Indigenous Peoples and Forest Management: Comparative Analysis of Institutional Approaches in Australia and India

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This article examines recent institutional approaches that address questions of access to forest resources and issues of redistributive justice for indigenous peoples in Australia and India. For over two decades, both countries have seen the emergence of claims to forest access and ownership made by indigenous communities that have been historically disadvantaged and marginalized from the benefits of mainstream social and economic development. The analysis focuses on regional forest agreements (RFA) in Australia and joint forest management (JFM) experiments in India through a comparative analytical framework defined by three concepts—access, control, and substantive democracy—to assess the relative strengths and weaknesses of institutional processes that aim to engage in sustainable management of forest resources.

Keywords access, Australia, control, democracy, distributive justice, forest policy, India, indigenous peoples, joint forest management, management processes, regional forest agreements

The purpose of this article is to examine recent attempts by state institutions in Australia and India to address questions of access to forests and issues of redistributive justice for indigenous peoples. For over two decades, both countries have seen the emergence of claims to forest access and ownership made by indigenous communities that have been historically disadvantaged and marginalized from the benefits of mainstream social and economic development. In both countries, many such indigenous communities and groups have attempted to enter the political arena by voicing their demands in the vocabulary legitimated by democratic states and international laws—of fair and just access to rights of citizenship, social equality, and economic opportunity—combined with popular claims of cultural attachment to particular places through long-standing custom and routine livelihood practices. Their demands and claims have pressured the

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governments of both countries to uphold their commitment to democratic processes, first, by providing legal recognition to indigenous groups, and second, by acknowledging their collective right to participate in policy processes that directly affect their material and social well-being.

The article provides a comparative analysis of regional forest agreements (RFA) in Australia and joint forest management (JFM) in India. Both are ongoing state-initiated policies that aim to resolve conflicting demands on state-owned forests as well as accommodate the claims and needs articulated by indigenous groups. Regional forest agreements emerged in response to nearly two decades of recurring disputes between resource-based industries and environmental organizations. These were, on several occasions, addressed through unilateral intervention by the federal government, which created new tensions between state and federal governments and civil society. Since the early 1990s the forest policy process in Australia has been rendered more complicated following formal recognition—in common and statutory law—of indigenous native title on Crown lands. Legal recognition of native title implies that forest policy development not only has to address the competing demands of user groups and environmentalists, but also has to take into account existing and pending title claims made by indigenous groups over forest reserves on Crown lands. In the case of India, joint forest management emerged within the context of growing criticism of management priorities and practices of state forestry agencies during the mid 1970s. Protests and resistance on the part of indigenous groups and forest-dependent communities in various regions of the country led environmental scholars and activists to accuse state forestry agencies of bias toward urban and industrial interests to the disadvantage of these groups. In response to these criticisms as well as changing economic conditions in the forestry sector, the Indian government intervened, through parliamentary legislation, to convert forestry from a “state subject” to a “concurrent subject” (i.e., forest policies were to be concurrently developed by state and national governments), and promoted the concept of “social forestry” as the vehicle for increased local participation in forest management.

Our methodological approach for this article emerges from some theoretical problems we have encountered in our attempts to establish a comparative analytical framework for understanding natural resource management within different geographical and political configurations. Each of us has considerable research experience relating to forestry and resource management in particular regions, namely, northern India (Rangan) and northern Australia (Lane). Our initial efforts at collaborative teaching and research revealed fundamental constraints with existing modes of comparative analyses that carry certain implicit assumptions and theoretical conventions regarding geography and culture. The most striking of these is the tendency to avoid comparisons between regions officially categorized as belonging to First and Third Worlds, the underlying assumption being that these categories represent two starkly incommensurable economic and cultural realities. The other is the tendency among decision makers and academics to assume that the contents of policies in their final forms automatically represent the main issues of concern for interested “stakeholders.” Comparative analyses that are based on such implicit assumptions inevitably take the form of “just-so” stories that merely reiterate the differences in geography, culture, institutions, and stakeholders. That is to say, they merely point out that the policies are different because the contexts and groups involved are different. We realized that such modes of comparison were largely ineffectual for our purpose because they failed to provide much insight into the institutional processes that critically shape the ways in which particular
policy problems are defined, developed, and translated into their final form in different geographical and political configurations.

Our intention in this article is to show how policy comparisons between countries or regions can be made more useful when the analytical focus is directed toward understanding the institutional processes that, despite addressing similar problems and sharing similar social goals, produce markedly different policy outcomes. Our comparative approach sets out by highlighting the similarities and differences in the histories of institutional actions pertaining to forestry and indigenous peoples in the two countries. We then engage in a theoretical discussion that focuses on the key dimensions that are at the core of any institutional process involving resource allocation: the question of access, the modes of exercising control, and the enabling of substantive democracy. These three concepts establish the analytical framework for examining how institutional processes involved in the development of regional forest agreements and joint forest management have addressed the problem of forest resource allocation and redistributive justice for indigenous groups in the two countries.

