

Facility Digest
Abrégé thématique du Mécanisme
Recopilación del Mecanismo

Forests and Conflict
Les forêts et les conflits
Los bosques y los conflictos



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Contents

Table des matières

Índice

Preface-----	iv
Préface-----	v
Prefacio-----	vi
Introduction -----	1
Scope of Digest and Compendium -----	1
Overview of Issues-----	2
Introduction -----	10
L'abrégé et son recueil-----	10
Aperçu des questions en jeu -----	11
Introducción-----	20
Alcance de la Recopilación y el Compendio-----	20
Panorama de temas-----	21
Policy implications of natural resource conflict management (Extract)-----	30
Violent Environments (Extract) -----	34
The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement (Extract) -----	36
The Promise and Performance of Environmental Conflict Resolution (Extract) -----	39
Human Rights and Forestry – creative conflicts? (Adapted)-----	42
List of publications on 'Forests and Conflict' available on the CD -----	46

Preface

Forests and conflict is a theme that deserves more attention than it is recently receiving. On the one hand, conflict is a common part of forest management and, depending on how we respond to it, can be a major force for better forest management and positive social change. On the other hand, violent conflict situations often pose big impediment to sustainable forest management as they undermine efforts to reduce poverty and improve governance. The topic is also of central importance because forest resources are so close to livelihoods, identities and security in many parts of the world, that conflicts over their control, management and use, can not be ignored without risking major repercussions. However, the causal relationship between forests and conflict- whether it is a small dispute or violent conflict- is in most cases still poorly understood.

Against this background there is a need for more information, reflection and action. This Digest aims to assist those involved in national forest programmes to take action, by bringing together available knowledge on the relationship between forests and conflict, and pointing to ways for further information. It is hoped that this will encourage and help institutions and individuals involved in forest policy decisions to manage forest related conflicts and resolve them productively.

This Digest provides an introduction and overview to the theme and includes extracts and summaries of some selected key documents. It is accompanied by a CD containing an Excel spreadsheet listing key documents and web links, including titles, authors, publishing organizations, type and language of the document and a short description of the resource.

Antonia Engel prepared this Digest. She selected extracts from key documents and wrote the scope and introduction to the theme pointing readers to documents available on CD. Sheelagh O'Reilly acted as a guest editor, reviewing the material, suggesting additional documents and preparing for more summaries. Jean-Marie Samyn selected the relevant literature available in French and Spanish and the National Forest Programme Facility at FAO coordinated all efforts.

It's my hope that you will find the Digest relevant and that it will support your efforts towards a sustainable multipurpose forest management.

Jerker Thunberg
Manager
National Forest Programme Facility

Préface

Les forêts et les conflits sont un thème qui mérite plus d'attention qu'il ne reçoit aujourd'hui. D'une part, les conflits font partie intégrante de la gestion des forêts et, suivant notre façon d'y répondre, ils peuvent représenter un important facteur d'amélioration de la gestion des forêts et de changement social positif. D'autre part, les situations qui déterminent des conflits violents entravent la gestion durable des forêts car elles compromettent les efforts déployés pour réduire la pauvreté et améliorer la gouvernance. Ce thème revêt d'autant plus d'importance que les ressources forestières sont étroitement liées aux moyens d'existence et à l'identité et la sécurité de ceux qui les utilisent dans de nombreuses parties du monde, si bien que les conflits portant sur leur contrôle, leur gestion et leur utilisation ne peuvent être ignorés sans risquer de provoquer de graves répercussions. La relation de cause à effet entre les forêts et les conflits – qu'il s'agisse d'un modeste différend ou d'un conflit violent – reste cependant dans la plupart des cas mal comprise.

Dans ce contexte davantage d'informations, de réflexions et d'actions se révèlent nécessaires. Cet abrégé vise à aider les responsables des programmes forestiers nationaux à intervenir en réunissant toutes les informations disponibles sur le rapport entre les forêts et les conflits et en indiquant les moyens d'en obtenir davantage. Nous souhaitons que cet ouvrage contribue à encourager et à aider les institutions et les individus chargés des décisions sur les politiques forestières à gérer les conflits ayant pour cadre la forêt et à les résoudre.

L'abrégé se compose d'une introduction et d'un aperçu du thème, ainsi que d'extraits et de résumés de documents choisis particulièrement pertinents. Il est accompagné d'un CD comprenant un tableau Excel qui donne une liste des documents et liens importants, ainsi que les titres, les auteurs, les organisations éditrices, le type et la langue du document et une brève description de la ressource.

Antonia Engel est l'auteur de cet abrégé. Elle a choisi les extraits des documents clés et rédigé le chapitre sur la portée du thème et son introduction, indiquant aux lecteurs les documents disponibles sur CD. Sheelagh O'Reilly était chargée, en qualité d'éditeur invité, de la révision du matériel et a proposé des documents additionnels et l'introduction d'autres résumés. Jean-Marie Samyn a choisi les textes pertinents disponibles en français et en espagnol, le Mécanisme pour les programmes forestiers nationaux de la FAO a coordonné tous les efforts.

Nous souhaitons que les lecteurs trouvent intéressant cet abrégé et qu'il leur aide à réaliser une gestion polyvalente durable des forêts.

Jerker Thunberg

Directeur

Mécanisme pour les programmes forestiers nationaux

Prefacio

Los bosques y los conflictos es un tema que merece más atención de la que actualmente recibe. Por un lado, el conflicto es una parte común de la ordenación forestal y, según el modo en que le respondamos, puede ser una fuerza importante para una mejor ordenación forestal y un cambio social positivo. Por otra parte, las situaciones de conflictos violentos a menudo representan un gran obstáculo para la ordenación forestal sostenible dado que debilitan los esfuerzos para reducir la pobreza y mejorar la gobernanza. El tema es también de fundamental importancia porque los recursos forestales están en estrecha relación con los medios de subsistencia, las identidades y la seguridad en muchas partes del mundo, que los conflictos sobre su control, ordenación y utilización no pueden ignorarse a riesgo de serias consecuencias. Sin embargo, la relación causal entre los bosques y los conflictos, en la mayoría de los casos no se comprende bien – ya sea una pequeña controversia o un conflicto violento.

En este contexto, existe la necesidad de más información, reflexión y acción. Esta Recopilación tiene por objeto ayudar a aquellos que participan en los programas forestales nacionales a tomar medidas, reuniendo el conocimiento disponible sobre la relación entre los bosques y los conflictos y señalando los modos de lograr más información. Se espera que esto estimule y contribuya con las instituciones y las personas que participan en la adopción de decisiones relativas a las políticas forestales a gestionar los conflictos relacionados con los bosques y resolverlos de forma productiva.

La presente Recopilación proporciona una introducción y un panorama general sobre el tema e incluye fragmentos y resúmenes de algunos documentos principales seleccionados. Está acompañada por un CD que contiene una planilla electrónica Excel con una lista de documentos clave y enlaces a la Web con títulos, autores, organizaciones de publicaciones, tipo e idioma del documento y una breve descripción del recurso.

Esta Recopilación fue preparada por Antonia Engel que seleccionó fragmentos de documentos clave y redactó el alcance e introducción del tema destacando a los lectores los documentos disponibles en CD. Sheelagh O'Reilly se desempeñó como editora invitada, examinando el material, sugiriendo otros documentos y preparando nuevos resúmenes. Jean-Marie Samyn señaló la literatura disponible en francés y español y el Mecanismo para los programas forestales nacionales de la FAO coordinó todos los esfuerzos.

