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Are policies for decentralised forest governance designed to achieve full devolution? Evidence from Eastern Africa

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SUMMARY

Decentralised forest management approaches are ostensibly designed to increase community involvement in forest management, yet have had mixed success in practice. We present a comparative study across multiple countries in Eastern Africa of how far decentralised forest policies are designed to achieve devolution. We adopt the decentralisation framework developed by Agrawal and Ribot to explore whether, and how, devolution is specified in Tanzanian, Kenyan, Ugandan, Malawian and Ethiopian forest policies. We also compare them to the commitments of the Rio Declaration. In all five countries, the policies lack at least some of the critical elements required to achieve meaningful devolution, such as democratically elected, downwardly accountable local actors and equitable benefit sharing. Calling an approach 'community' or 'participatory', does not mean that it involves all residents: in Kenya, Uganda and Ethiopia, policies allow a small group of people in the community to manage the forest reserve, potentially excluding marginalised groups, and hence limiting devolution. This may lead to elite capture, and effective privatisation of forests, enclosing previously de facto common pool resources. Therefore, even without flaws in implementation, these decentralisation policies are unlikely to achieve true devolution in the study countries.

Keywords: decentralization policies, devolution, actors, accountability, empowerments

Les stratégies pour la gestion décentralisée des forêts sont-elles élaborées pour parvenir à une dévolution totale? Preuves en provenance d'Afrique de l'est

K. MAGESSA, S. WYNNE-JONES et N. HOCKLEY

Les approches vers la gestion forestière décentralisée sont ostensiblement élaborées pour accroître la participation des communautés dans la gestion forestière, mais elles n'ont cependant obtenu que des succès mixtes dans la pratique. Nous présentons une étude comparative dans de multiples pays d'Afrique de l'est, pour établir jusqu'à quel point les stratégies forestières décentralisées sont élaborées pour parvenir à la dévolution. Nous adoptons le cadre de décentralisation développé par Agrawal et Ribot pour explorer si, et comment, la dévolution est spécifiée dans les stratégies forestières en Tanzanie, au Kenya, dans l'Ouganda, au Malawi et en Ethiopie. Nous comparons également l'engagement dans la déclaration de Rio. Dans les cinq pays, les stratégies démontrent une carence dans au moins quelques-uns des éléments critiques nécessaires pour obtenir une dévolution significative, tels que des acteurs locaux démocratiquement élus, responsables vers le bas, ainsi qu'un partage équitable des bénéfices. Appeler une approche «communautaire» ou «participative», ne signifie pas qu'elle inclut tous les résidents: au Kenya, en Ouganda et en Ethiopie, les stratégies permettent à un petit groupe d'individus de la communauté de gérer la réserve forestière, excluant potentiellement les groupes marginalisés, et limitant ainsi la dévolution. Ceci risque de conduire à une capture des élites et en pratique, à une privatisation des forêts, enferment des ressources auparavant de facto communes. Il est par conséquent peu probable que ces stratégies de décentralisation dans les pays étudiés débouchent sur une dévolution, même si leur mise en application ne présentait aucun défaut.

¿Están las políticas para la gobernanza forestal descentralizada diseñadas para lograr una completa devolución? Evidencia de África oriental

K. MAGESSA, S. WYNNE-JONES y N. HOCKLEY

Los enfoques de gestión forestal descentralizada están diseñados notoriamente para aumentar la participación de la comunidad en la gestión, pero en la práctica han tenido un éxito desigual. Se presenta un estudio comparativo entre varios países de África oriental sobre la medida en que las políticas forestales descentralizadas están diseñadas para lograr una completa devolución. El estudio adopta el marco de descentralización desarrollado por Agrawal y Ribot para examinar si la devolución aparece incluida específicamente en las políticas forestales de Tanzania, Kenia, Uganda, Malawi y Etiopía, y cómo lo hacen. También se comparan con los compromisos de la Declaración de Río. En los cinco países, las políticas carecen por lo menos de algunos de los elementos críticos necesarios para lograr una devolución significativa, como la presencia de responsables locales elegidos democráticamente que rindan cuentas a quienes los eligen y una distribución equitativa de los beneficios.

Llamar a un enfoque 'comunitario' o 'participativo' no significa que involucre a todos los residentes: en Kenia, Uganda y Etiopía, las políticas permiten que un pequeño grupo de personas de la comunidad gestione la reserva forestal, lo que potencialmente excluye a los grupos marginados y limita por tanto la devolución. Esto puede conducir a la captura de recursos por la élite y a la privatización efectiva de los bosques, haciendo inaccesibles lo que antes eran de facto recursos de uso común. Por lo tanto, incluso aunque no haya fallos de implementación, es poco probable que estas políticas de descentralización logren una verdadera devolución en los países del estudio.

INTRODUCTION

Before the 1980s, centralised forest policies in many countries excluded local communities, while often failing to prevent degradation of forest resources (Haller *et al.* 2008). Whilst the concept of community involvement in forest management has been developing since the early 1950s, the idea gained momentum in the 1980s due to a shift in rural development thinking and practice (Barlett and Malla 1992, Timsina 2003). Structural adjustment programmes, supported by world financial institutions such as the World Bank and International Monetary Fund (IMF) also contributed to the popularity of the concept (Kowero *et al.* 2003, Ribot 2002). These financial institutions supported decentralisation as part of downsizing central governments and forced African governments to introduce decentralisation reforms in all sectors, including the forest sector (World Bank 1992). Furthermore, in the early 1990s, a number of international frameworks emerged demanding local community involvement in forest management as an intrinsic component of sustainable forest management principles. These include Chapter 11 of Agenda 21 adopted at the United Nations Conference on Environment and Development (UNCED) the Convention on Biological Diversity; the Rio+20 Declaration; the African Timber Organization, and Sustainable Development Goals (ATO 2003, CBD 2003, UN, 1992, 2012, 2015). All of these frameworks require forest policies to allow indigenous peoples and local communities, including women and the poorest individuals, to have rights to participate in forest management and access forest resources benefits (ATO 2003, CBD 2003, UN, 1992, 2012, 2015).

Following this, in the 1990s, forest policies in almost all countries in Africa and Asia adopted more decentralised approaches as a way to improve forest governance and rural livelihoods (Schreckenberg and Luttrell 2009, White and Martin 2002). The first literature explicitly referring to forest decentralisation approaches was published in 1982 (Sen, 1982)[1]. The concept of forest decentralisation has been used in numerous articles (e.g. Adam and Eltayeb, 2016 and Rondinelli *et al.* 1989), evolving and taking different forms from country to country due to differences in actors and the political context in which it is implemented (Odera, 2009). Among these forms are Community Forest Management (CFM), Collaborative Forest Management (CoFM), Participatory Forest Management (PFM), and Co-management (see table 1). Despite the diversity of these terms, all imply some degree of devolution of forest resources management to local people (Agrawal and Ribot 1999, Crook and Manor 1998).

Since the introduction of this bottom-up approach, scholars have documented mixed impacts (e.g., Bekele *et al.* 2015, Bowler *et al.* 2012, Hamza and Kimwer 2007, Lambrick *et al.* 2014, Lund *et al.* 2018, Ngaga, *et al.* 2003, Senganimalunje *et al.* 2015). Reviewing a range of previous studies, Egunyu and Reed (2015), Lund and Treue (2008), Persson and Prowse, (2017) and Vyamana (2009) found that women and the poorest people are often excluded from gaining benefits. Mustalahti and Lund (2010) found that some district councils failed to approve village by-laws on time and hence frustrated community efforts to obtain legal title to their forests. Chinangwa *et al.* (2016), García-López, (2019), Lemenih and Bekele (2008) and Mogoi *et al.* (2012), noted that some members of committees are appointed by village leaders rather than being locally elected by residents, or else lacked power to enforce the forest rules. However, Lund and Treue (2008) found that transferring rights and powers to local communities resulted in increased efficiency of forest revenue collection in Tanzania, and Bekele *et al.* (2015) found reduced conflicts over forest use and management in Ethiopia.