Comparing Institutional Histories: Forestry and Indigenous Peoples

Australia is a wealthy country; India is not. There are marked contrasts between the two in terms of sheer population size, cultural diversity, and biogeographies. Yet the two countries share some common features in their institutional histories. Both were, albeit in different forms, colonies of Britain. The development of modern forestry in both countries began under British colonial rule. Forestry institutions and related management practices experienced similar pressures and imperatives of British imperialism and an expanding global economy between the mid-nineteenth and mid-twentieth centuries. Their institutional actions, however, unfolded in different ways. As the frontier for European settlement and civilization, forests in Australia faced a fate similar to those in the Americas and northeastern Europe. Widespread clearance for cultivation, grazing, and resource extraction occurred over vast areas claimed by the British Crown (Powell 1988). In contrast, forests in British-controlled India became the object of formal management around the beginning of the nineteenth century so as to prevent shortages of timber and other commercially valuable forest resources in the subcontinent. British India’s forests were thus managed for a variety of needs ranging from subsistence requirements for native inhabitants, to regional climate stability, infrastructure development, and commercial demand (Brandis 1897; Ribbentrop 1900).

The unfolding of British imperial policies in these two territories also produced different forms of engagement with native populations. Australia was regarded by Britain as the site of settler colonization through forced and voluntary migration of people from the British Isles, and later, other parts of Europe. Settler colonization was subsequently rationalized through the fictitious doctrine of terra nullius, a legal concept that denied the very possibility of territorial ownership by aboriginal populations and pre-European settlers in the continent. Until it was officially revoked in 1993, the doctrine of terra nullius stood as the symbol of imperious dismissal of the histories of, and access to, productive resources for indigenous groups in Australia (Bachelard 1997; Peel 1997; Wolfe 1999). British colonial rule in India, on the other hand, found it practically impossible to employ such rationality. The gradual expansion of British control over the Indian subcontinent encountered the well-established histories of settlement and social organization of native and indigenous populations. Colonial rulers, in this context, sought to gain control over native inhabitants as well as indigenous groups living in relative isolation by treating them differently under what
they termed “customary law.” Indigenous communities were called “tribes” or “tribals”; these groups, along with the territories they occupied, were subject to customary law that governed their access to productive resources and territorial organization (this principle was later applied to “tribes” in British-controlled Africa; see Mamdani 1996). Those in the numerically larger category of “natives” were subject to “personal law” formalized in accordance with their religious codes on matters relating to marriage and inheritance, but their access to productive resources was determined through a Uniform Civil Code (Galanter 1989).

Indigenous groups in Australia and India have experienced democratic governance in different ways since the first half of the twentieth century. In India, following the end of British rule in 1947, “tribals” gained immediate recognition both as historically disadvantaged groups and as equal citizens, and were officially targeted for compensatory policies aimed at overcoming their social and economic disadvantage. Aboriginal groups in Australia, on the other hand, gained formal recognition as citizens only in 1967, and have since been targeted for compensatory and welfare policies (Peel, 1997). Yet despite differences in the politics of “tribalism” and “aboriginality” and in the nature of compensatory policies, indigenous groups in both countries face tremendous odds in gaining access to productive resources and political representation. Many of the legal battles and social struggles waged by indigenous groups in Australia and India continue to center on questions of substantive involvement in decisions that affect resource allocation and management in their localities. In the case of India, a large proportion of indigenous groups live in or near forests and national parks and depend on these resources for their livelihoods. In Australia, following the recognition of native title on Crown lands, indigenous groups have only been allowed to claim nominal ownership over areas that largely fall under the category of national parks or forest reserves. Native title claimants require copious legal proof of continuous residence and territorial identity, which, given their historical experience of dispossession and abduction from their homes since the beginning of settler colonization, largely renders most claims unsuccessful (Wolfe 1999). Thus whether it is through de facto livelihood claims or de jure claims to titular ownership, the critical issue for indigenous groups in both countries centers on the extent to which they actually gain access to, and control over resources in these areas. In other words, they are centrally concerned with substantive democracy, that is, whether or not they have the ability to actively participate and influence institutional processes that shape policy development and management of resources in areas where their presence and/or claims are officially recognized. The following section provides an elaboration of these three concepts and their importance in analyzing institutional processes of policymaking around natural resources.