Es mi esperanza que encuentren la Recopilación pertinente y que les ayude en sus esfuerzos en pro de una ordenación forestal sostenible con fines múltiples sostenibles.

Jerker Thunberg
Director
Mecanismo de PFN

Introduction

Forest conflict is an issue that is receiving increased attention as the abuse of natural resources has contributed to the conflict and complicates the post-conflict reconstruction efforts. Whilst attention is focused on these armed conflicts, a larger number of forest conflicts are critical to local, national and international efforts to progress a 'people-oriented sustainable forestry' for livelihood development within states.

The complex linkages between forests and conflict – whether a small scale dispute or violent conflict - are often poorly understood. An increased recognition of the gaps in understanding has resulted in a number of global studies, comparative research projects, case studies, capacity building manuals and other reference materials which have focused on different aspects of forest related conflict and its management.

If a conflict is defined as 'a dispute or incompatibility caused by the actual or perceived opposition of needs, values and interests', then it would include armed disputes as well as disputes about the use of forests and forest land resources by stakeholders. Conflicts can be creative as the facilitation of resolution can encourage the development of approaches to management which provide benefits to different stakeholders in time and space.

The management of forest resources can provide important inputs into the economic and social development of a state and its peoples, especially when linked with wider initiatives for sustainable development. Benefits include livelihood development strategies of forest dependent peoples, production forestry for industrial purposes, as well as environmental services including watershed protection, biodiversity conservation and the development (in some localities) of eco-tourism. Forest conflict considerably reduces the ability to realise short and long term benefits for reconstruction and development.

Scope of Digest and Compendium

This digest focuses on outlining how understanding conflicts and the practice of conflict resolution approaches can be important for enhanced participation and better policy outcomes in the frame of National Forest Programmes. The accompanying compendium contains articles, case studies, manuals and other reference materials that address different aspects of the linkages between forests and conflict, including the following:

- (1) impact of conflict linked to the multi-objective nature of forest management which focuses on the balancing of competing interests;

- (2) impact of armed conflict on forests and role of forests in influencing armed conflict;
- (3) case studies providing accounts of conflicts and conflict management processes;
- (4) capacity building material and lessons learned from natural resources conflict management; and
- (5) evaluative studies on the impact of alternative conflict management approaches and development interventions on peace and conflict.

Overview of Issues

Conflict management as an important element in developing and implementing sustainable forest management protocols

Conflicts about forests occur in all states and are inherent in the nature of a resource that has multiple values (productive, recreational, biodiversity, cultural) for multiple stakeholders (local and national governments, citizens, private sector, international agencies). Conflicts can occur when multiple parties come together to decide, e.g. on setting laws and regulations, who should or should not participate in a given process, regulating resource access, management, taxation and numerous other tasks that are in the purview of forestry departments and forest stakeholders. However, such forest conflicts cannot be considered without an understanding of elements of political economy and culture operating within a state. Structural issues, including differences between customary and state law around resource tenure, contribute to the complexity of forest conflicts.¹ Inequalities within societies can affect the choices that people have in relation to conflict resolution, e.g. access to justice may be restricted on cost or time grounds for marginalised groups who then distrust solutions that emerge from processes which are alien to their worldview. It is important that good quality, responsive management systems are in place to deal with normal 'day to day' conflicts as well as to ensure that latent and low intensity conflicts can be resolved prior to any escalation. Where extensive forest resources occur in fragile states the risks to the integrity of the forest and to forest dependent communities are much greater.

Armed conflict – a substantive sub-category of conflicts

A UNEP² report on natural resources and conflict shows that since 1990, forests have played a significant role in 8 out of 18 armed intrastate conflicts. Forests can be the location for conflict, an object of conflict, or a way to finance conflict.

¹FAO, 2005. Warner, M., 2001. Tyler, S. T., 1999.

²UNEP, 2009.

Other estimates suggest that violent conflicts over forested land account for about 40 per cent of the world's tropical forest and over half of all tropical forest outside Brazil.³ While armed conflicts receive international attention, the detrimental impact of 'low intensity' conflicts involving minimal or sporadic violence in practically all countries should not be underestimated. Conflicts of lower intensity do not lead directly to violent death, but may play a role in relation to structural violence such as impeded development, disease, famine, forced migration etc. The International Federation of Red Cross and Red Crescent Societies (IFRC) estimates that there are at present millions of 'environmental refugees'.⁴ Sustainable forest management as well as food security often depend on distribution, access, institutions, and infrastructure, rather than on 'absolute' resource availability. The capacity of a state to manage conflict is a reflection of its ability to govern, with weak or 'failing states' being less able to manage forest conflicts. According to Collier, more than three-quarters of the people of the 'bottom billion' live in countries that have at some time been 'failing states'.⁵ Consideration of low intensity conflicts over the use of forests should be as high as the more visible armed conflicts. Although they are often unspectacular – due to few battle deaths – they are nevertheless highly relevant in their aggregation, as they have the potential to destabilize local areas, which in turn may have regional and global repercussions.⁶

It is this area, i.e. the conflict management of 'low intensity' conflicts, that this digest will focus on to facilitate the prevention of intensification of conflicts with the often horrendous consequences for the environment and citizens.

Forestry and Livelihood development – arguments over multipurpose visions for use?

Initial 'environmental conflict' research in the 1990s largely used case studies to examine what role renewable resources play in causing, prolonging and intensifying violent conflicts and insecurity. The underlying key hypothesis was that the environment determines human behaviour, and that conflicts over scarce resources become more likely with a rising global population with a desire for livelihood improvement that depends on natural resources on a daily basis.

³ CIFOR, 2003.

⁴ The research on environmental migration is controversial, for an overview see Gleditsch, N.P. et al, 2008.

⁵ Collier, P., 2007.

⁶ See CSS and Swisspeace, 2008. Paudel, K. P. & Kattel, B., 2006. See also Forest Action web site <http://www.forestaction.org/>

Two research groups were active in the early 1990s, the 'Toronto group' around Thomas Homer Dixon, and the 'Swiss group' around Günther Baechler and Kurt Spillmann (ENCOP studies). In general, these authors described cases where environmental degradation and relative resource scarcity were linked to sub-national conflicts, mainly in poor countries with subsistence economies. The case studies showed that the 'intermediary' political, economic and socio-cultural factors were vital in determining if and when a situation of scarcity or degradation led to violence or not.

Other scholars, including Paul Collier and Anke Hoeffler who started the famous 'greed and grievance' debate, have countered that it is not simply shortage but also abundance that can be, and often is, associated with violence.⁷

This Neo-Malthusian case study approach has been criticised by researchers such as Nancy Lee Peluso and Michael Watts (2001) who reject the idea that any of these factors can be viewed as unilateral causes for violence or conflict. The authors argue for a better understanding of 'violence as a site specific phenomenon rooted in local histories and social relations, yet connected to larger networks of power relations and processes of material transformation'.⁸ A key argument of this social constructivist approach is that conflicts are never mono-causal. The environment is only one amongst other conflict factors that need to be addressed in an integrated manner.