Although it can be difficult to separate limitations in the design of policies, from flawed implementation, (flaws in design may beget errors in implementation), it is useful to explicitly measure how far forest legislation supports decentralisation. Previous studies (e.g. Bruce 1999, Das 2019, Lindsay 2004, Lynch 1998, Mollick *et al.* 2018, Mekonnen and Bluffstone 2015, Mustalahti and Lund 2010, Mutune and Lund 2016), have considered this, focussing particularly on forest acts (legislation). For example Bruce, (1999) compared how property rights and organizational forms have been deployed to support community forestry in selected countries in Africa, Asia and America, and suggested that more complex forms of organization are required to enable greater management autonomy. Lindsay (2004) detailed how legislation typically impedes or supports decentralisation in enhancing livelihoods outcomes, and found that decentralisation falls short of improving livelihoods due to the limited rights that legislation transferred to local communities. Mustalahti and Lund (2010), reviewing cases in Tanzania, Mozambique, and Laos found that the Forest Act in Tanzania lacks clarity on the process by which local communities attain rights, and the process of losing rights. Mutune and Lund (2016) examined Participatory Forest Management (PFM) in Kenya as it unfolds in practice on the ground and concluded that current

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[1] Search in Web of Science for "community forest manag*" OR "participatory forest manag*" OR "collaborative forest manag*" OR "co-management" AND (forest* OR natural).

TABLE 1 *Types of decentralised forest governance considered*

Country	Name	Programmes	Type of land /forest/tenure	Source
Tanzania	Participatory Forest Management (PFM)	Village Land Forest Reserves (VLFR)	Forests on village land	URT, 2007.p.1 and 3; URT 2002, s.33.pg 35
		Community Forest Reserves (CFR)	Forests on village land	URT, 2007.p.1 and 4; URT 2002, S.42.pg 46
		Joint Forest Management (JFM)	Forest reserve managed and owned by government (central or local authority)	URT 2013.p. 1
Malawi	Participatory Forest Management (PFM)	Community Forest (CF)	Unallocated customary land	GoM, 2010,p. 48, 2007, 2001 and 1996
		Co-management	Government forest reserve	GoM, 2010,p.48, 2007, 2001 and 1996
Kenya	Participatory Forest Management (PFM)	Participatory Forest Management (PFM)	State forest or local authority forest	GoK, 2005
Ethiopia	Participatory Forest Management (PFM)	Participatory Forest Management (PFM)	State forest	FDRE 2007,s.3.p.8
Uganda	Collaborative Forest Management (CFM)	Collaborative Forest Management (CFM)	Takes place in central or local forest reserves	GoU, 2003,s.15
	Community Forest (CF)	Community Forest (CF)	Forest on community land†	GoU, 2015

† "Community land" means former public land held by the District Land Board, Land designated as "fragile ecosystem" by NEMA (by way of National Environment Status of 1995), Areas to be planted as community managed plantations and Woodland/pastoral areas communally used by a community (GoU, 2015, p.2).

policies appear not to support effective participation, focusing mainly on the livelihoods of local communities rather than governance per se. In their extensive review of past forest policies and current forest developments in Ethiopia, Mekonnen and Bluffstone (2015) indicated that although Ethiopia is implementing policies for decentralised forest governance, all the major forests continue to be owned and managed by the Ethiopian government which has limited communities' capacity to enforce rules, resulting in high rates of deforestation and forest degradation. Das (2019) and Chomba *et al.* (2015) studying forest decentralisation in India and Kenya respectively, highlighted that forest decentralisation policies transferred only limited powers to local communities. Alden Wily, (2002) provides a multicountry analysis of forest decentralisation policies, but their focus was a general review of policies without considering them in relation to theories of devolution or the international aspirations upon which policies for decentralised forest governance are based.

We build on this previous literature by analysing forest decentralisation policies across several countries, considering not just legislation, but also policies and guidelines, comparing them to Agrawal and Ribot's (1999) decentralisation framework and the aspirations of the Rio Declaration on Environment and Development (shortened here to Rio Declaration). We recognise that documentary review of policies is not sufficient to determine likely outcomes. Instead, we aimed to evaluate the extent to which devolution to local communities is specified in Tanzanian, Kenyan, Ugandan, Malawian and Ethiopian forest policies, following the decentralisation

framework developed by Agrawal and Ribot (1999). We argue that if policies themselves are not designed to achieve devolution, it is unlikely that it will happen. Not all policies were explicitly attempting to achieve devolution though all clearly aimed to increase local control and power in forest management. Whatever the intention of specific policies in each country, it is useful to measure how far these policies have gone towards achieving devolution. Our objective is therefore to determine whether policies contained the necessary provisions to achieve devolution and not to consider whether the policies are a success on their own terms.

A number of theories have been used to understand decentralised management of resources, for example participation and common pool resource theories by Arnstein (1969) and Ostrom, (1990) respectively. Drawing on previous work, Agrawal and Ribot's (1999) framework was developed specifically to analyse policies that aimed to decentralise forest management, envisaging a form of governance where management responsibility is vested in an executive body at the community level that is kept to account through procedures of information sharing and election. We adopt this framework because of its widespread use in other recent forest governance studies, particularly notable in its guidelines for democratically elected and downwardly accountable local actors, and equitable benefit sharing (see e.g. Das 2019, Chinangwa *et al.* 2016, Chomba *et al.* 2015, Mutune and Lund 2016). Therefore, the Agrawal and Ribot framework is well suited to our objectives and the situation observed by recent literature in Eastern African countries (e.g. Chinangwa *et al.* 2016, Chomba *et al.* 2015, Mutune and Lund 2016).

Without understanding the powers of different actors in forest resource management, the domains in which they exercise their powers, and to whom and how they are accountable, it is impossible to analyse how far policies for forest decentralisation have gone towards achieving devolution (Agrawal and Ribot 1999). The analysis also considers whether the policies meet the aspirations of the Rio Declaration, which has been widely adopted, including by all the five study countries, as a way to achieve sustainable forest management. Therefore, the international framework might be expected to have had an influence on the format and development of the different country's policies for decentralised forest governance, and it is useful to assess the degree to which they are aligned.

The countries chosen are all in the UN "eastern Africa" statistical region, and all adopted decentralised forest policies. We aimed to review countries with different histories of forest decentralisation. The chosen countries provide some variation with regard to decentralisation of forest governance and this gives a useful cross section of approaches to evaluate. In particular, the models of forest decentralisation implementation in Tanzania and Malawi differ from those in Kenya, Uganda and Ethiopia, as they are based on village jurisdiction as opposed to the membership of an association or cooperative (FDRE, 2007.s.4.4.p.11, s.3.p.7, GoK, 2005, p.3, GoM, 1997. s.25. p. 15, GoU, 2003. p.34, URT, 2002. s.33. p.52). In addition, differences in the history of the countries have led to variation in some of the factors that are important to forest decentralisation, e.g. political and administrative structures and land tenure systems (Mustalahti and Lund 2010). Kenya, Uganda and Malawi were colonised by the British for around six decades. In Tanzania, British rule followed German, while Ethiopia was only briefly occupied by Italy. All study countries, except Tanzania, were among the first countries in Africa to adopt structural adjustment reforms in the 1980s that led to wider changes in policies of different sectors including forestry, and then later in the 1990s the countries adopted policies for decentralised forest governance (Kiiza *et al.* 2007, Kowero *et al.* 2003). This article contains five sections: following this section, the second section outlines the theoretical approach and methods; the third section presents results, the fourth section presents discussion; and the last section provides conclusion and recommendations.