**Access, Control, and Substantive Democracy**

The term *access* refers to the ability to make use of a thing or a resource. “Ability is a descriptive term, relying on the demonstration of use without explicit social approval. Property is *de jure*. Access includes *de jure* and the *de facto* or extra-legal” (Ribot 1998, 312; also see Fortmann 1990; Macpherson 1978). While access refers to use of things or resources through prescribed or proscribed means, *control* refers to the ability to mediate social access. Control is a “function and process that directs social action or regulates access to a thing or resource in varying degrees” (Rangan 1997, 72). Although formal rights may be invested in terms of ownership or use of a particular resource, these do not always determine how right-holders exercise control over access to or use of that resource (cf. Furniss, 1978).
The concepts of access (the ability to make use of) and control (the ability to mediate access) are central to understanding any institutional process involving allocation of resources falling within the domain of “state” or “public” ownership in contemporary democracies. This is because modern democratic states, unlike older forms of government, are products of their respective laws, which define them as both constitutive and representative of their body politic, thereby investing them with legal authority to govern their populace (cf. Foucault 1991; Gordon 1991). Thus any resource owned by the state is, in this legal framework, owned on behalf of its peoples, and any exercise of authority over the “public” or “state” resource must occur through a process of “policymaking and policy implementation.” Through this process, state institutions exercise control over their public domains by prescribing rights of access and use of resources contained within them through time-bound, tenurial, or usufructuary rights to individuals, households, or groups; maintenance and management of resources; recognizing customary uses and accommodating intermittent use for nonprescribed purposes; and, in many instances, arbitration of conflicts between resource users. The policymaking process is also influenced by additional factors such as varying macroeconomic processes (e.g., global pressures for liberalization of trade, multilateral agreements on environmental or economic issues) that create pressures on the resources in question; competing perspectives regarding resource use that delineate the boundaries within which policy intervention can occur; and preexisting legal parameters and systems of production that influence the extent to which policy interventions can alter ongoing forms of extraction and management of these resources (Rangan 1997).

Policymaking thus becomes a distinctive public process in countries that espouse principles of democracy and democratic forms of governance, where a variety of social actors may articulate their needs and claims in ways that influence the exercise of resource allocation (delineating access and property rights) and control. They may attempt to do so through discursive strategies that employ the vocabulary legitimized by modern democratic states and international laws—rights of citizenship, social equality, and economic opportunity. Alternatively, they may combine the rhetoric of democracy with popular claims of cultural attachment through long-standing custom, everyday life, and livelihood to the places in question. The issue of indigenous rights to land and resources on the basis of distinctive cultural identity or long-standing presence in place is a case in point. As Kingsbury (1998) notes, in countries dominated by European settlement, “the view of indigenous peoples as long-existing nations, as ancient collectivities with special entitlements arising from distant historical priority may receive endorsement by the judiciary and be accepted in principle by states, but can be actively resisted or challenged by other social groups committed to the idea of a singular state-associated national identity” (p. 425). In both European-settler and non-European democratic states, the concept of indigenousness can often be rendered problematic by the notion of “local community” that also claims distinctive cultural traditions and longstanding attachment to place (cf. Dasgupta 1997; Fortmann 1990; Katzenstein 1979; Kingsbury 1998). Although these discursive strategies neither guarantee entry into nor ensure active involvement in the policy process, they do have the effect of making the exercise of state control over resource allocation and management more complicated and fraught with political tension. Thus policymaking processes in democratic states become terrains where much more than resource allocation, management, and distributive justice is decided. They serve as “public” arenas where the meaning and substance of democracy are continually put to test by social groups. The policymaking process is expected to provide the space where, in principle, the claims
Regional Forest Agreements in Australia

For a country of vast geographic proportions, Australia is poorly endowed with forests. Most of the country’s forest reserves (75%) are to be found on state-owned (commonly referred to as Crown) lands (Dargavel 1995). Over the past two decades, the use and management of public forests have been bitterly contested at all levels of government. The key factors contributing to forest disputes are: (1) the apparently intractable ideological positions of concerned actors, notably environmentalists and the forest industry; (2) legal and political alterations between federal and state governments over jurisdictional, administrative, and fiscal powers; and (3) the routine problems associated with the allocation of forest resources among competing user groups (Dargavel 1995; Lane 1999). These interrelated factors have persistently created a polarized and conflict-ridden policy terrain with regard to state-owned forests. The politics of conflict resolution now appears to comprise the main burden of forest policy formulation and management.