Another branch of research on the links between environment, conflict and cooperation can be identified as consisting of two converging strands: a) the resource and its management and b) conflict management approaches. Thus, better management of the resource itself becomes important to adequately deal with the conflict. For instance, the quality of land allocated for community management can affect the time to return on investment by these communities.⁹

The case studies¹⁰ and articles included in this compendium highlight this notion of conflict as a site specific phenomenon and the importance of understanding the wider political and socio-economic setting in which conflicts occur. They provide accounts of conflicts and conflict management processes in a wide range of different settings, anticipating that much can be learned by comparison of diverse situations.

⁷ Collier & Hoeffler, A., 2000.

⁸ Peluso & Watts, 2001.

⁹ Fisher, R., Veer, C. & Mahanty S., 2008. See also FAO, 2006.

¹⁰ Buckles, D, 1999. FAO. 2003, 2007. Ramiarantsoa, H.R., Thibaud, B. & Peyrusaube, D., 2008.

National sovereignty and responsible resource management

National sovereignty over natural resources is well recognised within the UN.¹¹ However, recent discussions of state responsibility¹² and a growing awareness of the importance of forests as a 'common concern of humankind'¹³ for biodiversity conservation, livelihood development and climate change mitigation are important for national forest programmes as they may restrict management and funding choices.

Important forested areas (including watersheds) occur as 'transboundary' areas and as climate change 'bites' the possibility of major conflict over the management of forest resources and watersheds could escalate into 'interstate' conflict. Therefore the development of international law in relation to transboundary resource management¹⁴ is important for forestry. It is possible that negotiations to plan and manage these sites through 'Transfrontier Conservation Areas' (TCAs) could increase security and build trust.¹⁵ The wider international community could facilitate these processes through the provision of mediators, capacity strengthening and appropriate funding to manage these important resources as part of the principle of 'common but differentiated responsibilities'.¹⁶

National Sovereignty can also be tempered by consideration of issues of 'self-determination' for indigenous peoples and citizens. Consideration of state responsibility highlights the human rights dimension of sustainable forest management, including the cultural rights of indigenous peoples.¹⁷ The United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007, has clear commitments to self-determination, as well as the right to Free Prior Informed Consent (FPIC) which applies to forestry land resources.¹⁸

¹¹ Schrijver, N., 1997.

¹² UN, 2004.

¹³ Convention on Biological Diversity.

¹⁴ International Law commission. Draft articles on Prevention of transboundary harm from hazardous activities. Adopted by the International Law commission at its fifty-third session.

¹⁵ The Southern African Development Community (SADC) Protocol on Wildlife Conservation and Law Enforcement of 1999 defines a TFCA as "the area or component of a large ecological region that straddles the boundaries of two or more countries, encompassing one or more protected areas as well as multiple resource use areas". The Protocol commits the SADC Member States to promote the conservation of shared wildlife resources through the establishment of transfrontier conservation areas.

<http://www.peaceparks.org/faq.php?pid=300&mid=438> . See also Ali, S.H., 2007.

¹⁶ Sands, P., 2004.

¹⁷ See for instance Stavenhagen, R., 2002.

¹⁸ United Nations adopts Declaration on Rights of Indigenous Peoples:

<http://www.un.org/esa/socdev/unpfii/en/declaration.html>

Anaya, S. J. & Grossman, C., 2002. Anaya, S. J. & Williams, R.A, Jr., 2001. See also the Forest Peoples Programme <http://www.forestpeoples.org/>

Conflict Resolution, Management and Prevention?

In parallel with the growing significance of conflict as an issue in natural resource management and environmental policy, the international dialogue about preventing, managing and/or resolving conflicts has intensified. Depending on the level at which the conflict takes place (international, national, local), these processes come under different labels.

Environmental peacebuilding brings parties in conflict together in several ways to work on environmental issues to build confidence and reduce political tensions. Environmental peacemaking programmes are still in the early stages of development and there is still much to learn about the conditions required for success. However, when parties are locked in bitter conflict, environmental issues can provide a forum for dialogue and serving as a communication lifeline between warring groups.

It is however not enough to agree to cooperate; the form and content of this cooperation is also critical.¹⁹ The characteristics of the forest resource itself, including lack of knowledge about detailed environmental processes with high levels of interdependency, and power relations of stakeholders with different knowledge paradigms and expectations, can create conflicts of interest and perception. Forest conflict resolution processes need to operate with high degrees of uncertainty, which restricts the predictability of outcomes.²⁰ The complexity of conflict resolution and sustainable forest management requires support to increase the capacity of state and non-state actors to effectively engage in appropriate processes.

Some organisations and individuals that are engaged in the management and resolution of conflicts²¹ have attempted to meet this demand by drawing up practical theory, guidelines and useful tools which enable those involved to systematically assess and understand conflict situations and to develop appropriate action strategies.

A number of case studies²² have been included in this compendium to highlight that conflicts - when handled well - can also have potentially constructive and positive outcomes. They show that conflicts may trigger innovative and creative thinking, and are a necessary part of change. Conflict resolution processes may clarify the policies, institutions and processes that regulate access to or control over forest resources. They can also alert policy makers towards lack of or insufficient coordination in the implementation of natural resources

¹⁹ Conca, K. & Dabelko, G.D., 2002.

²⁰ Berkes, F. & Folke, C., 2000. Norton, B. G., 2005.

²¹ including Responding to Conflict, UK; Centre for Dispute Resolution, Associates, USA; Resolve, Inc., USA.

²² See Buckles, D., 1999. FAO, 2003, 2007.

management policies or laws. These processes can also draw attention to the neglect of some people's needs, rights, interests and priorities.

The field of forestry conflict management can draw on many of the experiences with 'alternative dispute resolution'.²³ 'Alternative dispute resolution' is an overarching term for collaborative and consensus based strategies which were developed and applied with considerable success to supplement traditional decision-making procedures for the resolution of conflicts. The various procedures aim to bring together all interested but opposing parties to solve problems jointly: to 'negotiate' a solution acceptable to all.²⁴

While interest and use of alternative dispute resolution and environmental mediation has grown, empirical proof about the effectiveness of environmental mediation efforts to resolve conflicts is hard to produce. One exception is the evaluative research done by Bingham and O'Leary.²⁵ The authors have contrasted attributes of environmental mediation efforts with costs, time spent, disputant satisfaction, and outcomes of the judicial administrative forums in which environmental concerns would be otherwise addressed. The comparison concluded that mediation is at least moderately more efficient in terms of cost, process efficiency and disputant satisfaction. This evidence contributes to enhancing the legitimacy of environmental mediation as a real conflict resolution process.

However, the question remains as to how an enhanced awareness of the importance of addressing forest conflict has been translated into practical strategies and actions so far. A growing number of bilateral and international development agencies²⁶ have devised research projects, strategies and programmes to contribute to reducing or resolving conflict in the context of international development.

An important element of 'alternative dispute resolution' is access to information which builds on the Rio Declaration Principle 10²⁷ which articulates the need for citizens to have access to information and for public participation in decision making backed up with effective access to judicial and administrative proceedings. Without equal access to information those stakeholders in conflict resolution processes are not able to contribute fairly and 'in good faith'.

²³ Susskind, 1999. Moore, 2003. Warner, 2001. FAO, 2003. FAO, 2005.

²⁴ See a field level example in Cynthia McDougall *et al*, 2008 or FAO, 2007.

²⁵ Bingham, G., 2001. O'Leary & Bingham, G., 2003.

²⁶ e.g. DfID, GTZ, USAID, UNEP, World Bank, FAO.

²⁷ Rio Declaration on Environment and Development – 1992, Principle 10. Articulated in the 'Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark on 25 June 1998' for members of the UNECE including the EU.