CONCEPTUAL FRAMEWORK AND METHODS

Types of Decentralisation

There are four types of decentralisation recognized in the literature (Devolution, Deconcentration, Delegation and Privatization) (Ribot 2004). Devolution is the process of transferring decision-making powers, tasks and resources from high-level authorities (the Central Government) to lower level authorities (Ribot 2004). Deconcentration is the process of transferring some of the selective administrative functions from the high-level authorities to lower level authorities, or sub-national units within central government ministries and agencies. In this case, the high level authorities are not giving up any authority (Ribot 2002, Manor and World Bank 1999). Delegation is the transfer of some responsibilities and decision-making power from high-level authorities to organizations that are not in the normal bureaucratic structures and only indirectly controlled by the high authorities (Oyono 2007). Privatization is another form of decentralisation in which the government transfers its responsibilities and services onto private enterprises or Non-Governmental Organizations (Ribot 2002). All these are types of decentralisation but devolution is a more complete form of decentralisation when compared to deconcentration and delegation (Agrawal and Ribot 1999). Privatisation does not necessarily differ from devolution in extent, but rather in to whom powers are given, and how they are accountable. The analysis in this article primarily focusses on devolution but also notes when the policies may have characteristics of deconcentration or delegation. It may be in practice that policies may have features of more than one type of decentralisation. Privatisation was excluded from the analysis as it was not considered in Agrawal and Ribot's decentralisation framework, however, we consider in the discussion whether some policies exhibit elements of privatisation.

Forms of forest policy

Governments define and elaborate forest decentralisation policies through various means including Acts/Proclamations, Ordinances, Policies, Guidelines and Management plans. They can be usefully classified based on the type of policy, who creates and approves the policy, their purpose and legal effect (Table 2).

Analytical Approach

In this paper, we focus on three critical elements proposed by Agrawal and Ribot (1999), namely actors, empowerment and accountability (see Figure 1 and Table 3, these are briefly explained below). We also compare the policies in question to the commitments of the Rio Declaration, which also provided principles for the involvement of local community in forest management (see Table 3). Several different decentralisation programmes may be present in each country (see Table 2), and were analysed separately. Attention was paid to policy wording, since major policy differences can result from subtle differences in wording as to whether rules are voluntary (discretionary) or mandatory (non-discretionary) (Cashore 1997, McDermott *et al.* 2009). Data for the study were drawn from Forest Acts, Policies, and forest decentralisation guidelines in each of the study country.

Actors

The underlying contention of the decentralisation framework is that under deconcentration and delegation, power would be transferred to appointed local actors or low-level government agencies and semi-autonomous organization(s) respectively (Agrawal and Ribot 1999). Whilst for full devolution, local actors should be elected by, and representative of, all groups

TABLE 2 *Forms of forest policy in the study countries*

	National legislation	**Local legislation**	**National policy**		**Local policy**
Term use in each country	Act in Tanzania, Kenya, Uganda, Malawi, Zambia and Zimbabwe and Proclamation in Ethiopia	Ordinance	Policy	Guideline†	Management plan
Who creates	Executive (govt, usually a specific ministry) but is then approved / amended by parliament	Municipal government	Ministry	Ministry	Village assembly/ Local community at village level†
Purpose	Provide directive or legal framework to implement the objectives and goals stated in Forest policy	Provide directive or legal framework to implement the objectives and goals stated in Forest policy	Guide decisions and achieve rational outcomes	Set out the requirements and procedures for achieving goals and objectives stated in forest policy documents	Sets out the management approach and goals together with a framework for achieve policy objectives
Legal effect	Legally enforced	Legally enforced	May not be legally binding	May not be legally binding	May be legally enforced

† "Guideline" means PFM guidelines in Kenya and Ethiopia. A Field and Lessons Manual for PFM in Malawi. Guidelines for the Registration, Declaration and Management of Community Forests and Guidelines for Implementing Collaborative Forest Management in Uganda. Community Based Forest Management Guidelines and Joint Forest Management Guidelines in Tanzania.

† Management plans are also influenced by national policies, and often by local forest officers.

within the community (Agrawal and Ribot 1999). Although the Rio Declaration is silent on whether members in local committee need to be elected, it does require local committee to be representative of all groups within the community.

Empowerment

In this framework, empowerment refers to (1) capacity to manage resources; (2) authority to make decisions and rules, and then approve and implement these rules; (3) the degree to which communities adjacent to forests can decide about the use and access of forest resources. In deconcentration, delegation and devolution, members of the forest committee should be empowered with skills on forest governance, including accounting and record keeping (Agrawal and Ribot 1999). However, for decentralised forest governance to achieve full devolution, it is also necessary to empower ordinary community members with management capacity and for them to have access to information relevant to forest management so as to enhance their participation and representation in forest decision-making (Agrawal and Ribot 1999, Chinangwa *et al.* 2016; UN, 1992, p. 270). In addition, the Rio Declaration requires policies to develop forest resource dispute-resolution arrangements for achieving sustainable forest management (UN, 1992, p. 279).

For decentralised forest governance to achieve deconcentration, delegation and devolution, local communities should be empowered with enforcement powers that can be further divided into: power to create rules, approve or modify old ones, power to implement the rules and to ensure compliance with the rules (Agrawal and Ribot 1999, UN, 1992, p. 104). The Rio Declaration elaborates further and specifies that policies should provide for the active participation of local communities in formulation of national policies, laws and programmes relating to resource management and other development processes that may affect them and for their initiation of proposals for such policies and programmes (UN, 1992, p. 104).

For decentralised forest governance to achieve deconcentration, there are no requirements for empowerment of actors with decision-making. In delegation, local institutions should be empowered with limited decision-making. Furthermore, the Rio Declaration is in line with Agrawal and Ribot (1999), by stating that local communities need to be actively involved in all decision-making processes with special consideration of marginalised groups e.g. women and poorest individuals so as to achieve devolution and sustainable forest management (Agrawal and Ribot 1999, UN, 1992, p. 270).

For decentralised forest governance to achieve deconcentration or delegation there is no specified need to empower committees and ordinary community members with utilization rights. In order to achieve devolution, policies need to specify clear mechanisms for sharing benefits that will allow equality in accessing benefits between all major groups (Agrawal and Ribot 1999, Cronkleton *et al.* 2012 and UN, 1992, p. 270). "Transferring power without accountable representation is dangerous and establishing accountable representation without powers is empty" (Ribot 2002, p.1).

Accountability

Accountability is a critical element that allows one to be both accounted to, and be held accountable by, others (Oyono 2004). Appointed local actors or low-level government agencies and semi-autonomous organizations, in deconcentration

FIGURE 1 *Decentralisation framework adopted from Agrawal and Ribot (1999)*
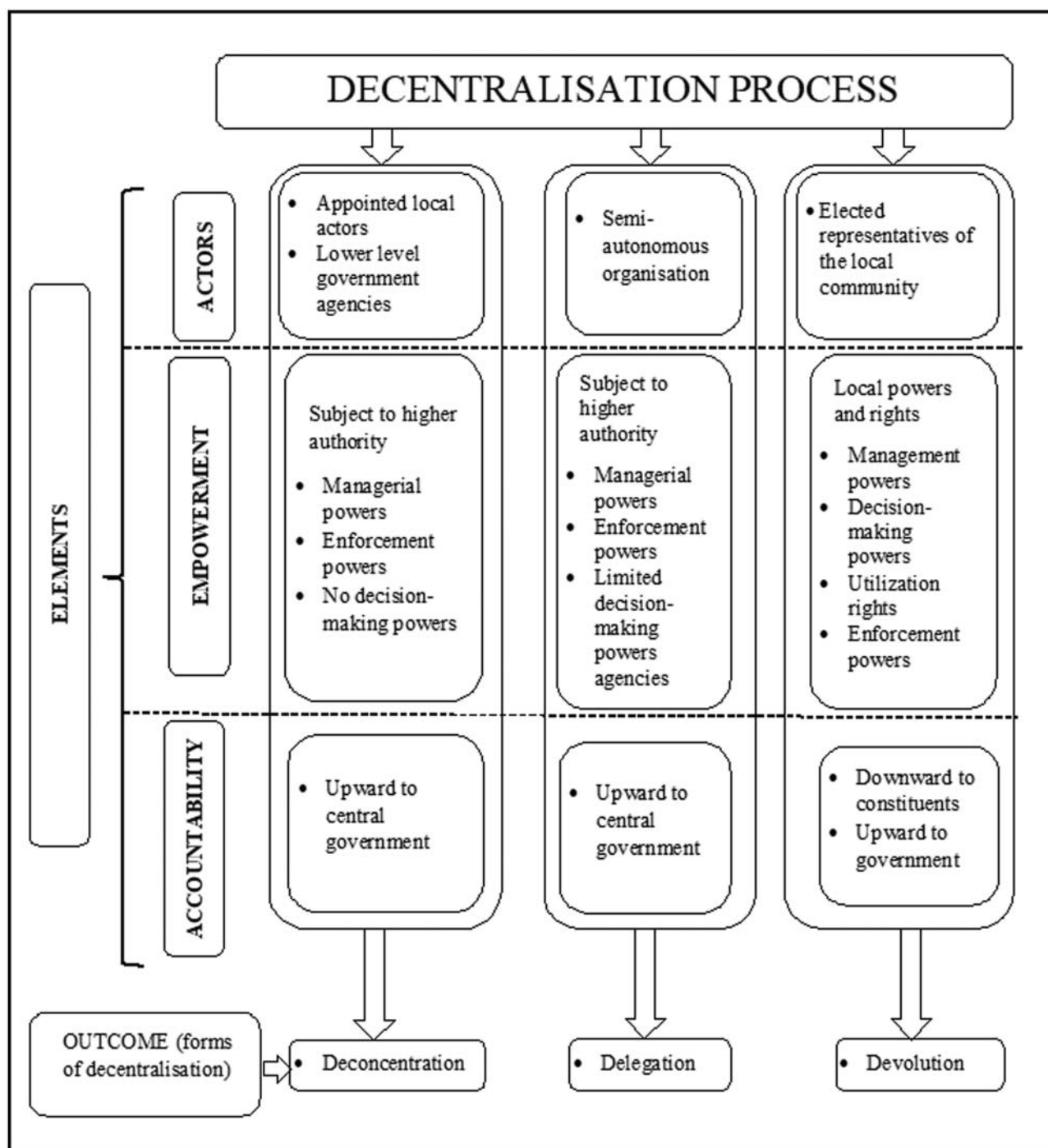
and delegation respectively, should be upwardly accountable to central government (Agrawal and Ribot 1999). In devolution, powers and rights should be devolved to elected members of local committee who will be downwardly accountable to the local communities and upwardly to government (Agrawal and Ribot 1999). Downward accountability is very important in devolution since it empowers other individuals in the community (Agrawal and Ribot 1999). In addition, upward accountability facilitates protection and management of public goods, such as watershed protection (Oyono 2004).