The growing contention over forests and forest policy has emerged from three distinct social and economic arenas. First, an articulate and influential environmental movement has been active in local, state, and national politics since the early 1970s (Papadakis 1993). The movement, in its varied facets, has been active in all key aspects of forest policy, ranging from logging quotas, wood-chipping licenses, site-specific disputes, and plantation policy to biodiversity protection. Second, in the 1980s, environmentalism collided with declining global commodity prices for natural resource exports. This situation imposed considerable strain on the fiscal health of national and provincial governments, which led them to adopt forestry policies that maintained or increased the quantum of resource extraction from forests. The policies, in turn, provoked a number of fierce disputes between environmental groups and governments over state-owned forests. Third, forest policy formulation faced further challenges in the early 1990s when both common law and commonwealth legislation recognized native title and established mechanisms through which indigenous peoples could claim proprietary rights over Crown lands and forest reserves (Butt and Eagleson, 1996). Formal recognition of native title meant that potential claims made by indigenous groups would reshape the manner in which provincial and national governments engaged in resource allocation and management of public forests (Douglas 1998). Until this time, indigenous groups were rarely allowed any independent voice in forest policy processes. Environmental groups occasionally invoked indigenous interests but invariably misrepresented them as groups aspiring to “being one with Nature” and dedicating themselves to its preservation (see, e.g., Anderson 1989).

The combined force of these three factors led the commonwealth government of Australia to set out, for the first time, a comprehensive national forest policy statement.
Indigenous Peoples and Forest Management

(NFPS) in 1992. This was seen as necessary because the commonwealth government found itself being repeatedly drawn into state and local disputes over forest preservation, and challenged over the issuing and renewal of wood-chipping licenses for export (a commonwealth function under the trade powers of the constitution). The NFPS established three broad goals for the native forest estate: (1) to maintain an extensive and permanent native forest estate in Australia; (2) to manage the native forest estate in an ecologically sustainable manner for present and future generations; and (3) to develop internationally competitive and ecologically sustainable forest-based industries that made efficient use of resources and maximized value-added opportunities within Australia.

There was little opposition to the national forest policy statement because it appeared to include all the concerns of the key “stakeholders” involved in the forest policy disputes. Yet few of them had any idea of how these goals could be translated into policies that would be effectively implemented. The policy statement remained in a state of suspended animation until 1994–1995, when another major dispute flared up over the renewal of licenses for export of wood chips harvested from native forests. The commonwealth government responded by proposing that the goals of the national forest policy statement would be implemented through the mechanism of “regional forest agreements” (RFAs). The proposal was accepted by the contestants without much controversy, and the RFA policy came into existence in 1995.

Regional forest agreements are formalized negotiations between the commonwealth and state governments with respect to specific forested areas under Crown ownership. They aim to resolve differences between different levels of government regarding forest resource use, continuing resource security for forest users, and conservation of important native forest tracts (Lane 1999). Each RFA attempts to establish a formal, time-bound accord on how a particular Crown forest within a state’s jurisdiction can be used to serve the needs of forest-based industries as well as protect the environmental and cultural significance of the forests in question (Commonwealth of Australia 1995). RFA policy documents repeatedly emphasize the need for “consultation, conflict avoidance and dispute resolution” (Commonwealth of Australia 1995, 8).

Despite the broad policy goals established in the national forest policy statement, RFAs tend to become exercises in centralized resource assessment for establishing an accord between commonwealth and state governments. The negotiation of an agreement is preceded by a comprehensive and highly technical assessment of the resource, a process that is overseen by committee formed by intergovernmental agencies and selected “stakeholders,” that is, organizations lobbying on behalf of forest industries and environmental groups. Local communities are rarely involved in the process of resource assessment or formulation of the agreement (Dargavel 1998). Consequently, the economic conditions and social constraints facing regional and local communities that depend for their livelihoods on forests are largely ignored by RFAs.

RFAs have been and are being developed in a series of districts in five states of Australia. In almost all these instances, the role of indigenous groups has been narrowly defined in terms of preservation of “cultural heritage,” thereby limiting their role in the decision-making process to the identification of “traditional” or “spiritual” values contained by these sites. This ritual genuflection to preservation of indigenous “cultures” forestalls active involvement in several ways. First, it protects RFAs from accusations of excluding indigenous groups from the process; second, it effectively prevents all other concerns pertaining to proprietary claims and material and social well-being expressed by indigenous groups from the agreement; and third, by limiting the notion of “culture” to that of aboriginal groups, it ignores the ambient culture of
regional and local communities that also depend on forest resources for their livelihood. The inclusion of “preservation of cultural heritage” in the RFA process thus serves on the one hand as a nominal acknowledgement of indigenous groups, and on the other as the means of effectively sequestering the scope of their ownership and livelihood claims as well as local community concerns.

For example, in the initial stages of the RFA being developed for forests in southeast Queensland, officials of both state and commonwealth government agencies insisted that consideration of indigenous interests be restricted to issues of “cultural heritage.” Native title claims and livelihood concerns of indigenous peoples, they pronounced, were not relevant matters for consideration in the RFA process despite the fact that these very groups explicitly viewed the issue of cultural heritage as secondary to their livelihood needs and productive employment in forest-based economic activities. Faced with this decision, indigenous groups in southeast Queensland (and in other regions) have persisted in demanding explicit acknowledgment and inclusion of their proprietary claims and livelihood concerns and active involvement in the development of the policy agreement (Dargavel 1998; Douglas 1998).