FLEGT (Forest Law Enforcement, Governance and Trade)

Large scale violent forest conflict is central to a number of recent Forest Law, Enforcement, Governance and Trade initiatives and has become a prominent theme on the agenda of high level international meetings. In particular the trade of 'conflict timber' has been a destabilizing factor in countries with tropical forests, as it has long been associated with corruption, unsustainable deforestation and has helped to fuel long and bloody conflicts.²⁸ FLEGT processes can be a valuable way to clarify the legal frameworks for forest management in a country, but the question remains around how to include customary law processes, especially in relation to FPIC for indigenous peoples.

FLEGT processes are important as they raise the issue of state responsibility for the creation of a suitable regulatory framework for forest sector operations. The private sector is a significant and influential non-state actor in the forest industry. Within the forest industry's 'sphere of influence',²⁹ increased transparency around concessions, funding, certification and sale of timber reduces the value of 'conflict timber' from armed or other conflicts.

National and International responsibilities, risks and opportunities

Forest resources are widely traded internationally as well as nationally. Primary responsibility for establishing appropriate frameworks for sustainable forest management, including conflict resolution, rests with the state in which the forest resources are located. However, there are developing obligations under international law for the international community to implement regulatory frameworks to oversee private sector enterprises to ensure that they are not complicit in human rights and environmental abuses which are often linked to conflicts.³⁰

The design of internationally supported processes such as FLEGT, REDD, CBD, and international development aid must ensure that at the minimum their actions 'do no harm' to forest resources and forest dependent communities. More positively, conflict mitigation and resolution processes can assist in the implementation of agreed National Forest Plans.

²⁸ See Global Witness on Forests and Conflict Campaign: <http://www.globalwitness.org/pages/en/forests.html>

²⁹ A key concept of the Global Compact as businesses cannot be responsible for, nor complicit in, all human rights abuses within a State with which it does business.

³⁰ Possible challenge for environmental damage as a Crime Against Humanity has been postulated as possibly falling under the jurisdiction of the International Criminal Court see Schabas, W., 2001.

In summary, the growing number of publications on 'forests and conflict' reflects a growing awareness of the scope, magnitude and implications of forest related conflict. They show how the policy environment casts a broad influence over the nature, incidence and intensity of forest conflicts and on the operation of conflict management processes. They also show that there are still major gaps in our understanding of the causal relationships between forests and conflict which make it difficult to reliably address these links. Ongoing support for research and skills development to enable effective policies and forest management systems to be implemented would reduce the risk that low intensity conflicts escalate into armed wider conflicts with detrimental effects on the environment and communities.

Introduction

Le conflit forestier est un thème qui fait l'objet d'une attention accrue car l'utilisation abusive des ressources naturelles a contribué aux conflits et complique les efforts de reconstruction consécutifs. S'il est vrai que l'attention porte, dans une large mesure, sur les conflits armés, il n'en demeure pas moins qu'un grand nombre de litiges forestiers exercent une influence marquée sur les mesures prises aux niveaux local, national et international pour promouvoir une 'foresterie durable axée sur la personne' apte à améliorer les moyens d'existence dans les pays.

Les liens complexes qui se nouent entre les forêts et les conflits – qu'il s'agisse de litiges d'une modeste envergure ou de conflits violents – sont souvent mal compris. La reconnaissance accrue des lacunes inhérentes à cette mécompréhension a donné lieu à diverses études mondiales, à de projets de recherche comparative, à d'études de cas, à des manuels visant le renforcement des capacités et à d'autres matériels de référence qui ont analysé différents aspects de la forêt liés aux conflits et à leur gestion.

Si le conflit était défini comme 'un litige ou une incompatibilité dus à un désaccord réel ou perçu sur les besoins, valeurs et intérêts', il engloberait les conflits armés aussi bien que les litiges concernant l'utilisation des forêts et des ressources forestières par les parties prenantes. Dans certains cas, les conflits peuvent être créatifs car, en facilitant le règlement, on encourage souvent l'adoption d'approches de la gestion qui assurent aux différentes parties prenantes des avantages dans le temps et l'espace.

La gestion des ressources forestières peut contribuer sensiblement au développement économique et social d'un État et de ses citoyens, notamment si elle est liée à d'importantes initiatives en faveur du développement durable. Parmi les avantages figurent la formulation de stratégies d'amélioration des moyens d'existence des populations tributaires de la forêt, la production forestière à des fins industrielles, ainsi que des services environnementaux comprenant la protection des bassins versants, la conservation de la biodiversité et le développement (en certains endroits) de l'écotourisme. Les conflits forestiers réduisent notablement l'aptitude à concrétiser des avantages à court et long terme pour la reconstruction et le développement.

L'abrégé et son recueil

Cet abrégé vise à décrire comment la compréhension des raisons d'un conflit et des pratiques de règlement peut, dans le cadre des programmes forestiers nationaux, encourager la participation et favoriser le succès des politiques. Le recueil qui l'accompagne contient

des articles, des études de cas, des manuels et d'autres documents de référence qui portent sur différents aspects des liens qui existent entre les forêts et les conflits, y compris les suivants:

- 1) l'impact du conflit lié au caractère polyvalent de la gestion forestière qui vise à établir un équilibre entre des intérêts concurrentiels;
- 2) l'impact du conflit armé sur les forêts et influence des forêts sur le conflit armé;
- 3) des études de cas fournissant des descriptions de conflits et de processus de gestion des conflits;
- 4) du matériel servant au renforcement des capacités et enseignements tirés de la gestion des conflits concernant les ressources naturelles;
- 5) des études d'évaluation de l'impact d'approches alternatives de la gestion des différends et des interventions en faveur du développement qui concernent la paix et le conflit.

Aperçu des questions en jeu

La gestion des conflits comme élément fondamental de l'élaboration et de la mise en œuvre de protocoles de gestion durable des forêts

Les conflits concernant les forêts éclatent dans tous les États et sont inhérents à la nature même d'une ressource qui revêt de multiples valeurs aux plans de la production, des loisirs, de la biodiversité et de la culture pour un grand nombre de parties prenantes (gouvernements local et national, citoyens, secteur privé, organisations internationales). Les conflits peuvent se produire lorsque de multiples parties prenantes se réunissent pour prendre des décisions concernant, par exemple, l'établissement de lois et de règlements, la désignation des individus qui devraient ou non participer à un processus donné, la réglementation de l'accès aux ressources, leur gestion, leur taxation et de nombreuses autres tâches qui sont du ressort des départements des forêts et des parties prenantes forestières. Ces litiges forestiers ne peuvent toutefois être réellement pris en compte sans la compréhension d'éléments inhérents à l'économie politique et au type culture en vigueur dans un État. Les questions structurelles, y compris les différences entre la loi coutumière et le droit national concernant la propriété des ressources, contribuent à la complexité des conflits forestiers.³¹ Les inégalités au sein des sociétés peuvent influencer les choix que font les personnes vis-à-vis du règlement d'un conflit: l'accès à la justice pourrait être limité par le niveau trop élevé des coûts ou du temps employé pour des groupes marginalisés qui se méfient des solutions émanant de

³¹ FAO, 2005. Warner, M., 2001. Tyler, S.T., 1999.

processus qui sortent du cadre de leur milieu. Il importe que des systèmes de gestion efficaces et compréhensifs soient établis pour régler des litiges ordinaires et faire également en sorte que les litiges latents ou à faible intensité se résolvent avant de gagner trop d'ampleur. Lorsque des États fragiles sont dotés d'abondantes ressources forestières les dangers qui menacent l'intégrité des forêts et les communautés qui en dépendent sont beaucoup plus graves.