In connection to that, there should be continued involvement of state actors to facilitate the implementation of the decentralised forest governance on the ground. These actors should also be both upwardly accountable to central government as well as downwardly accountable to the local communities (Oyono 2004). The Rio Declaration is silent on accountability to constituents or government. However, it is in line with Agrawal and Ribot's framework in suggesting participation of non-governmental organizations; international and regional organizations as a fundamental prerequisite for achieving

devolution and sustainable forest management (Agrawal and Ribot 1999.p.5 and UN, 1992. p. 104).

In order to understand the nature of accountability, it is necessary to make a detailed assessment of how and to whom actors are accountable (Agrawal and Ribot 1999). The most commonly cited mechanisms used to enforce accountability are electoral processes; third party monitoring; auditing and evaluations; public reporting and existence of sanctions that are enforced (Ackerman 2004).

RESULTS

Actors

The local institutions specified in Tanzania's Village Land Forest Reserves and Malawi's Community Forest policies have the potential to achieve full devolution, as the decentralisation policies require members of the Village Natural Resource Committees to be duly elected by their constituents and representative of all groups in the community (see Table 3 and appendix 1). However, Tanzanian Community Forest Reserves policies only require local institutions to be a group of persons desirous of managing a forest reserve: this could achieve delegation. Likewise, in Kenya, Uganda and Ethiopia, decentralised forest policies have the potential to achieve delegation rather than deconcentration or full devolution, since the policies allow committee members to be elected by, and representative of, only a small group of people in the community.

Empowerment

Management capacity

Policies for decentralised forest governance in all of the study countries are deficient in empowering local institutions with full management capacity, though to different degrees (see Table 3 and appendix 1). All policies except those in Tanzania and Malawi explicitly address the need to empower elected members of forest committees with strategies to prevent and manage forest use conflicts. There is a remarkable similarity across all the study countries in the absence of clear national commitment to ensuring local community awareness (both committee members and ordinary members) of their rights over forest management, access and use.

Decision making powers

Only Tanzanian Village Land Forest Reserves allow for full devolution. All other policies empower local actors with only limited decision-making over management and utilization of the forest resources (see Table 3 and appendix 1). In Tanzania (JFM), Malawi, Kenya, Uganda and Ethiopia, forests are managed under a joint agreement between local actors and government. Likewise, policies for decentralised forest governance in all the study countries (except in Tanzanian Village Land Forest Reserves) require forest staff to be involved in the implementation of the approach e.g. participation in decision making with regard to management and utilization of forest resources. This may limit the amount of power and level of influence that local actors may exercise upon approach implementation.

Utilization rights

Utilization rights concern the legal entitlement of all members in the community to have equitable access to, and use of, the forest resource, income generating activities initiated by the decentralisation initiative, financial benefits accrued from selling harvested forest products, permit and penalty fees. Policies for decentralised forest governance in the study countries all go some way towards achieving this but there are differences on how actors will be empowered with utilization rights (see Table 3 and appendix 1). Only Tanzanian VLFR and Ugandan Community Forest are aligned with full devolution, since the policies empower local communities to use 100% of the benefits obtained from the programme. There is some ambiguity in Malawi about whether the local community are able to retain 100% of the benefits in Community Forest, because policies for decentralised forest governance require forest staff to be involved in the implementation of the approach. Under policies for decentralised forest governance in Kenya, Ethiopia and all other countries in forests that are managed under joint agreement between communities and government, the utilization rights are limited to those outlined in the Joint Management Agreement. In addition, there is an absence of a clear mechanism for sharing forest benefits from Joint Forest Management policies in Tanzania, Kenya, Uganda and Ethiopia.

Enforcement powers

Policies in all the study countries are deficient in empowering forest committees with enforcement powers (e.g. power to create rules, give or withhold final approval, or modify old ones, power to implement the rules, and power to take offenders of illegal activities to court), hence may not allow for full devolution (see Table 3 and appendix 1). Only VLFR in Tanzania empowered Village Natural Resource Committees to take offenders of large-scale illegal activities to court. Elsewhere, all cases of serious encroachment need to be reported to Forestry Departments for assistance, this limits devolution and is likely to frustrate local communities. Only VLFR and JFM in Tanzania state clear strategies for exclusion of outsiders. Here policies for decentralised forest governance require Village Natural Resource Committees to provide a list of the rules and punishments to Village Councils of neighbouring villages to inform their own people.

There is a remarkable similarity in the absence of clear national commitment in policies for decentralised forest governance to empower local actors to have the final say on approving forest by-laws. Forest by-laws are required to be finally approved by the local authority or the Director of Forests, giving them a veto.

TABLE 3 *Comparing policies for decentralised forest governance against decentralization framework and the Rio Declaration*