The sole exception to this general pattern of the RFA process is to be found in the Eden District, located in the southeastern region of the state of New South Wales (NSW). The forests in this region have been a continuing source of dispute between industry and environment groups for over a decade. By the time the commonwealth and the NSW governments began discussing the development of an RFA with “stakeholder” lobbies, most of the Crown forests in the region were under native title claims made by local and regional aboriginal communities. Although many members of these communities lived in towns and cities within the region, the groups swiftly demanded an active role (because their native title claims had been formally lodged) in the process of determining the future use and management of the forests.

Given this political situation, the RFA process could not proceed without involving indigenous and local communities in the region. Drawing on the experiences of indigenous groups in Canada (cf. Robinson and Binder 1992), aboriginal groups called for the NSW government’s cooperation to ensure their involvement and facilitate the development of a genuinely “regional” forest agreement. The ensuing process of resource assessment included issues that were slated and discussed by Aboriginal groups in the development of the RFA (NSW CRA/RFA 1998). The key components included the accommodation of legal rights and expansion of employment opportunities in forest-based industries. The process provided new opportunities for collaboration between aboriginal groups and other regional resource users for achieving their objectives. The early outcomes appear, so far, to have produced relatively innovative and locally relevant strategies for resource allocation and management. Timber companies operating in Eden have supported demands for comanagement of public forests in the region and have agreed to collaborate with indigenous and local communities in expanding employment in forest-based industries (NSW CRA/RFA 1998). The distinctive features of the Eden RFA process are (1) recognition of the fact that the region’s aboriginal groups have diverse economic and social needs in the present, as well as broader cultural aspirations; (2) active facilitation by the NSW government to ensure interaction between aboriginal groups and other regional resource users in formulating the RFA; and (3) the commitment of the NSW government to achieve a mediated settlement of indigenous claims within the RFA. These features are sadly absent from the RFAs underway in other parts of Australia.

By and large, the present structure of the RFA process, despite stated policy intentions, employs a minimalist definition of “stakeholders,” “regions,” and “agreement”
(Dargavel 1998). The term *regional forest agreement* is largely misleading because it implies an inclusive process of negotiation between all groups, communities, and lobbies that use or stake a claim to forests in the region. In reality, however, the minimalist approach adopted by RFAs limits participatory assessment because it ignores the fact that local communities and indigenous groups are, in reality, regional actors with a substantial stake in any formal agreement that defines how forest resource allocation and management will occur over the following two decades. Thus the RFA process is reduced to a bureaucratic and mechanical exercise in forest resource assessment where questions of “technical capability,” “measurement,” and “expert judgment” prevail over issues of distributive justice and substantive involvement in natural resource policy (Lane 1999).

More specifically, the general failure to incorporate the substantive concerns of indigenous groups makes the RFAs a fundamentally flawed policy approach for addressing both forestry and aboriginal issues. Caricatured notions of “preserving cultural heritage” of indigenous peoples appears to bestow on them symbolic significance in the policy process, but effectively marginalizes their role in decisions regarding resource allocation and management of forests. This, in turn, generates substantial misunderstanding and misrepresentation of aboriginal concerns in the public domain, particularly when indigenous groups assert their legitimate claims to substantive participation in decision making. The sporadic political backlash and populist resentment against both native title and advancement of aboriginal rights is an illustration of how such contradictions in policy formulation—of symbolic recognition accompanied by actual marginalization of concerns expressed by indigenous groups—generate more conflict over resource allocation and management issues instead of “avoiding” or resolving them. The existing configuration of political, economic, and social power among policy actors is reproduced through the elaborate technical exercises in resource assessment (Dargavel 1998). Hence, regional forest agreements ultimately end up reflecting the political expediencies of higher levels of government bureaucracy, but do little to address the actual needs and priorities of regional economies and local communities dependent on the forest resources in question (cf. Kirkpatrick 1998).

**Joint Forest Management in India**

About 25% of India’s total geographical area is classified as “forest” of one type or another (Government of India, 1988). Nearly all of this forested area (96%) falls under the ownership of state agencies. State-owned forests are broadly classified under the following categories: 52% as reserved, 31% as protected, and the remaining 13% under various regionally specific categories such as village, civil, cantonment, vested, and open forests (Agarwal 1985).

