepal; Pakistan; Sabah, Malaysia; the Philippines; Thailand; Viet Nam and two studies each in India and Indonesia.
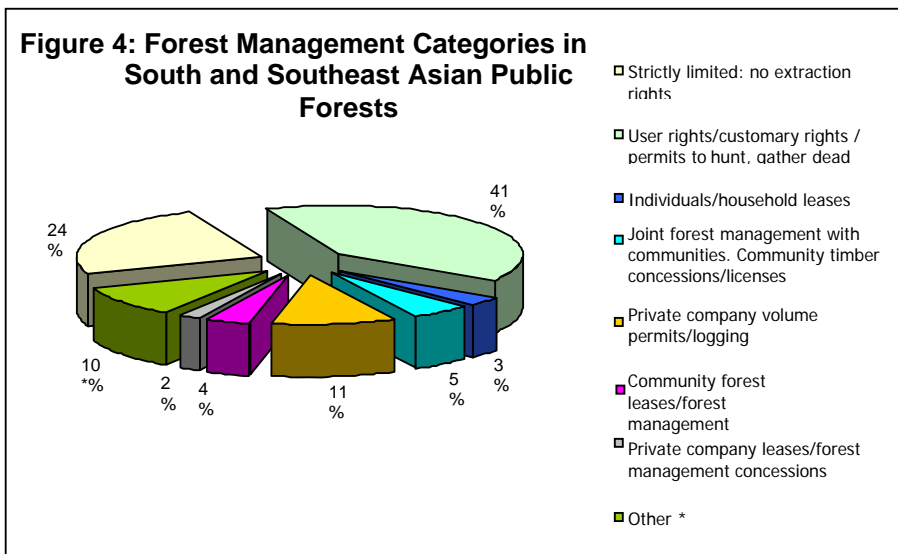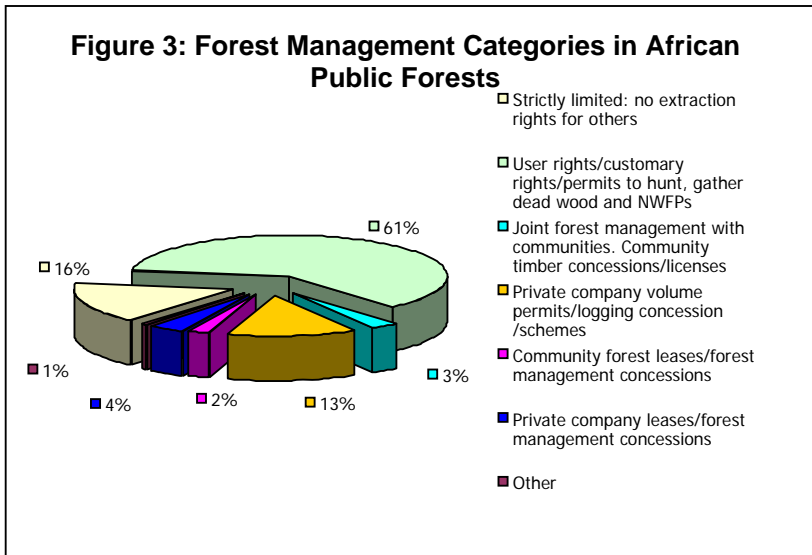
Figure 1: Forest Ownership Structure in Africa

- State
- Local governments: regions, provinces, and districts
- Local governments: villages, municipalities
- Other public bodies
- Individuals
- Industries
- Other private
- Community/group owned
- Owned by indigenous people

83% 3% 3% 6% 3% 0% 0% 1% 1%

Figure 2: Forest Ownership Structure in South and Southeast Asia

- State
- Local governments: regions, provinces, and districts
- Local governments: villages, municipalities
- Other public bodies
- Individuals
- Industries
- Other private
- Community/ group owned
- Owned by indigenous people

67% 12% 7% 6% 6% 1% 1% 0% 0%

Small-scale Private Forests and Community-owned Forests

In Africa individual property (3%) is very limited, with the exception of South Africa and Zimbabwe, although in these two countries the ownership structure is still undergoing a major reform. In Uganda, due to the titling process started in 1998 private property is also relevant although it is not always possible to distinguish between individual and communal ownership. In South and Southeast Asia private forests (7%), which are located mainly in Japan and the Republic of Korea, are more likely to be owned by individuals (6%) than by private industries (1%).