Critical element in decentralization framework developed Agrawal and Ribot 1999	Tanzania VLFR	Tanzania JFM	Tanzania CFR	Kenya	Uganda CFM	Uganda CF	Malawi Co-management	Malawi CF	Ethiopia
Actors									
Forests are managed by elected local institutions (Dv)	(S1) √	(S1) √	(S1) X	(S3) √	(S4) √	(S4) √	(S2)√	(S2) √	(S5) √
Members of local institutions are representative of all groups in the community- (Dv+ Rio Declaration)	(S1) √	(S1) √	(S1) X	(S3) X	(S4) X	(S4) X	(S2) √	(S2) √	(S5) X
Forests are managed by appointed members of forest committee or lower government agencies- (Dc)	X	X	X	X	X	X	X	X	X
Forests are managed by semi-autonomous organization-(Dl)	(S1) X	(S1) X	(S1) X	(S3) √	(S4) √	(S4) √	(S2) X	(S2) X	(S5) √
Empowerment									
Elected members of local institutions in Dv/ appointed members of local institution in Dc/ semi-autonomous organization in Dl and ordinary members empowered with skills of forest governance -(Dv + Dc + Dl+ Rio Declaration)	(S6) X	(S6) X	(S6) X	(S8) X	(S9) X	(S9) X	(S7) X	(S7) X	(S10) X
Appointed members of local institutions in Dc/ semi-autonomous organization in Dl/ elected members of local institutions in Dv and ordinary members empowered to formulate their own forest by-laws (Dv + Dc+ Dl + Rio Declaration)	(S21) √	(S21) √	(S21) X	(S23) X	(S24) √	(S24) √	(S22) √	(S22) √	(S25) √
Appointed members of local institutions in Dc/ elected members of local institutions in Dv and ordinary members empowered to finally approve rules -(Dv + Dc + Dl)	(S21) X	(S21) X	(S21) X	(S23) X	(S24) X	(S24) X	(S22) X	(S22) X	(S25) X
Appointed members of local institutions in Dc / semi-autonomous organization in Dl/ and elected members of local institutions in Dv empowered to exclude outsiders (taking offenders to court)- (Dv + Dc + Dl)	(S21) √	(S21) √	(S21) X	(S23) X	(S24) X	(S24) X	(S22) X	(S22) X	(S25) X
All local communities are empowered with full and equal rights in accessing PFM benefits -(Dv+ Rio Declaration)	(S16) √	(S16) X	(S16) √	(S18) X	(S19) X	(S19) √	(S17) X	(S17) √	(S20) X
All local communities empowered to participate in decision making over management and utilization of the resources- (Dv+ Rio Declaration)	(S11) √	(S11) X	(S11) X	(S13) X	(S14) X	(S14) X	(S12) X	(S12) X	(S14) X
Active involved of all local communities in decision-making with special consideration of marginalised groups e.g. women and poorest individuals- (Dv + Rio Declaration)	X	X	X	X	X	X	X	X	X
No decision making powers to local institutions and local communities -(Dc)	X	X	X	X	X	X	X	X	X
Limited decision making powers agencies -(Dl)	(S11) X	(S11) √	(S11) √	(S13) √	(S14) √	(S14) √	(S12) √	(S12) √	(S15) √

TABLE 3 (*Continued*)

Critical element in decentralization framework developed Agrawal and Ribot 1999	Tanzania VLFR	Tanzania JFM	Tanzania CFR	Kenya	Uganda CFM	Uganda CF	Malawi Co-management	Malawi CF	Ethiopia
Full utilization rights to local institutions and local communities	(S16) √	(S16) X	(S16) √	(S18) X	(S19) X	(S19) √	(S17) X	(S17) √	(S20) X
No utilization rights to local institutions and local communities - (Dc + Dl)	X	X	X	X	X	X	X	X	X
Accountability									
Members of local institutions are elected by all members of the community- (Dv)	(S26) √	(S26) √	(S26) X	(S28) X	(S29) X	(S29) X	(S27) √	(S27) √	(S30) X
Members of local institutions are appointed by government officials- (Dc)	X	X	X	X	X	X	X	X	X
Members of local institutions are downward accountable to all members of the community -(Dv)	(S26) √	(S26) √	(S26) X	(S28) X	(S29) X	(S29) X	(S27) √	(S27) √	(S30) X
Members of local institution are upward accountable to government - (Dv + Dc+ Dl)	(S26) √	(S26) √	(S26) X	(S28) √	(S29) √	(S29) √	(S27) √	(S27) √	(S30) X
All local residents have the right to be involved in PFM activities- (Dv + Rio Declaration)	(S26) √	(S26) √	(S26) X	(S28) X	(S29) X	(S29) X	(S27) √	(S27) √	(S30) X
Terms or schedules of election for members of local institution are clearly specified -(Dv)	(S26) X	(S26) X	(S26) X	(S28) X	(S29) X	(S29) X	(S27) √	(S27) √	(S30) X
Define clear procedures for handling forest finances, public and audit sessions -(Dc + Dl+ Dv Rio Declaration)	X	X	X	X	X	X	X	X	X
Participation of NGOs- (Dc + Dl+ Dv Rio Declaration)	(S26) √	(S26) √	(S26) √	(S28) √	(S29) √	(S29) √	(S27) X	(S27) X	(S30) √

√ and shading=Presence of critical element, X =Silence /Absence of critical element, Dc=Deconcentration; Dl=Delegation; Dv=Devolution; VLFR=Village Land Forest Reserves; JFM=Joint Forest Management; CFR=Community Forest Reserves; CFM=Collaborative Forest Management; CF=Community Forest; S=Supplementary materials paragraph

Accountability

Tanzania's Village Land Forest Reserves and Joint Forest Management (except on Community Forest Reserves) and Malawi's Community Forest and Co-management policies may achieve full devolution, because the policies require members of Village Natural Resource Committees, or Block Committees to be duly elected by their constituents to enhance downward accountability. However, the decentralisation policies in Kenya and Uganda have the potential to achieve only delegation, or privatization, in this respect since Forest Community Association Committees, Community Forest Management Committees and Communal Land Association Management Committees are downwardly accountable only to a small group of people in the community and upwardly accountable to the central government. Calling the approach community or participatory, does not mean that the approach involves all residents, since, in Kenya and Uganda a small group of people who are members of Forest Community Associations, Forest User Groups or Communal Land Associations elect members in the forest committee (see Table 3 and appendix 1). In Ethiopia, policies for decentralised forest governance failed to define to whom Forest Executive Committees are accountable and how committee members assume positions.

There is similarity in the absence of clear commitment in the policies for decentralised forest governance in all the study countries on how accountability could be enhanced. There is an absence of commitment to clear and transparent benefit-sharing mechanisms to ensure equity in case of forests that are jointly managed by government and local communities. There is an absence of clearly defined schedules of committee elections in all the study countries. In addition, procedures for handling forest finance and public audit sessions are fundamental prerequisites for achieving accountability yet are lacking in policies for decentralised forest governance. Policies for decentralised forest governance in all the study countries except in Malawi specifically allow for active participation of external partners (e.g. NGOs) in decentralisation.

DISCUSSION

The introduction of decentralised forest policies in Tanzania, Malawi, Kenya, Uganda and Ethiopia signifies a major shift away from centralized, state-led management. In these countries, policies for decentralised forest governance allow establishment of new committees that manage the forest. However, the policies in Kenya, Uganda and Ethiopia allow a non-representative group to establish institutions to manage forests, which may led to elite dominance of decision-making and capture of benefits, resulting in the exclusion of poorer individuals and marginalised groups (Birch *et al.* 2014 and Gurung, *et al.* 2011). In such situations, forest decentralisation may end up benefiting outsider groups (Bijaya *et al.* 2016). In effect, the outcome of the policy may be a form of privatisation, enclosing previously de facto common land,

and even reducing the power of local residents, relative to when forests were nominally controlled by central government (Ribot 2004). Decentralised forest policies in Tanzania and Malawi require members of the committees to be elected by all members of the community, to enhance representation and reduce the risk of domination by particular social economic strata. Even here, it may be difficult to define who the community is that must be represented, and that deserves to have a say in the management of the forest. If forest resources are of particular importance to certain sectors of the community (e.g. landless households, or pastoralists) should they have greater influence over its management? Moreover, democratic elections are not sufficient to guarantee elimination of elite capture in the approach. Local elites are rich and have social capital that help them to be elected by constituents. Lund and Saito-Jensen, (2013) showed that elite capture of institutions is dynamic, and that other sectors of the community may learn to navigate the new institutions and achieve greater influence over time. However, this process is likely to be dependent on residents having basic rights to hold forest committees accountable, which are lacking in many of the policies we reviewed. It also remains to be seen whether this adaptation leads to a genuine reduction in elite capture, or simply a redistribution of power between different elites.