The history of state intervention in forest control and management in various regions of India spans more than two centuries (Smythies 1925). Systematic efforts to incorporate forest conservation and management as part of state economic policy under British rule occurred around the mid nineteenth century (Brandis 1897). Even at the time, the question of state ownership and modes of controlling access to forest resources were subjects of heated debate (Ribbentrop 1900). Competing perspectives regarding the need for state intervention initially led to the creation of five categories of forests, which were to be controlled for various purposes and by different agencies (Stebbing 1922). These forest categories were reclassified and redefined in various regions through conflicts and disputes between local inhabitants, traders, and different
government departments. The conflicts centered on who could gain access to forests and the instruments and methods of control used by institutions—state, market, and customary—to mediate access to, use of, and sale of forest resources (Rangan 1995; Rangan 1997).

Soon after India’s independence from British colonial rule in 1947, state governments were urged by the Indian government to implement land reforms for providing poor and socially disadvantaged rural households the means of securing livelihoods and increasing agricultural productivity (Government of India 1952). Although the redistributive outcomes of land reform were largely dismal in most states, the ceilings on land ownership set by legislation allowed many state governments to transfer large, privately owned forests to their forest departments following due compensation to owners. Private forests were a minuscule proportion of the total forest area, and, following transfer to state government ownership, came to be known as vested forests. Most of these forests were severely degraded because landowners had stripped them of all commercially valuable resources before the transfers took place (Lal 1989). In the following decades, policies outlined by successive five-year plans of the National Planning Commission increasingly focused on self-reliance in the production of raw materials for industrial development. The National Planning Commission advised state forestry agencies to pursue afforestation strategies that centered on strict protection of existing forests undergoing natural regeneration, and extensive planting of fast-growing tree species in degraded public lands and other forest categories (Government of India 1976).

This policy shift faced severe criticism from various quarters. Scholars and activists accused state forestry agencies of working against the needs of the poor and socially disadvantaged sections of Indian society (Gadgil and Guha 1995; Shiva 1989). Numerous uprisings and disputes erupted in various parts of the country: Forests were burned, plantations were uprooted, and forest officers faced threats to their lives (Anderson and Huber 1988; Banerjee 1984; Corbridge and Jewitt 1997). In 1976, the Indian government responded by passing a constitutional amendment that made forestry a “concurrent subject.” (Forestry had previously been part of the agriculture sector, which was considered a “state subject” by constitutional law, i.e., under exclusive control of state governments.) This meant that the role of the national government, which had previously functioned in an advisory capacity on forestry matters, expanded to include direct involvement with state forest departments in policy formulation and program development.

The Indian government justified this action as a necessary response to several problems: the need to check state governments from pursuing short-term gains from natural resource extraction; to prevent them from succumbing to pressures exerted by powerful regional trade and business interests; and to help them achieve the national goals of social equality and distributive justice. The national populist agenda set by the Prime Minister at the time, Indira Gandhi, was translated in part into the Fifth Five-Year Plan. The plan advocated “social forestry” as an alternative approach to be followed by state forest departments. The document argued that destruction of India’s forests would not cease until rural and indigenous forest-dependent communities participated in their maintenance. The term social was used in both a descriptive and normative sense, indicating public involvement in forestry programs as well as fulfilling people’s material needs. Social forestry comprised two distinct components: The first, farm forestry, provided incentives to farmers for planting trees on their lands for supplying the raw material needs of industries; the second attempted to involve rural communities
Indigenous Peoples and Forest Management

in planting fuelwood and fodder trees on public lands for meeting local subsistence needs (Saxena and Ballabh 1995).

Social forestry programs received willing and generous financial support from international funding bodies such as the World Bank, USAID, DANIDA, SIDA, ODA, EEC, and OECF (Tiwary 1998). The outcomes were mixed. Farm forestry projects proved successful in expanding the sheer volume of tree crops (Saxena and Ballabh 1995). But this expansion was criticized by environmentalists who argued that the benefits accrued mainly to wealthy farmers, that it led to a reduction of food-crop production, and that the fast-growing species planted on these lands (largely eucalyptus) were environmentally undesirable (Chowdhry 1985; Shiva and Bandyopadhyay 1985). Other scholars observed that farm forestry reduced demand for seasonal employment in agriculture and further marginalized poor rural households and landless laborers (Someshwar 1993). On the other hand, social forestry on public and degraded lands remained largely unsuccessful for several reasons. The programs depended on voluntary contributions of labor and capital from local communities, thus increasing the opportunity costs for poor and marginal rural households (Saxena and Ballabh 1995). In other situations, the preference for planting single tree species reduced the variety of commercially valuable nontimber forest products in public lands, leading to further immiseration of indigenous groups and communities dependent on petty commodity extraction from these areas.