In both regions, an insignificant percentage of forests is owned by local communities, groups, and indigenous people (Africa: 1% and Asia: 0%).

Management of Public Forests by the State

In public forests the government retains most of the management responsibility either through exclusive control (Africa: 16%, Asia 24%), or by granting limited user rights (Africa: 61%, Asia: 41%) over forests. These include noncommercial use rights, customary rights, and permits to hunt or gather dead wood and nonwood forest products (NWFPs). User rights are usually given to local people to satisfy their needs for forest products and do not allow for commercialization by the users. They may or may not be regulated through licenses and permits (Figures 3 and 4).

Figure 3: Forest Management Categories in African Public Forests

- Strictly limited: no extraction rights for others
- User rights/customary rights/permits to hunt, gather dead wood and NWFPs
- Joint forest management with communities. Community timber concessions/licenses
- Private company volume permits/logging concession /schemes
- Community forest leases/forest management concessions
- Private company leases/forest management concessions
- Other

61%
16%
1%
4%
2%
13%
3%

Figure 4: Forest Management Categories in South and Southeast Asian Public Forests

- Strictly limited: no extraction rights
- User rights/customary rights / permits to hunt, gather dead
- Individuals/household leases
- Joint forest management with communities. Community timber concessions/licenses
- Private company volume permits/logging
- Community forest leases/forest management
- Private company leases/forest management concessions
- Other *

41%
24%
10*%
2%
4%
11%
5%
3%

Management of Public Forests by Nonstate Stakeholders

In Africa, the public forest area under some form of management by local forest users/holders reaches about 10% of the total (30 million hectares). This includes forests owned by communities, individuals, and indigenous groups as well as those managed by local communities. These forests represent a significant share only in Ghana, South Africa, Zimbabwe, and Mozambique.

In South and Southeast Asia local communities manage about 12% of public forests through Joint Forest Management (JFM) agreements, longer-term community forestry agreements or individual/household leases. The forest area managed by local users increases to 18% of the total when all forests that are either owned or managed by local forest holders, communities, user groups, or individuals (about 65 million hectares) are included.

Tenure Systems That Work for Poverty Alleviation

The country cases studies identified a number of forest tenure arrangements in different countries that favor forest management at the local level and have potential to make a substantial contribution to reducing poverty of forest-dependent people.

Community Forestry: Successful Examples

In Africa, Tanzania, and the Gambia are two remarkable cases of effective titling of commonly owned forests. Village Land Forest Reserves (VLFR) in Tanzania (Box 2) and Community Forests in the Gambia (Box 1) have in common a stepwise or phased implementation approach through which the Governments are granting indefinite ownership of forests to local communities after a probation period. Although their origins and structure are different, the two processes share some common elements which have contributed to their success:

- A phased approach: The formal recognition of ownership is the result of a long process (from three to more than five years), during which the Government tests the process in villages, monitors progress and, if successful, finally releases land or forest ownership titles

- Significant capacity building is incorporated in the process

- Mechanisms for benefit sharing that constitute an incentive for titling and sustainable use of resources are in place

Both programs have demonstrated a clear positive impact in terms of recovery of forest condition, increased sense of ownership and responsibility by the communities, and reduction of conflicts. The main limitations so far have been the partial dependence on external funds in the case of the Gambia and the poor condition of the forests devolved to local communities in Tanzania.

It is evident from these examples that the approach used is rooted in a process of power sharing and capacity building, rather than simply allowing communities increased access to the forest resource. As underlined by Alden Wily (2001) communities have a vested interest in treating the resource well if they are given ownership and control of forests.

Box 1: Phased Approach for Community Forestry in the Gambia

Villages can become involved in community forest management by concluding an agreement with the Forestry Department over forest land that is not a forest park and that lies within the traditional lands of the villages. The Participatory Forest Management Programme is implemented in phases. The timing for transfer to community ownership depends largely on the experience and readiness of the community concerned. The responsibilities transferred to the local community must be commensurate with its technical and managerial capacity for sustainable management of the forest. The process of ownership transfer must therefore include regular training sessions to build community capacity. The management of a community forest is based on an approved forest management plan developed by the local management committee with the help of forestry field staff. During an initial phase a three-year preliminary management plan is implemented, followed by a five-year community forest management plan in the consolidation phase of the process. The community's management performance is evaluated before the end of the preliminary phase. If the evaluation results are positive, the Community Forestry Management Agreement leads into the community's permanent ownership of the forest. During this three-year period, the Forestry Department provides capacity building to the local forest management committee, with training on record-keeping, bookkeeping and to enhance financial management by the committee. The program has shown positive documented impacts on forest cover, gender equity, and income generation through commercialization of forest products, governance, and capacity building.