We found that forest decentralisation policies in Kenya, Uganda, Ethiopia and Malawi and in Joint Forest Management in Tanzania, allow forest staff to take part in management activities of decentralised forests, potentially limiting the decision making power of local communities. Since the government in these forests retains ownership, forest staff's involvement might be expected to safeguard the ownership rights and only take a role in decisions that may affect sustainability of the forest reserve, however, it may not be restricted to this (Chinangwa *et al.* 2016 and Kamoto 2007). When policies for decentralised forest governance transfer more powers to forest committees, there is a need also to have measures in the policies to ensure sharing of key management functions and decision making with all committee members and ultimately the community as a whole. Observations in Mali indicated that the role of local communities in decision-making remains unclear in the decentralisation policies, raising questions about how the government and local communities will work together and who will participate in decision-making regarding decentralisation (Becker 2001 and Benjaminsen 1997). Bodies of theory upon which decentralisation policies are based highlight that participation without redistribution of decision-making powers is an empty and frustrating process for the powerless (Arnstein 1969 and Ostrom 1990). In addition, we noted that all policies except in Malawi explicitly identify the need to empower local actors with skills in conflict management, which they may or may not have. These are important, because when conflicts in forest management are ignored or allowed to escalate, it can lead to further deforestation and degradation (Rahman 2003, Warner and Jones 1998, Warner 2000). Banana *et al.* (2005) found poor implementation of decentralised forest governance because local actors had not been empowered to resolve forest related conflicts, and if any conflicts occurred

during implementation of the approach, elected members in forest committees had to request assistance from either District Forest Offices or Sub-county level forest guards.

We found that in all the study countries, the enforcement powers transferred to local communities were unbalanced, in that the decentralised forest policies transferred powers to execute forest by-laws without the requisite power to make, alter, and finally approve them or to take offenders to local courts. Directors or local authorities retained the powers to make forest by-laws with regard to forest management, utilization and revenue sharing. This can delay the process of implementing forest decentralisation, particularly in forest areas with valuable natural capital when Directors or local authority envisage losing forest revenue generation opportunities (Nathan *et al.* 2007, Mustalahti and Lund 2010). In addition, when policies require the Director of forest to comment on and approve the final forest-bylaws this can cause elected committees to copy what the Director has prescribed to quickly get approval of the forest by-laws; similar concerns have been observed by Chinangwa *et al.* (2016). This is why Agrawal and Ribot, (1999) and Buchy and Hoverman (2000) advised that Directors of forest departments and District councils should assume an advisory and supervisory role in decentralisation, because their active involvement in the approach limits local empowerment. Our findings are in line with Mutune and Lund, (2016) and Chomba *et al.* (2015) who highlighted that in Kenya, central government retained the power to make forest rules, reducing decision-making powers and sense of ownership of members of Community Forest Associations.

We found that policies for decentralised forest governance in all the study countries lack clearly defined terms or schedules for the next election, this may compromise downward accountability of the committee members. Although elections of committee members of forest management does not seem to guarantee accountability (Chomba *et al.* 2015, Saito-Jensen *et al.* 2010), frequent elections with clear timeframes and involving all residents entitled to vote does seem a fruitful path for enhancing accountability of committee leaders to their constituencies. Mandatory record keeping, public auditing and procedures to oust leaders who abuse their public mandates would help to establish transparency and accountability of committee leaders during implementation of the policies. Lack of clearly defined mechanisms in the policies for imposing checks and balances within the programme may increase the opportunities for actors to undertake corruption and patronage when implementing the programme (Barbier *et al.* 2004 and White 2000). Corruption can be worse in devolved systems than centralized systems (Adam and Eltayeb 2016 and Tacconi 2007).

We found that policies for forest decentralization in Malawi lack a commitment to allow participation of NGOs, especially at community level. This could enhance elite dominance and limit government accountability in terms of devolving appropriate rights and powers to local communities. NGOs who are not connected with the government may be in a good position to assist and empower local communities in demanding rights and powers to forest resources.

However, this depends on their true level of independence. In term of reducing elite dominance, NGOs can assist local communities in counterbalancing the interests of powerful groups in the community with interests in decentralised forest governance that can arise during implementation of the approach (Mustalahti and Lund 2009). NGOs can create an effective alliance among non-elites and other actors as well as a space for disadvantaged groups to sufficient exercise their power in decision making (Lund and Saito-Jensen 2013, Saito-Jensen *et al.* 2010, Classen *et al.* 2008).

CONCLUSION AND RECOMMENDATIONS

We sought to understand the extent to which decentralisation forest policies in the study countries are compatible with achieving devolution. In all five countries, policies for decentralised forest governance fail to provide for some critical elements such as democratically elected, downwardly accountable local actors and equitable benefit sharing that are required to achieve meaningful devolution. Decentralisation policies in Tanzania and Malawi may have the greatest potential to achieve devolution, as they require committee members to be elected by all residents in the area and be representative of all groups in the community, contributing to downward accountability as well as helping to prevent elite capture (Agrawal and Ribot 1999, Olowu 2003). In all cases, however, accountability could be better achieved by more clearly defining: procedures for handling forest finance, public audit sessions and central government oversight of local government. Whilst this is not an exhaustive list of the ways to achieve accountability, these are important first steps to ensure necessary parameters are in place. Decentralisation policies in Uganda, Kenya and Ethiopia are less aligned with devolution because the policies allow members of the forest committee to be representative of, and elected by, only a group of people in the community who wish to manage the forest reserve, potentially excluding marginalised groups. This may lead to elite capture, and effective privatisation of management, enclosing previously de facto common pool resources. In all the study countries, the state has transferred to local communities responsibility for enforcing forest by-laws but not powers to give or withhold final approval, hence compromising their decision-making powers and achievement of local empowerment.

If donors and governments want to devolve real power to local communities, they need to reform PFM policies to ensure that members of forest committees are locally elected and representative of all residents, as well as empower local communities with full enforcement powers.

We acknowledge that examining policies is only part of the story, and implementation may further exacerbate, or compensate for, some of the shortcomings found. However, this study shows that the policy frameworks for forest decentralisation in Eastern Africa, are not at present sufficient to ensure devolution.

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Appendix 1: Results summarised in Table 3

Actors

S1: Policies for decentralised forest governance in Tanzania require local institutions[1] at village level in Village Land Forest Reserves and Joint Forest Management to be either established as Village Natural Resource Committees (VNRC)[2] or the existing committee of the Village Council[3]. Likewise, members of these committees are required to be elected by, and representative of, all groups and parts in the community[4], with special consideration of marginalised groups. E.g. at least one third of the Village Natural Resource Committees members must be women, likewise people from different sub villages must be represented – especially those sub villages that are close to the forest area (URT 1998. PS 3.p.27, URT 2002, s.33.p.52, URT 2007, p.5 and 12, URT 2013, p.4). However, in Community Forest Reserves the policies allow Community Forest Reserves to be managed by Community Forest Management Group[5], formed by any group of persons who are members of a village or who are living in or near to a forest, or any other groups of persons who are managing or desirous of managing a forest reserve (URT, 2002. s. 42 – 48. p.66, URT, 2007.p.7).

S2: In Malawi, Community Forest and Co-management policies define clearly that members of local institution must be elected and representative of the local forest organisation[6] (GoM, 1997. s.25. p. 15 and s 31, p. 16, GoM, 2010. p.47, GoM 2015, p. 11). The function and terminology used for a local forest organisation is determined by the land and tree tenure arrangements and the rights to forest resources in their area of operation (GoM, 2010. p.47). For example, members of the local forest organisation in village forest areas that is designated to benefit the entire village community, are elected and representatives of all resident in a village. In other forest areas, members in local forest organisations represent groups responsible for managing the forest area. In the case of common access resources, found in village forest areas designated for the benefit of that entire village community, the local organisation is normally termed as the Village Natural Resource Management Committee[7] in Village forest area or block committee in Co-managed forest reserves (GoM, 2010. p.47).

S3: In Kenya, Participatory Forest Management policies state that the local institution in forest decentralization are Community Forest Associations Committee and members in the committee are elected to represent all groups within the Community Forest Association, but this association does not have to include all residents. Similarly, the composition of the Community Forest Association Committee is guided by the constitution of the association (GoK, 2005, p.3, GoK, 2007, p.25, GoK, 2014.p.16).

S4: In Uganda, forest decentralization policies state that local institutions in Collaborative Forest Management and Community Forest are the Communal Land Association Management Committee and Community Forest Management Committee respectively. Members in these committees are not representatives all residents but only members of the Communal Land Association and Forest User groups in Collaborative Forest Management and Community Forest respectively (GoU, 2003. p.34, 52 and 53, GoU, 2015.p.6).