Despite these reversals, the broad policy emphasis on social forestry created conditions for other related experiments. In the state of West Bengal, it was attempted in conjunction with an innovative approach to agrarian reform adopted by the Left-Front government that came to power in the mid 1970s. The Left-Front launched a special program in 1979 called Operation Barga for securing the legal rights of bargadars, or sharecroppers, and landless laborers by recording their names in the government land registry and using this registration as the basis for extending access to credit and agricultural inputs for cultivation. It provided landless households with leases on public lands for raising tree crops (Singh and Bhattacharjee 1995). The main emphasis of the government was on developing group action among potential beneficiaries, and on direct interaction between the organized groups of beneficiaries and government officers responsible for program implementation. The Left-Front government also sought to strengthen local governance and accorded village councils the power of decision making for rural development (Drèze and Sen 1996; Liiten 1992; Williams 1997). It fostered reforms in the forestry sector by encouraging the West Bengal Forest Department to engage in collaborative projects with forest-dependent villages and communities.

Between 1980 and 1986, the West Bengal Forest Department undertook the first collaborative social forestry experiments in Midnapore—an impoverished region with a substantial proportion of adivasis (the Indian term for aboriginal groups) who had suffered the brunt of intense rural violence in earlier decades—with “forest fringe” communities for managing and improving the quality of degraded forest areas. It issued a number of facilitating resolutions for joint forest management (JFM). Beginning with financial incentives for tree protection, the experiments expanded to include joint decisions regarding the choice of tree species, their planting, and maintenance. Later, these were extended to include sharing net profits from sale of forest products between the Forest Department and village councils (Government of West Bengal 1996).

During this period, the Left-Front government reemphasized the importance of ensuring equitable access to forest resources for all rural communities. It created a statutory body called the Forest and Land Protection Society and issued directives
that safeguarded the rights of scheduled castes and scheduled tribes (the official terms referring to those historically disadvantaged groups identified in the Schedule of the Indian Constitution), and expanded their role in JFM committees (Sen 1992). The JFM committees were required to identify economically disadvantaged households within these populations and include them as member beneficiaries. The state-sponsored West Bengal Tribal Cooperative became the intermediary institution for marketing forest products traditionally harvested by indigenous communities, sharing 25% of net profits with its members (Society for the Promotion of Wastelands Development 1993). The share of net profits accruing to JFM committees was renegotiated with the Forest Department and increased from 25 to 50% in new forest plantations (Poffenberger 1996; Tiwary 1998).

JFM committees comprise regional and local forest officers, elected village representatives affiliated with regional and national political parties, members belonging to economically and socially disadvantaged groups, and members of local, nonpolitical voluntary institutions, as well as individual households who hold membership in forest protection committees. They are charged with multiple duties and functions, delineation of usufructuary rights and concessions for households belonging to member villages, and the distribution of financial benefits from sale of forest produce (Poffenberger 1996; Society for the Promotion of Wastelands Development 1993). They are responsible to each other and to their respective cultural affiliations, political constituencies, and institutions at various levels of government. The involvement of women in committees has so far been voluntary, but may well increase with a proposed legislation that, if approved by the Indian parliament, mandates village- and district-level councils to reserve a third of their electoral seats for women candidates.

JFM emerged as a specific state-based strategy within the broad rubric of social forestry policies set out by the Indian government. The West Bengal Forest Department and local communities have, within this framework, collaborated to find ways of expanding access to forest resources for disadvantaged social classes, improving forest quality and management systems, and negotiating the shares of net income earned from harvesting resources produced through their shared efforts. The JFM process has run into many unavoidable problems that are part of any endeavor involving diverse actors within civil society. It encounters new problems relating to redistribution, and unforeseen conflicts arising from the multiple political affiliations and social identities of its members. It appears extremely successful in some areas of the state but not in others (Tiwary 1998). Despite these mixed outcomes, JFM continues to function as a pragmatic approach that is firmly grounded in its regional context. It requires direct interaction between diverse institutions of government and civil society for negotiating needs and demands in relation to changing political configurations and broader economic conditions. It attempts to create both a space of regional economic development and a process that enables substantive democracy by ensuring that local communities, as well as socially disadvantaged households and indigenous groups, have some means of access to and control over state-owned forests for securing their livelihoods (Sarin 1996).

The JFM approach has proved convincing enough for the National Planning Commission to encourage other states to undertake similar measures. The broad program of social forestry has been maintained, but the emphasis is now directed toward resource management strategies that are similar to the JFM approach developed in West Bengal. Forest departments in eight Indian states so far have formally adopted resolutions to promote JFM within their jurisdictions. The approach is now commended by international aid agencies and development institutions, and is being experimented
with in diverse countries and regions such as western Canada, northern California, Sri Lanka, Thailand, and parts of western and southern Africa (Poffenberger and McGean 1996; Corbridge and Jewitt 1997; Tiwary 1998).