Box 2: Village Land Forest Reserves (VLFR) in Tanzania

A Village Council may reserve common land of the village as a VLFR for the purpose of forest management. The Village Council owns and manages the trees through a Village Natural Resource Committee (VNRC), a group, or an individual, and most of the costs and benefits of managing and utilizing forest resources are carried by the owner. Central government has a minimal role in the management of VLFRs, and District Councils are responsible for their planning and establishment, as well as for undertaking occasional monitoring. To declare a VLFR, the village prepares a management plan, which must be approved by the village assembly. Villages can make bylaws to support the management plan and provide the legal basis for enforcing forest management rules. The Forest Act (2002) provides incentives to communities to encourage the establishment of village land forest reserves:

- *Waiver of State royalties on forest products:* The village is not bound by inflexible and low royalties and can sell its products at prevailing market rates
- *Exemption from local government taxes ("cess") on forest products:* Products harvested from VLFRs are not liable for local government taxes during transportation
- *Exemption from the reserved tree species list:* Decisions about the management and commercial use of commercially important or endangered tree species in the VLFR are transferred to the village administration
- *Confiscation and sale of forest products and equipment harvested illegally* in a VLFR by the Village Council and use of proceeds to benefit the village

As a result of these incentives, the communities' interest in establishing VLFR is increasing. Evidence is mounting that the condition of forests is significantly improved when it is managed locally by mandated village institutions.

The contribution of forest tenure to poverty reduction depends on the type and security of tenure arrangements. Where tenure is long term and secure, people feel confident to make investments in forestry that will have positive impacts on their lives. In the Gambia the Forest Act recognizes full ownership and rights to the communities in their traditional forest land and the Local Government Act promotes community participation in microproject planning implementation and management of local resources (FAO 2005b). The use of the FAO-supported Market Analysis and Development approach has led to the creation of small-scale

forest-based enterprises, managed by local forest committees. Their success has been possible because the legal and policy environment enabled local populations to manage forest lands sustainably and to derive income from them.

Likewise, in South and Southeast Asia, where rights to forest resources were granted on a long-term basis and were clearly defined, community forestry and JFM have had positive effects on the regeneration of degraded lands and the improvement of livelihoods.

Community forestry in Nepal has a long history and is recognized as one of the most successful examples of locally-based forest management. The 1993 Forest Act makes clear provisions regarding rights and responsibilities related to community forestry. Community forests represent about 20% of Nepal's total forest area; since the beginning of the program, forest conditions have improved considerably and degradation has been prevented (FAO 2006b). Community forestry agreements have no time limit, but are managed on the basis of operational plans that have to be renewed every five years. The program benefits from a strong strategy and many years of capacity building, but its success is also due to the fact that it is built on existing traditional structures.

In Viet Nam, common property arrangements are found in forests managed by collectives. Owner groups are entitled to have Red Book Certificates (RBCs) for the areas of forest allocated to them. Legal recognition of this form of management has recently emerged as an important issue in forest management in Viet Nam. At present, only a small area of forest is under common property arrangements, but the potential for the future is promising. Among the various tenure systems in Viet Nam, the management of forest as common property appears to address poverty alleviation best. Communities have demonstrated the ability to distribute benefits among their members, including the poorest.

Private Smallholders: a Growing Reality in South/Southeast Asia

China and Viet Nam have made one of the most innovative and progressive changes in forest tenure: the allocation of forest land to individual smallholders. About 20% of forest land in Yunnan Province (China) and 23% in Viet Nam are now directly managed by individuals. In Viet Nam land is allocated through RBCs, which provide long-term or indefinite access and use rights (Box 4). Although the forests allocated are of medium and low quality, individual owners have proven to be more effective forest managers than, for example, private companies.

Nepal has established the leasehold forestry program to provide smallholders with the opportunity to generate income from forest resources (Box 3).