Conflit armé – une sous-catégorie importante des conflits

D'après un rapport du PNUÉ³² sur les ressources naturelles et les conflits, depuis 1990, les forêts ont joué un rôle crucial dans 8 sur 18 conflits armés nationaux. Les forêts peuvent être le lieu du conflit, un objet de litige ou un moyen de financer le conflit. Suivant d'autres estimations, les conflits violents autour de terres boisées touchent 40 pour cent environ des forêts tropicales mondiales et plus de la moitié des forêts tropicales hors du Brésil.³³ Bien que les conflits armés fassent l'objet d'une attention internationale, il ne faut pas sous-estimer l'effet adverse des litiges à 'faible intensité' peu violents et sporadiques qui se manifestent dans pratiquement tous les pays. Les conflits à faible intensité n'aboutissent pas directement à des morts violentes, mais pourraient jouer un rôle important par rapport à la violence structurelle en empêchant, par exemple, le développement, en provoquant des maladies, la famine, la migration forcée, etc. La Fédération internationale des sociétés de la Croix-rouge et du Croissant rouge (IFRC) estime qu'à l'heure actuelle il existe des millions de 'réfugiés de l'environnement'.³⁴ La gestion durable des forêts ainsi que la sécurité alimentaire dépendent souvent davantage de facteurs comme la distribution des ressources et leur accès, les institutions et les infrastructures, que de la disponibilité 'absolue' de ressources. La capacité d'un État de gérer le conflit traduit son aptitude à gouverner, les États faibles ou 'défaillants' étant moins capables de gérer les conflits forestiers. D'après Collier, plus des trois quarts des personnes vivant avec moins d'un dollar par jour habitent des pays qui ont été, à un moment donné, des États 'défaillants'.³⁵ Il faudra donner le même poids aux litiges à faible intensité pour l'utilisation des ressources forestières qu'aux conflits armés plus visibles. Bien qu'ils soient souvent moins spectaculaires – en raison du faible nombre de morts sur le champ de bataille – ils n'en sont pas moins très importants quand ils se regroupent, car ils peuvent

³² PNUÉ, 2009.

³³ CIFOR, 2003.

³⁴ La recherche en matière de migration environnementale est sujette à controverse, pour un aperçu voir Gleditsch, N,P, et al, 2008.

³⁵ Collier, P., 2007.

déstabiliser des zones locales, qui à leur tour pourraient provoquer des répercussions régionales et mondiales.³⁶

C'est sur la gestion des conflits à 'faible intensité' que se concentrera l'abrégié, dans le but de prévenir l'intensification des conflits qui ont souvent d'effroyables retombées sur l'environnement et les citoyens.

La foresterie et l'amélioration des moyens d'existence – observations sur les visions polyvalentes de l'utilisation

La recherche initiale sur les 'conflits environnementaux' dans les années 1990 utilisait, dans une large mesure, des études de cas pour examiner le rôle que jouent les ressources renouvelables dans la provocation, le prolongement et l'intensification de conflits violents et de l'insécurité. Il était estimé que l'environnement détermine le comportement humain et que les conflits autour de maigres ressources se multiplient probablement face à l'augmentation d'une population mondiale désireuse d'améliorer ses moyens d'existence qui dépendent de l'utilisation quotidienne des ressources naturelles.

Deux groupes de chercheurs ont été particulièrement actifs au début des années 1990, le 'Groupe de Toronto' autour de Thomas Homer Dixon, et le 'Groupe suisse' autour de Günther Baechler et Kurt Spillmann (études ENCOP). D'une manière générale, ces auteurs ont décrit des cas où la dégradation de l'environnement et la rareté relative des ressources étaient liées à des conflits sous-nationaux, notamment dans les pays pauvres aux économies de subsistance. Les études de cas montraient que des facteurs politiques, économiques et socioculturelles 'intermédiaires' jouaient un rôle vital en déterminant si et quand une situation de pénurie ou de dégradation déboucherait ou non sur la violence.

D'autres chercheurs, dont Paul Collier et Anke Hoeffler, qui ont lancé le fameux débat 'grief ou avidité?', ont riposté que ce n'est pas seulement la pénurie mais aussi l'abondance qui peut être et souvent est associée à la violence.³⁷

Cette approche néo-malthusienne de l'étude de cas a été critiquée par d'autres chercheurs, comme Nancy Lee Peluso et Michael Watts (2001), qui rejettent l'idée que des facteurs, quels qu'ils soient, puissent être considérés comme des causes unilatérales de violence ou de conflit. Les auteurs soutiennent qu'il faut une meilleure compréhension de la 'violence comme phénomène propre à un site, enracinée dans les histoires locales et les relations sociales, mais liée à d'importants réseaux de relations de pouvoir et à des processus de

³⁶ Voir CSS et Swisspeace, 2008. Paudel, K.P. et Kattel, B, 2006. Voir aussi le site de Forest Action: <http://www.forestaction.org/>

³⁷ Collier et Hoeffler, A, 2000.

transformation matérielle'.³⁸ D'après un argument clé de cette approche sociale constructiviste, les conflits n'ont jamais une cause unique. L'environnement n'est que l'un des différents facteurs de conflit qu'il faut traiter d'une manière intégrée.

Un autre domaine de la recherche sur les liens entre l'environnement, le conflit et la coopération consisterait en deux courants de pensée convergents: a) la ressource et sa gestion et b) les approches de la gestion du conflit. C'est ainsi qu'une meilleure gestion de la ressource devient, elle-même, un facteur important de règlement adéquat d'un conflit. La qualité de la terre assignée à une gestion communautaire peut, par exemple, influencer le moment du rendement du capital investi par ces communautés.³⁹

Les études de cas⁴⁰ et les articles compris dans ce recueil mettent en évidence cette notion de conflit comme phénomène propre au site et l'importance de comprendre le milieu politique et socioéconomique élargi dans lequel éclatent les conflits. Elles offrent le compte rendu du conflit et indiquent les processus de sa gestion dans un grand nombre de situations différentes, prévoyant les leçons pouvant être tirées de la comparaison de diverses situations.

Souveraineté nationale et gestion responsable des ressources

La souveraineté nationale sur les ressources naturelles est bien reconnue au sein des Nations Unies.⁴¹ Cependant, les débats récents sur la responsabilité⁴² de l'État vis-à-vis des ressources naturelles et la prise de conscience croissante de l'importance des forêts comme 'patrimoine commun de l'humanité'⁴³ pour la conservation de la biodiversité, l'amélioration des moyens d'existence et l'atténuation du changement climatique sont importants pour les programmes forestiers nationaux car ils peuvent réduire les choix du type de gestion et de financement à pratiquer.

Les grandes surfaces forestières (y compris les bassins versants) occupent des zones 'transfrontalières' et à mesure qu'elles subissent les changements climatiques, s'accroît la possibilité que de graves litiges portant sur la gestion des ressources forestières et des bassins versants se transforment en un conflit national. C'est pourquoi le renforcement du droit international vis-à-vis de la gestion de

³⁸ Peluso et Watts, 2001.