Comparing Institutional Responses to Forest Problems

We wish to draw attention to three aspects of the institutional approaches already described: the formal language used for defining issues relating to forest resource allocation, the role of the state, and the accommodation of indigenous groups. In Australia, the institutional response to diverse claims over public forests has emerged in the form of *agreements*, which are, by definition, covenants, or legally binding arrangements between parties, and require mutual conformity over a stipulated period of time. In the Indian context, the institutional response emphasizes *management*, a term that suggests not only a form of governance but also an active and ongoing process of negotiation and adjustment. The differences in formal nomenclature of the two policies are not minor semantic variations, but reflect markedly different approaches to the problem in question. The commonwealth government of Australia presumes that once prescribed and signed, the RFAs will codify a set of judicial rules that not only resolve present conflicts over public forests but also prevent others from erupting in the future. The policy assumes that once the key contending parties are formally represented and their demands appropriately codified into particular uses—such as timber extraction or ecosystem protection—they will act in absolute conformity with the letter of the agreements. But this assumption is inherently flawed because the assessment and negotiation process that results in the RFA does not include the full range of existing de jure rights and de facto uses with respect to state-owned forests. For instance, native title is recognized by law, but is either consciously sidestepped or overlooked, despite its de jure status, by regional forest agreements; de facto uses of forests for local recreation and regional tourism are also ignored in the assessment and negotiations that occur between “stakeholder” groups who dominate the RFA process. Thus RFAs become legal agreements that effectively override other legitimate claims of access to and de facto uses of state-owned forests.

In contrast, the JFM strategy in India is based on the premise that both de facto uses and de jure rights to forests need to be recognized and incorporated in the approach. While this may be interpreted as a pragmatic response to the fact that state forestry agencies in India do not have the fiscal resources required to rigorously police various de facto uses of public forests, it nevertheless represents a conscious effort to acknowledge the diversity of forest uses and accommodate them through collaborative decision making and distributive outcomes. JFM does not legislate fixed agreements, but attempts to both mediate and provide the space for collaborative management by state agencies and diverse social groups at the local level.

The roles played by governments in these processes are also distinct. In Australia, the commonwealth government has attempted to resolve disputes by transferring primary responsibility for public forests to state governments, which, in turn, have sought to appease powerful lobbies and depoliticize forest management. The 20-year agreements formalized by the RFA effectively provide guaranteed, exclusive access to timber companies in particular segments of forests, while transferring other lands to conservation agencies. The role of government, both commonwealth and state, is “minimalist,” merely setting the rules and ensuring compliance. In contrast, the role of the West Bengal government is both interventionist and devolutionary. It is interventionist in that it not only maintains an active role in facilitating involvement
of various groups in the JFM process, but also retains the responsibility of intervening in the JFM process over questions of redistributive justice. It is, at the same time, devolutionary, because it consistently seeks to provide formal recognition to diverse de facto users, ensures their involvement in JFM committees, and enables local governments to engage in decision making and management for rural development.

To what extent have either of these approaches accommodated the needs and claims of indigenous groups? Although native title is formally recognized by common law in Australia, RFAs have generally tended to neglect access and ownership rights of aboriginal groups. The RFA process acknowledges their political presence but accords them a marginal role in policymaking. Indigenous claims on forests are recognized mainly in terms of their “cultural significance” and not in terms of legal rights or economic needs. The 20-year agreements over transfer of resource rights and conservation tenures effectively suspend potential native title claims for the duration of the RFA. Apart from the RFA process in Eden, New South Wales, none of the agreements established so far, or underway, have enabled any significant role for aboriginal groups in forest management. The JFM process, on the other hand, actively attempts to accommodate the de facto and de jure rights of indigenous groups while meeting broad policy aims, sectoral objectives, and the needs of other communities. Although the process is extremely politicized and constantly beset by difficulties in negotiation of access and benefits, the presence and participation of state government agencies in JFM ensure that the relatively vulnerable status of indigenous groups is not reinforced in local decision-making and management processes. More often than not, both state-sponsored and nongovernmental organizations committed to the well-being of indigenous groups routinely intervene in the JFM process to ensure that their needs and rights are not dismissed by rural elites.

As we observed earlier, the historical, cultural, and economic differences between Australia and India do not, in the conventional sense, make them obvious choices for comparative study. Yet our comparative analysis of the institutional processes involved in the development of RFAs and JFM provides useful insights into the divergent policy strategies that seek to address similar problems regarding access and control of forest resources and the substantive involvement of indigenous groups. In both cases, state institutions have attempted to engage in democratic policymaking through participation of forest users. Both approaches have acknowledged the need and challenges involved in accommodating the material needs and civil rights of indigenous groups. Our analysis of the institutional processes, however, indicates that the JFM strategy in West Bengal, India, enables a more substantive democratic process for reconciling competing claims and diverse uses of public forests than the RFAs underway in Australia.

References


Indigenous Peoples and Forest Management