Box 3: Leasehold Forests in Nepal: Created to Address Poverty

Unlike community forestry, leasehold forests (LHFs) in Nepal have been created explicitly to alleviate poverty in households that are close to degraded forest areas and to rehabilitate degraded forests. In LHFs, all benefits go to individual families, without having to share them with the Government, and forest products are available to LHF beneficiaries throughout the year. The LHF approach has led to reductions in food deficiency.

The close linkages between the benefits obtained and the rehabilitation of degraded leasehold areas probably contribute to the success of this system, together with a strong sense of ownership among leasehold groups. However, the very small area—5,000 hectares—of implementation and the high

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Box 4: Private Smallholders in Viet Nam: a New Approach to Sustainable Forest Management and Poverty Alleviation

Private property in Viet Nam includes forests managed by individual households and joint venture enterprises. Under this arrangement, forest is allocated to an owner for long-term (50 years, renewable) management. Most forest owners are entitled to a legal land-use certificate (the RBC) for the forest area they are granted. By law, the RBC is the highest legal document certifying ownership of forest land. It represents legal recognition of all rights and responsibilities as regulated by current land law. RBC holders have the right to exchange, transfer, lease, inherit, and mortgage their RBCs and to use their forests in joint production and commercialization activities.

Under this arrangement, forest owners are obliged to protect their forest against unauthorized use and to plant trees where needed; they pay taxes and have the right to utilize the forest to maximize their profits. According to Nguyen (2006), local households have generally achieved (or have the potential to achieve) higher economic benefits from forest resources since their accession to private property. As even fast growing forest plantations take at least five to seven years to mature, local people's investments in tree planting reflect their confidence in tenure security. The allocation of forest to private smallholders is giving people a chance to improve their livelihoods in the long term, while also improving forest conditions.

Informal Tenure Systems: the Role of Traditional Laws and Self-initiated Activities

Informal tenure systems that regulate natural resource use and access, including in forests, are present to some extent throughout South and Southeast Asia. In some cases, legal tenure systems have attempted to recognize customary rights, for example, in Sabah, Malaysia, through the use of occupation permits under the forestry laws. However, most traditional systems that overlap with official tenure systems are disregarded by law, often leading to severe and unresolved conflicts. In Pakistan, for example, customary law is widely practiced by forest-dependent communities, but is frequently in conflict with the formal laws applied by the forest administration.

Traditional customary rights are particularly effective where legislation does not provide secure tenure rights and the forest administration is weak or absent. In Indonesia, for example, *Adat* forms the basis for forest tenure in long-established communities. Created by the community and administered by a local council of elders, it defines rights and responsibilities and codifies legal sanctions. In the absence of secure tenure rights, the creation of collaborative forest management structures that are supported by customary law can foster a sense of community ownership and engender a commitment to conservation. In particular, sustainable forest management based on traditional land-use systems has the potential to provide social and economic benefits at a level equal or superior to other land-use systems in nearby rural areas. *Adat*-based management has demonstrated a positive impact not only on sustainable forest management but also on poverty alleviation through increased income generation (Deschamps and Hartman (2006b).

Similarly, promising initiatives that regulate tenure rights, including access to and management of forests, have been observed, for example in Orissa, India (Box 5). The self-initiated community forestry initiatives are contributing to poverty alleviation, especially aspects of social welfare, health, and education, although they are not formally recognized by the legislation, and therefore they are insecure and fragile.

Box 5: Orissa, India: Informal Community Forestry Systems

Community forestry is one of the tenure systems in Orissa, along with national parks, protected and reserve forests, private forests and JFM. However, unlike the others, community forestry has no formal or legal basis, but is purely self-initiated.

Despite its limited scale of application, community forest management in Orissa is a bold experiment with a promising future. The most remarkable aspect is that it emerged from the communities' own efforts to meet their forest-related needs in response to changing socio-ecological conditions, and their desire to cope with uncertainties and livelihood insecurity. It has had positive effects in improving the livelihoods of local communities, especially where it evolved from the village to the federation level. This is due to confidence in the efficacy of its institutions and enhanced bargaining power.

A large number of informal community forests have been established throughout Thailand and are functioning despite having no legal recognition. Enactment of the Community Forest Act, which is supposed to provide the necessary legal framework, has been delayed for many years mainly because of uncertainties about the natural resource decentralization scheme (Lakanavichian 2006b). Despite the lack of a comprehensive legislation, the number of community forests has been constantly increasing since 1985. Nationwide, at least four major types of community forestry can be identified: (1) newly organized protected community forests, which have emerged as a response to illegal logging; (2) monastery (*wat*) forests, which are restricted areas where plants and animals are protected; (3) wetland forests, which communities protect as breeding grounds for fish, frogs, and crabs, and as a source of bamboo, timber, and fuelwood; and (4) cultural forests, which have economic, historical, or religious significance.