³⁹ Fisher, R., Veer, C. et Mahanty S., 2008. Voir aussi FAO, 2006.

⁴⁰ Buckles, D. 1999; FAO, 2003, 2007, Ramiarantsoa, H.R., Thibaud, B. et Peyrusaube, D., 2008.

⁴¹ Schrijver, N., 1997.

⁴² ONU, 2004.

⁴³ Convention sur la diversité biologique.

ressources transfrontalières⁴⁴ revêt beaucoup d'importance pour les forêts. Il est possible que les négociations visant à planifier et gérer ces sites comme aires de conservation transfrontalières puissent accroître la sécurité et instaurer la confiance.⁴⁵ La communauté internationale élargie pourrait faciliter ces processus grâce à l'envoi de médiateurs, au renforcement des capacités et à un financement approprié pour gérer ces importantes ressources au nom du principe des 'responsabilités communes mais différenciées'.⁴⁶

La souveraineté nationale peut également être tempérée par la question de 'l'autodétermination' des populations autochtones et des citoyens. La prise en compte de la responsabilité étatique met en évidence la dimension des droits humains inhérente à la gestion durable des forêts, y compris les droits culturels des populations autochtones.⁴⁷ La Déclaration de l'ONU sur les droits des populations autochtones, adoptée le 13 septembre 2007, illustre clairement le droit à l'autodétermination, ainsi que le droit au consentement préalable libre en connaissance de cause qui s'applique aux ressources forestières.⁴⁸

Résolution, gestion et prévention des conflits?

Parallèlement à l'importance croissante du conflit comme problème intéressant la gestion des ressources naturelles et les politiques environnementales, le dialogue international sur la prévention, la gestion et/ou le règlement des conflits s'est intensifié. Suivant le niveau auquel a lieu le conflit (international, national, local) ces processus portent des étiquettes différentes.

La consolidation de la paix environnementale réunit les adversaires de diverses façons pour traiter les questions de l'environnement aux fins d'instaurer la confiance et de réduire les tensions politiques. Les programmes de conciliation environnementale en sont encore à des stades préliminaires de développement et beaucoup reste à apprendre

⁴⁴ Commission du droit international. Articles provisoires sur la prévention des dommages transfrontaliers dus à des activités dangereuses. Adoptés par la Commission du droit international à sa 53^e session.

⁴⁵ Le protocole de la Communauté du développement d'Afrique australe (SADC) sur la conservation de la faune sauvage et l'application de la loi de 1999 définit une aire de conservation transfrontalière comme 'une aire ou un élément d'une vaste région écologique qui chevauche les frontières de deux pays ou davantage, englobant une ou plusieurs aires protégées ainsi que des aires d'utilisation polyvalente'. Le protocole engage les pays membres de la SADC à promouvoir la conservation de ressources fauniques partagées par l'établissement d'aires de conservation transfrontalières. <http://www.peaceparks.org/faq.php?pid=300&mid=438>. Voir aussi Ali, S.H., 2007.

⁴⁶ Sands, P., 2004.

⁴⁷ Voir, par exemple, Stavenhagen, R., 2002.

⁴⁸ Les Nations Unies adoptent la Déclaration sur les droits des populations autochtones: <http://www.un.org/esa/socdev/unpfil/en/declaration.html>
Anaya, S.J. et Grossman, C., 2002. Anaya, S.J. et Williams, R.A, Jr., 2001. Voir aussi Forest Peoples Programme: <http://www.forestpeoples.org/>

sur les conditions nécessaires pour assurer leur succès. Toutefois, lorsque les parties sont engagées dans un conflit acharné, les questions environnementales peuvent offrir une instance de dialogue et servir de dispositif de communication entre groupes belligérants.

Il ne suffit cependant pas d'accepter tout simplement de collaborer; la forme et le fond de cette collaboration sont également délicats.⁴⁹ Les caractéristiques de la ressource forestière elle-même, y compris le manque de connaissance sur les processus environnementaux complexes ayant des niveaux élevés d'interdépendance et les relations de pouvoir des parties prenantes possédant différents types de connaissances et ayant différentes attentes, peuvent déterminer des conflits d'intérêt et de perception. Les processus de règlement des litiges forestiers doivent agir avec des niveaux élevés d'incertitude ce qui réduit la prévisibilité des résultats.⁵⁰ La complexité du règlement des litiges et de la gestion durable des forêts exige un soutien pour renforcer la capacité des acteurs étatiques et non étatiques de s'engager dans des processus appropriés.

Certaines organisations et individus qui s'occupent de la gestion et du règlement des conflits⁵¹ ont tenté de répondre à cette exigence en élaborant des théories pratiques, des directives et des outils permettant aux intéressés d'évaluer systématiquement et de comprendre les situations de conflit et de formuler des stratégies d'action appropriées.

Ce recueil comprend un certain nombre d'études de cas⁵² visant à souligner que les conflits – lorsqu'ils sont bien gérés – peuvent avoir aussi des résultats potentiellement constructifs et positifs. Elles montrent que les conflits peuvent favoriser des modes de réflexion novateurs et créatifs et font partie intégrante du changement. Les processus de règlement des conflits peuvent clarifier les politiques, les institutions et les processus qui régissent l'accès aux ressources forestières ou leur contrôle. Ils peuvent aussi avertir les responsables des politiques du manque de coordination ou de son insuffisance dans la mise en œuvre des politiques ou règlements de gestion des ressources naturelles. Ces processus peuvent aussi attirer l'attention sur la non prise en compte des besoins, droits, intérêts et priorités de certains individus.

Le domaine de la gestion des litiges forestiers peut tirer parti de nombreuses expériences relatives au 'règlement alternatif des différends'.⁵³

⁴⁹ Conca, K. et Dabelko, G.D., 2002.

⁵⁰ Berkes, F. et Folke, C., 2000. Norton, B.G., 2005.

⁵¹ Y compris Responding to conflict, Royaume-Uni; Centre for Dispute Resolution, Associates, E-U.A.; Resolve, Inc., E-U.A.

⁵² Voir Buckles, D., 1999. FAO, 2003, 2007.

⁵³ Susskind, 1999. Noore, 2003. Warner, 2001. FAO, 2003. FAO, 2005.

C'est là un terme qui englobe les stratégies fondées sur la collaboration et le consensus qui ont été mises au point et appliquées avec un succès considérable pour compléter les procédures de prise de décisions traditionnelles pour le règlement des litiges. Les différentes procédures visent à réunir toutes les parties intéressés mais adverses afin de résoudre les problèmes de concert: de 'négocier' une solution acceptable par toutes les parties en jeu.⁵⁴

Bien que l'intérêt pour les modes de règlement alternatif des différends et leur usage et pour la médiation environnementale se soit accru, il est difficile de produire des preuves empiriques de l'efficacité de la médiation environnementale pour le règlement des litiges. Il existe cependant une exception, à savoir la recherche évaluative entreprise par Bingham et O'Leary.⁵⁵ Les auteurs ont comparé les attributs de la médiation environnementale avec les coûts encourus, le temps utilisé, la satisfaction des parties adverses et les résultats des instances judiciaires administratives où les questions environnementales seraient autrement débattues. D'après la conclusion de la comparaison, la médiation serait du moins modérément plus efficace sous l'angle des coûts, de l'efficacité du processus et de la satisfaction des parties adverses. Cette preuve contribue à renforcer la légitimité de la médiation environnementale comme processus réel de règlement des litiges.