S5: In Ethiopia, forest decentralization policies specify that the local institution in Participatory Forest Management is the Forest Executive Committee, elected from a Forest Cooperative made of elders, youth, women, and different interest groups in the community (FDRE, 2007.s.4.4.p.11, FDRE, 2007.s.3.p.7, FDRE, 2012.p.2, 41 and 47).

Empowerment

Management capacity

S6: In Tanzania Village Land Forest Reserves and Joint Forest Management policies require members in Village Natural Resource Committees to be trained on how to hold meetings, undertaking patrols in the forest and dealing with offenders, issuing licenses and permits, keeping good records of money received, and spent by using a simple income and expenditure book (URT, 1998.PS.3 and 5, URT, 2002.s.16.p. 17. S.33.p.35, URT 2007, p.21, URT 2013, p.26).

S7: Community Forest and Co management policies in Malawi require members in Village Natural Resource Management Committee and in Block committee respectively to be aware of tenure arrangements and usufruct rights issues prior to formal registration of Participatory Forest Management so as to minimise resource use and land conflicts later following registration (GoM, 1997.s.31.p. 14, GoM, 2010. p.49).

S8: In Kenya Participatory Forest Management policies require members in the Community Forest Association

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[1] "Local institutions" means actors at village levels elected by all resident at the community to guide the PFM approach.

[2] "Village Natural Resource Committee" means a committee elected by the Village Assembly and approved by the Village Council to act as Manager of a VLFR (URT, 2013. p.5, and UTR, 2007. p. 7).

[3] "Village council" means the government of the village elected by the Village Assembly to govern all matters relating to the community, including its shared resources (URT, 2013. p.5 and URT, 2007. p. 7).

[4] "Community" means all individuals who are resident in an area and not outsiders (Agrawal and Ribot, 1999). Precisely defining which individuals constitute the community is complex, however.

[5] "Community Forest Management Group" means a group recognised by the Village Council and registered with the District Council that has the management authority for a Community Forest Reserve (UTR, 2007. p. 7).

[6] "Local forest organisations" are groups of individuals, households, families or communities who have come together with a common interest of managing trees, forests and forest resources (GoM, 2010. p.47).

[7] "Village Natural Resource Management Committee" means a committee elected by stakeholders of the village forest area (GoM, 2010. p.47).

Committees to be trained in strategies for conflict resolution (GoK, 2014 p. 16, GoK, 2007. p. 31). In addition, the Participatory Forest Management guidelines require the committee members to receive exchange visits and study tours from other Participatory Forest Management areas so as to enhance their management capacity (GoK, 2007. p.31).

S9: In Uganda forest policy and Community Forest guidelines require members in Communal Land Association Management Committees to be trained in skills of conflict management, Community Forest processes and legal / policy frameworks, Community Worker Model, community forest management and extension, dynamics of society, incentives, record-keeping, practical tree nursery and establishment (GoU, 2001. PS.5. p.18, GoU, 2015. p. 18). Likewise, in Uganda the policies require members in Community Forest Management Committee to be trained on legal basis for Collaborative Forest Management, leadership, communication and group facilitation skills, negotiation skills, planning, forest management, record keeping, accountability and simple conflicts resolution method (GoU, 2001. PS.5. p.18, GoU, 2003. p.35).

S10: In Ethiopia Participatory Forest Management policies require members in Forest Executive Committees to be trained on topics like forest development, forest protection, forest utilization, and marketing, conflict management, financial management, minutes and record keeping, developing and using monitoring formats (FDRE, 2007. s.5.p.11 and s.6.2.p.15; FDRE,2012. p.45, 48 and 49).

Decision making powers

S11: In Tanzania the Forest Act defines ownership rights to forest on public land and provide rights for local communities to own Village Land Forest Reserves in such a way that actors can make their own decision on their forests. (URT, 2002.s.33. p.35). In addition, the policy empowers both committee and ordinary members with decision making over utilization of revenue from the sale of forest products obtained from Village Land Forest Reserves. In this case both committee and ordinary members may choose to share a portion with the district in return for services rendered, the percentage to be shared with the district is set by the villagers and not the district (URT, 2007.p.4). Joint Forest Management and Community Forest Reserves policies require members in Village Natural Resource Committees and Community Forest Management Group to make decisions based on Joint Management Agreement in strict accordance with the Management Plan (URT, 2013, p.45. URT, 2007, p. 12).

S12: In Malawi, Community Forest and Co management policies require Village Natural Resource Committee and Block Management Committee respectively, to consult Director of Forestry to any required decision out of the agreement. Likewise, the Forest Act allow Village Natural Resource Committee to terminate management agreement subject to the performance of unfulfilled obligations under a forest management agreement to the right of third parties (GoM, 1997.s.31.p. 14). Community Forest guidelines require Village Natural Resource Committees to make decisions independently when developing the constitution.

The Community Forest guidelines specify that the process of developing a constitution may be facilitated but not unduly guided by the forestry extension service (GoM, 2010. p. 49).

S13: participatory Forest Management policies in Kenya state that a Community Forest Associations Committee can make decisions on only activities specified in Management Agreement. Likewise, any activity within a forest area, which is not included in the management plan or agreement, shall only be undertaken with the consent of the Board (GoK, 2007. p.31, GoK, 2005. s.46.p.41). Likewise, Forest Act grants power for a Director to terminate a management agreement with Community Forest Associations or withdraw a particular user right but Community Forest Associations had no power to terminate management agreements, they need to request to the Director for termination (GoK, 2005. s.48. p. 41).

S14: In Uganda Community Forest and Collaborative Forest Management policies states that any decision required needs to be made through negotiations between agreement parties (GoU, 2001. PS.5. p.18, GoU, 2003. p.26, GoU, 2015. p.35).

S15: In Ethiopia Participatory Forest Management guidelines state that any decision required in Forest management which is outside the legally binding agreement needs to be agreed between government forestry service and the Forest Cooperative (FDRE, 2012. p.45).

Utilization rights

S16: Village Land Forest Reserves and Community Forest Reserve policies in Tanzania empower Village Natural Resource Committees and ordinary members Village Land Forest Reserves; Community Forest Management Group in Community Forest Reserve, with utilization rights. E.g. i). Waiving state royalties on forest produce, retaining 100% of revenue from sale of forest products ii). Levying and retaining fine, exemption from the reserved tree species list and confiscation of forest produce and equipment from illegal harvesting (URT, 2002.s.14.p 22; s. 34.p. 36 s. 65. p.68. s.78. p.74. s 97.p. 82, URT, 2007.p.4).

S17: Malawian Community Forest guidelines in particular specify that in Village Forest Areas, the VNRMC and the community have the right to retain 100% of the benefits and should share and use according to the constitution (GoM, 2010.p.78). However, the Forest Act and Co management guidelines require Block Management Committee and ordinary members to utilise only 70% of any funds obtained from the approach (GoM, 1997.s.33.p. 15, GoM, 2010.p.78). In addition, the Forest Act states that a resident of any village may collect forest produce from customary land other than village forest areas for domestic use (GoM, 1997.s. 50. p. 18).

S18: In Kenya the Forest Policy in particular states that the Government will develop an institutional framework and mechanisms for effective participation of stakeholders in forest management (GoK, 2014 p. 16). Furthermore, the Forest Act and guidelines specify that utilization rights of members of Community Forest Associations will be limited to those outlined on the forest management agreement (GoK, 2005. s. 46. p. 40, GoK, 2007. p. 31).

S19: In Uganda Community Forest policies, granted members of Communal Land Associations with rights to access all the benefits obtained from the programme. While in Collaborative Forest Management actors have limited utilization rights, all rights and benefits of the Forest User Groups must be determined during the negotiation of Collaborative Forest Management Agreement between the Responsible Body and elected negotiation team and not the forest management committee (GoU, 2003. p.33).

S20: In Ethiopia Participatory Forest Management guidelines require benefit and revenue sharing arrangements to be defined clearly and agreed between the Forest Cooperative and Government Forestry service during the negotiation process (FDRE, 2012. p. 37). The Participatory Forest Management guidelines and forest policy specify that in principle the benefit sharing arrangement should reflect the responsibility of each agreeing party. It must be clarified from the start that benefits are tied to the level of responsibility one undertakes (FDRE, 2007, s.5. p. 12, FDRE, 2012. p. 37).