The Importance of Forest Tenure Diversification and Principles for Its Success

Secure forest tenure has much potential to contribute to reducing forest degradation and alleviating poverty. If this potential is to be realized, far greater emphasis should be given to designing and adapting more diverse tenure systems in support of local forest managers, including communities and smallholders.

In many countries of Africa and Asia reforms leading to increased diversification, and in particular changes towards locally based forest management, have achieved concrete results only when the reform processes have received adequate institutional support, have included capacity building, and have been given sufficient time. The case studies have provided some lessons on how ongoing and future forest tenure reforms should address the following priority issues.

Promote More Diversified Forest Tenure Systems

State ownership and management currently dominate forest tenure. A more diversified tenure system, including in particular locally-based forest management, fosters better forest management, particularly in situations where the capacity of the State is weak. It captures the different stakeholders' comparative advantage in terms of existing capacity, thus maximizing the interest in, and sustainable management of, forest resources. In addition, it provides opportunities for poor local people to generate income from the management of forest resources.

Provide Clear and Secure Forest Tenure

Security of tenure is a strong incentive for sustainable forest management as it guarantees both short- and long-term benefits from investments made and minimizes conflicts. Tenure arrangements also need to be clear and understandable to all, and should be supported by legislation.

Select the Most Appropriate Process for Tenure Diversification

Regardless of the tenure system selected, the success or failure of a tenure reform depends on the resources allocated, including time. The case studies have demonstrated how a phased approach, which takes into consideration the customary tenure system, but also recognizes its limitations, can have long-lasting positive results. Forest tenure reforms are complex and require significant institutional and capacity-building efforts. A stepwise approach helps governments and stakeholders to build these capacities gradually while also building confidence—both of which are necessary for successful implementation of these reforms. Piloting, testing, and monitoring a new tenure system through a phased approach are costly but important to develop a sense of ownership and responsibility in the new forest managers.

Enhance Tenure Holders' Capacity to Exercise Their Rights and Responsibilities and to Manage and Market Forest Resources Sustainably

The success of forest tenure diversification depends on the technical, administrative, and managerial capacity of the different stakeholders to manage forest resources sustainably and profitably. Granting tenure rights and management responsibilities to households, communities, the private sector, and local governments needs to be accompanied by capacity building to enable the new forest managers to exercise the new rights and responsibilities. Capacities in marketing are also needed to identify the most potential markets and, to recover the just value from the sale of forest products.

Include Disadvantaged Groups and Provide Valuable Resources

Forest tenure reforms should include specific pro-poor policies and include tenure systems specifically designed for less advantaged groups in order to provide the basis for poverty alleviation. Offering tenure of quality forest land will not only increase interest in protecting the resource but will also provide noticeable sources of revenue.

Conclusions

Clear, secure, and diversified forest tenure systems are a fundamental requirement for sustainable forest management and for improving the role of forests in poverty alleviation through sustainable use of forest products. However, most current policies and legal frameworks continue to limit access to natural resources. Furthermore the forestry sector appears to have made less progress than other natural resource sectors, and, overall, still provides a largely inadequate framework to address the issue of forest tenure.

In Africa and in South and Southeast Asia, evidence—albeit at a limited scale—shows that tenure arrangements that provide tangible rights to local users are conducive to sustainable forest management and improvement of rural livelihoods. A key to success is the emphasis placed on the process of implementing a tenure reform, i.e. the process is as important as the tenure arrangement itself. This includes allocating sufficient time, identifying the stakeholders

involved and the steps to be taken, and creating a monitoring system that allows for "learning by doing."

Today there is little disagreement on the forestry sector's need to continue and enhance its reform process, as encouraged by national forest programs. The principles guiding the formulation and implementation of national forest programs explicitly stress the need for the participation of and partnerships with all stakeholders in a shared effort to achieve sustainable forest management. Forest tenure should receive the greatest attention, despite its complexity, if these reforms are to succeed.

There is therefore a great need to improve understanding of the implications of forest tenure, stimulate national and international debate on the subject, and raise the awareness of policy-makers, providing them needed evidence.

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