Reste cependant la question de savoir comment la prise de conscience accrue de l'importance de régler les litiges forestiers s'est traduite jusqu'ici en stratégies et actions pratiques. Un nombre croissant d'institutions bilatérales et internationales oeuvrant pour le développement⁵⁶ ont conçu des projets de recherche, des stratégies et des programmes pour contribuer à la réduction ou au règlement des litiges dans le cadre du développement international.

Un élément important du mode de règlement alternatif des litiges est l'accès aux informations que promeut le Principe 10⁵⁷ de la Déclaration de Rio, qui exprime le besoin pour tous les citoyens d'avoir dûment accès aux informations relatives à l'environnement, la possibilité de participer aux processus de prise de décisions ainsi qu'un accès effectif à des actions judiciaires et administratives. Sans un accès égal aux informations les parties prenantes participant à des processus de règlement des litiges ne pourront y contribuer de manière juste et 'de bonne foi'.

⁵⁴ Voir un exemple de terrain dans Cynthia McDougall *et al*, 2008 ou FAO, 2007.

⁵⁵ Bingham, G., 2001. O'Leary et Bingham, G., 2003.

⁵⁶ DfID, GTZ, USAID, PNUE, Banque mondiale, FAO, par exemple.

⁵⁷ Déclaration de Rio sur l'environnement et le développement – 1992, Principe 10.

Exprimée dans la Convention sur l'accès aux informations, la participation publique à la prise de décision et l'accès à la justice pour les questions environnementales, tenue à Aarhus, Danemark, en juin 1998 pour les membres de la CENUE y compris l'UE.

Application des règlements forestiers, gouvernance et échanges commerciaux (FLEGT en anglais)

Les litiges forestiers violents et à grande échelle est le thème dominant d'un grand nombre d'initiatives mises en œuvre récemment pour l'application des règlements forestiers, la gouvernance et les échanges commerciaux, devenant un thème central du programmes de réunions internationales de haut niveau. Notamment, le commerce du 'bois de conflit' s'est avéré un facteur de déstabilisation dans les pays dotés de forêts tropicales car il a longtemps été associé à la corruption et à la déforestation anarchique, et a contribué à alimenter des conflits longs et sanglants.⁵⁸ Les processus FLEGT peuvent rendre un service précieux en clarifiant les cadres juridiques de la gestion forestière dans un pays, mais reste la question de savoir comment inclure les processus des lois coutumières, notamment en ce qui concerne le consentement préalable en connaissance de cause pour les populations autochtones.

Les processus FLEGT sont importants car ils soulèvent la question de la responsabilité étatique de la création d'un cadre réglementaire adapté pour les opérations du secteur forestier. Le secteur privé est un acteur non étatique important et puissant dans l'industrie forestière. Dans la sphère d'influence de l'industrie forestière,⁵⁹ la transparence accrue en matière de concessions, financement, certification et vente du bois réduit la valeur du bois de conflit tiré de litiges armés ou d'autres types de différends.

Responsabilités, risques et opportunités aux niveaux national et international

Les ressources forestières font l'objet d'importants échanges commerciaux au plan international aussi bien que national. La responsabilité principale de l'établissement de cadres appropriés pour la gestion durable des forêts, y compris le règlement des différends, incombe à l'État dans lequel se situent les ressources forestières. Cependant, au titre du droit international, la communauté internationale est tenue de mettre en œuvre des cadres réglementaires permettant de surveiller les entreprises du secteur privé et de vérifier qu'elles ne soient pas complices de violations des droits humains ou d'abus vis-à-vis de l'environnement qui sont souvent liés aux conflits.⁶⁰

⁵⁸ Voir Global Witness on Forests and Conflict Campaign: <http://www.globalwitness.org/pages/en/forests.html>

⁵⁹ D'après le Pacte mondial, l'industrie ne peut être responsable ou complice de toutes les violations des droits humains d'un État avec lequel il a des rapports commerciaux.

⁶⁰ Il a été postulé que la désignation des dommages à l'environnement comme un crime contre l'humanité pouvait être du ressort de la Cour pénale internationale. Voir Schabas, W., 2001.

La conception de processus convenus au plan international, comme FLEGT, la REDD, la CDB et l'aide au développement international, doit garantir que les actions entreprises ne 'nuisent pas' aux ressources forestières et aux communautés qui en dépendent. Autrement dit, les processus d'atténuation et de règlement des litiges peuvent contribuer à la mise en œuvre de programmes forestiers nationaux convenus.

Pour conclure, le nombre croissant de publications sur les forêts et les conflits souligne la prise de conscience croissante de la portée, de l'ampleur et des répercussions des litiges qui ont pour cadre la forêt. Elles montrent comment l'environnement politique exerce une forte influence sur la nature, l'incidence et l'intensité des litiges forestiers, et sur le mode d'opérer des processus de gestion des conflits. Elles montrent aussi qu'il existe encore de profondes lacunes dans notre compréhension du rapport de cause à effet entre les forêts et les conflits qui fait qu'il est difficile de le traiter de façon fiable. Un soutien continu donné à la recherche et le perfectionnement des compétences permettant la mise en œuvre de politiques et de systèmes de gestion des forêts efficaces réduirait le risque que des litiges à faible intensité se transforment en grands conflits armés qui auraient des effets dévastateurs sur l'environnement et les communautés.

Introducción

La temática sobre los conflictos forestales está recibiendo mayor atención dado que el abuso de los recursos naturales ha contribuido a crear conflictos y complica los esfuerzos de reconstrucción posteriores al mismo. Si bien la atención se centra en estos conflictos armados, un gran número de conflictos forestales son decisivos para los esfuerzos locales, nacionales e internacionales de avanzar una 'actividad forestal sostenible orientada hacia la población' para el desarrollo de los medios de subsistencia en los Estados.

Los vínculos complejos entre los bosques y los conflictos – ya sea una pequeña controversia o un conflicto violento – a menudo no se comprenden bien. Un mayor reconocimiento de los vacíos en la comprensión ha determinado una serie de estudios mundiales, proyectos comparativos de investigación, estudios de caso, manuales de creación de capacidades y otros materiales de referencia que se han centrado en los diferentes aspectos de los conflictos relacionados con el bosque y su ordenación.

Si un conflicto se define como 'una controversia o incompatibilidad causada por la oposición real o percibida de las necesidades, valores e intereses' incluiría por tanto, los conflictos armados, así como los conflictos acerca de la utilización de los bosques y de los recursos de las tierras forestales por las partes interesadas. Los conflictos pueden ser creativos puesto que al facilitar la resolución pueden estimular la adopción de enfoques para la ordenación que proporcionen beneficios a las diferentes partes interesadas tanto en el espacio como en el tiempo.

La ordenación de los recursos forestales puede brindar una importante información al desarrollo económico y social de un Estado y de su población, especialmente cuando se la vincula con las iniciativas más amplias para un desarrollo sostenible. Los beneficios incluyen las estrategias de desarrollo de los medios de subsistencias de las poblaciones que dependen de los bosques, las actividades forestales de producción para fines industriales, así como los servicios ambientales, entre ellos, la protección de las cuencas hidrográficas, la conservación de la biodiversidad y el desarrollo (en algunas localidades) del turismo ecológico. El conflicto forestal reduce notablemente la capacidad de reconocer los beneficios a corto y largo plazo para la reconstrucción y el desarrollo.