Enforcement powers

S21: In Tanzania, Village Land Forest Reserves and Joint Forest Management policies specify that the village must prepare by-laws that support the management plan (fines, sanctions, etc.) and these by-laws must be approved first by the village assembly before being forwarded to the district for final approval (URT, 2002. s. 34.p. 36. s.37.p.40, URT, 2007.p. 5, URT, 2013.p. 22). Likewise, the Forest Act specifies that the Director of Forests may prepare and publish model by-laws for the forest reserves and such by-laws may be adopted by village councils for use (URT, 2002. s. 34.p. 36. s.37.p.40). In addition, the Village Land Forest Reserves and Joint Forest Management guidelines require the Village Council to make sure that the local Primary and District Magistrates have copies of the by-laws to use if any cases relating to the matter are brought before them. Likewise, the Village Council keeps one copy in its file and also posts one copy at the Office so that everyone in the village can see it (URT, 2007.p.20, URT, 2013.p.25). The guidelines also require Village Natural Resource Committees to ensure that every village member knows the forest rules and punishments, likewise Village Natural Resource Committees need to provide a list of the rules and punishments to Village Councils of neighbouring villages to inform their own people (URT, 2013.p. 26; URT, 2007. p. 21). In addition, the Joint Forest Management guidelines states that forester needs to assist Village Natural Resource Committees in Joint Forest Management to some cases of large scale illegal activities. (URT, 2013.p.26).

S22: In Malawi Community Forest and Co-management policies specify that the Forest Minister may make rules which shall apply to all customary land outside forest reserves and protected forest areas (GoM, 1997. s. 32. p. 16). Likewise, all forest rules made by Village Natural Resource Management Committees on customary land forests shall be approved by the Minister (GoM, 1997.s.33. p. 15). In addition, Community Forest guidelines require Village Natural Resource Management Committee to develop, and

the local community to ratify, constitutions that set down clearly objectives and functions and the way in which actors will conduct forest management affairs. The constitution includes procedural rules, or by-laws, which are quite distinct from the management rules developed from a forest management plan for the regulation of forestry activities within the Village Forest Area (GoM, 2010. p. 49).

S23: In Kenya, Participatory Forest Management policies specify that the Community Forest Association's Committee and ordinary members have no power to make forest rules, however the Director may make rules for regulating the performance of PFM in consultation with the association (GoK, 2005. s.46. p.41, GoK, 2007. p. 28).

S24: The Forest Act in Uganda requires Collaborative Forest Management to be managed accordance with the regulations or guidelines issued by the Forest Minister (GoU, 2003. s.15. p.13). Likewise, the Forest Act states that local governments may make by-laws applicable to any community forest (GoU, 2005. s.19.p.15). Community Forest and Collaborative Forest Management policies in Uganda require Community Forest Management Committees and Communal Land Association Management Committees respectively, to prepare the constitution but not to approve it. The constitution must be approved by the District Registrar of Titles in Community Forest and Local Government in Collaborative Forest Management (GoU, 2015.p.17, GoU, 2003. p. 31).

S25: In Ethiopia Participatory Forest Management guidelines state that cooperative by-laws for forest management are prepared by members of the forest executive committee with assistance from the Government forest service and are first endorsed by a general assembly meeting (FDRE 2007. s.4.4. p.11 and s.5.5.p. 14, FDRE, 2012.p. 53). However, the Participatory Forest Management guidelines specify that the Participatory Forest Management plan cannot be implemented without a formal agreement and final approval of the government (FDRE, 2012, p.54). Likewise, the PFM guidelines require prosecutors, the police and the judiciary to support community and be concerned with the damages caused by offenders on Forests (FDRE, 2012. p. 51).

Accountability

S26: Village Land Forest Reserves and Joint Forest Management policies in Tanzania state that Village Natural Resource Committees need to be upwardly accountable to district councils and downwardly accountable to village councils and to the village assembly (URT, 2007.p. 21, URT, 2002, s. 33.p.35 and URT, 2013.p.26). Moreover, the Village Land Forest Reserves and JFM guidelines specified that facilitators will need to assist Village Natural Resource Committees in keeping records and submitting them to district, village council and village assembly on a regular basis (URT, 2007.p. 21, URT, 2013.p.26). Village Land Forest Reserves and JFM policies in Tanzania state that members in Village Natural Resource Committees should be elected by all village members through the village general assembly, to represent the entire village community i.e. formed from the membership of the village assembly and with due regard to gender balance

(URT, 2002, s.33.p.52, URT, 2007, p.5, URT, 2013, p.4). (Table 3). In addition, the Forest Policy also allow participation of different stakeholders in forest management e.g. executive agencies and private sector (URT, 1998.PS 6.p.31).

S27: Malawian Community Forest and Co management policies in particular specify clearly that members in Village Natural Resources Management Committees and Block Committees respectively will be held accountable to their memberships, the local forest resource rights-holders or the community it represents according to tree and land tenure, but also to the Director of Forestry for the proper management of forest resources within its jurisdiction (GoM, 2010. p.48). Moreover, the Community Forest and Co management guidelines state that it is critical that the members in Village Natural Resource Management Committees or Block Committees be held accountable to the wider community or the rights holders on a regular basis reporting forest management progress. In addition, elections of members in the Village Natural Resources Management Committees or Block Committee will be held at least twice a year (GoM, 2010.p.49). (Table 3). Likewise, the Community Forest policies define clearly that members in Village Natural Resource Management Committees must be elected by all members of local forest organisation (GoM, 2010. p.47).

S28: Participatory Forest Management policies in Kenya require Forest Community Association Committees to be upwardly accountable to the Director[8] or Service[9] and downwardly accountable to all residents in the area whether they are members of the Association or not. However, the Participatory Forest Management guidelines specify that actors will be accountable in more detail to Forest Community Association members than non-Association members (GoK, 2007, p. 31, GoK 2005, s.45.p 39). Likewise, Participatory Forest Management policies specify that members in Forest Community Association Committee be elected by only members of the Forest Community Association (GoK, 2005, p.38, GoK, 2007, p.25). The Participatory Forest Management policies in Kenya also encourage participation of different stakeholders e.g. private sector, civil society and other non-state actors in all levels in forest sector planning implementation and decision making (GoK, 2014.p.16).

S29: In Uganda, Community Forest Management Committees in Collaborative Forest Management need to be downwardly accountable to the Forest User Group which they represent and upwardly accountable to the Responsible body[10] (GoU, 2003.p. 42). Nevertheless, Community Forest policies remain silent on to whom local institutions are required to be accountable. In addition, Community Forest and Collaborative Forest policies specify that members of the Community Forest Management Committee and Communal Land Association Management Committee are elected only by members of Forest User Groups and Communal Land Association respectively (GoU, 2003. p.34, 52 &53, GoU, 2015.p.6). (Table 3). In addition, the Forest policy requires harmonisation of approaches and legislation relating to collaborative forest management between lead government agencies, and with NGOs/CBOs (GoU, 2001.PS.5.p.18).

S30: Ethiopia's Forest Proclamation is silent and PFM guidelines are unclear on to whom forest executive committees should be accountable. However, the guidelines state that the established community institution needs to be accountable, because it will be dealing with environmental, social and financial management issues which have individual and collective interest (FDRE, 2012. p.42). Participatory Forest Management policies lack clarity on who is responsible for electing members of forest executive committee. Participatory Forest Management policies in Ethiopia also allow participation of NGOs in supporting Participatory Forest Management (FDRE, 2007, s.4.3 and 4.4. p. 11. s.5.3.p.13, FDRE, 2012. p.4).

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[8]   "Director" means the person appointed as director of Kenya Forest Service pursuant to section 10 of forest act (GoK, 2005.p.5).
[9]   "Service" means the Kenya Forest Service established under section 4 of forest act (GoK, 2005.p.8).
[10]   "Responsible body "means a body designated to manage, maintain and control a forest reserve or a community forest under the Forestry Act and in the case of private forest, the owner or person in charge of the forest (GoU, 2003.p.53).