Alcance de la Recopilación y el Compendio

La presente Recopilación se centra en exponer de qué manera comprender los conflictos y cómo la práctica de los métodos de resolución de conflictos pueden ser importantes para potenciar la participación y mejorar los resultados de las políticas en el marco de

los Programas forestales nacionales. El compendio que acompaña contiene artículos, estudios de caso, manuales y otros materiales de referencia que abordan diferentes aspectos de los vínculos entre los bosques y los conflictos, incluyendo los siguientes:

- 1) impacto del conflicto relacionado con la naturaleza de objetivos múltiples de la ordenación forestal que se centra en el equilibrio de los intereses contrapuestos;
- 2) impacto del conflicto armado en los bosques y la función de los bosques respecto de la influencia sobre el conflicto armado;
- 3) estudios de caso que proporcionan explicaciones sobre los conflictos y los procesos de manejo de conflictos;
- 4) material de creación de capacidades y enseñanzas extraídas sobre el manejo de conflictos sobre los recursos naturales;
- 5) estudios de evaluación sobre el impacto de los enfoques alternativos de manejos de conflictos y las actividades de desarrollo en la paz y en los conflictos.

Panorama de temas

Manejo de conflictos como un importante elemento en el desarrollo e implementación de los protocolos de ordenación forestal sostenible

Los conflictos acerca de los bosques se producen en todos los Estados y son inherentes a la naturaleza de un recurso que tiene valores múltiples (productivo, recreativo, biodiversidad, cultural) para múltiples partes interesadas (gobiernos locales y nacionales, ciudadanos, sector privado, organismos internacionales). Los conflictos pueden aparecer cuando las partes múltiples se reúnen para decidir, por ejemplo, sobre la formulación de leyes y reglamentaciones, sobre quién debería participar y quién no en un proceso dado, la reglamentación de acceso a los recursos, la ordenación, la carga impositiva y otras numerosas tareas que son competencia de los departamentos forestales y las partes interesadas. Sin embargo, esos conflictos forestales no se pueden considerar sin una comprensión de los elementos de política económica y operación cultural en un Estado. Los temas estructurales, entre ellos, las diferencias entre el derecho consuetudinario y las leyes del Estado acerca de la tenencia de recursos contribuyen a la complejidad de los conflictos forestales.⁶¹ La desigualdad dentro de las sociedades pueden afectar las elecciones que la población tiene en relación con la resolución del conflicto, por ejemplo, el acceso a la justicia puede hallarse restringido por razones de costo o tiempo para los grupos marginados que por esa razón desconfían de las soluciones que surgen de los procesos que les resultan ajenos a su visión del mundo.

⁶¹ FAO, 2005. Warner, M., 2001. Tyler, S. T., 1999.

Es importante que los sistemas de manejo de buena calidad y receptivos estén en su lugar para abordar los conflictos habituales de 'día por día' y que garanticen que los conflictos latentes y de baja intensidad puedan resolverse antes de que se agraven. Allí donde existen extensos recursos forestales en Estados frágiles los riesgos para la integridad de los bosques y las comunidades que dependen de ellos, son mucho mayores.

Conflicto armado – una subcategoría importante de los conflictos

Un informe del PNUMA⁶² acerca de los recursos naturales y los conflictos indica que desde 1990 los bosques han desempeñado una significativa función en 8 de los 18 conflictos armados entre Estados. Lo bosques pueden ser el lugar del conflicto, un objeto del conflicto, o un modo de financiar el conflicto. Otras estimaciones sugieren que los conflictos violentos sobre las tierras boscosas representan alrededor del 40 por ciento de los bosques tropicales del mundo y más de la mitad de todos los bosques tropicales fuera de Brasil.⁶³ Si bien los conflictos armados reciben atención internacional, las repercusiones negativas de los conflictos de 'baja intensidad' que comprometen una violencia mínima o esporádica en prácticamente todos los países no se deberían subestimar. Los conflictos de menor intensidad no conducen directamente a la muerte violenta, pero pueden desempeñar una función en relación con la violencia estructural tal como la obstaculización del desarrollo, enfermedades, hambre, migración forzada, etc. La Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja estiman que en la actualidad hay millones de 'refugiados ambientales'.⁶⁴ La ordenación forestal sostenible, así como la seguridad alimentaria a menudo dependen de la distribución, acceso, instituciones, e infraestructura más que de la disponibilidad 'absoluta' de los recursos. La capacidad de un Estado de manejar un conflicto es un reflejo de su habilidad de gobernar, con Estados fallidos o 'Estados débiles' que son menos capaces de manejar los conflictos forestales. Según Collier, más de tres cuartos del 'billón de las personas más pobres de la tierra', viven en países que en algún momento fueron 'Estados débiles'.⁶⁵ El interés por los conflictos de baja intensidad sobre el uso de los bosques debiera ser tan fuerte como el de los conflictos armados más visibles. Aunque a menudo no son espectaculares – debido a las pocas muertes en batalla – son, sin embargo, sumamente importantes en su agregación, dado que tienen

⁶² PNUMA, 2009.

⁶³ CIFOR, 2003.

⁶⁴ La investigación sobre la migración ambiental es contradictoria, para un panorama general, véase Gleditsch, N.L. et al, 2008.

⁶⁵ Collier, P., 2007.

el potencial de desestabilizar áreas locales, que a su vez pueden tener repercusiones regionales y mundiales.⁶⁶

Es esta esfera, es decir, el manejo de conflictos de 'baja intensidad', sobre el cual la presente Recopilación se centrará para facilitar la prevención de la intensificación de los conflictos con las frecuentes horribles consecuencias para el medio ambiente y los ciudadanos.

La actividad forestal y el desarrollo de los medios de subsistencia - ¿Visiones polivalentes: argumentos para utilizar?

La investigación inicial de conflictos del medio ambiente, en la década de 1990, en gran medida utilizó estudios de caso para examinar el papel que desempeñaban los recursos renovables al causar prolongados conflictos de creciente violencia e inseguridad. La hipótesis fundamental era que el medio ambiente determina el comportamiento humano y que los conflictos sobre los recursos escasos se vuelven más probables con una creciente población mundial que desea mejorar los medios de subsistencia y que depende diariamente de los recursos naturales.

A principios de la década de 1990, había dos grupos de investigación en actividad, el 'grupo Toronto', encabezado por Thomas Homer Dixon y el 'grupo suizo', encabezado por Günther Baechler y Kurt Spillman (estudios ENCOPI). En general, estos autores describieron casos donde la degradación ambiental y la escasez relativa de recursos se asociaban a conflictos subnacionales, principalmente en países pobres con economías de subsistencia. El estudio de caso reveló que los factores 'intermediarios' políticos, económicos y socioculturales eran vitales para determinar cuándo una situación de escasez o degradación conducían a la violencia o no.

Otros investigadores, incluyendo a Paul Collier y Anke Hoeffler que iniciaron el famoso debate 'avaricia e injusticia' han hallado que no sólo es la escasez sino también la abundancia la que se asocia con la violencia.⁶⁷

Este enfoque de estudio de caso neomalthusiano ha sido criticado por investigadores tales como Nancy Lee Peluso y Michael Watts (2001) que rechazan la idea de que cualquiera de estos factores puedan verse como causas unilaterales de violencia y conflicto. Estos autores reclaman una mejor comprensión de la 'violencia como un fenómeno específico de un lugar enraizado en historias locales y relaciones sociales, pero conectado a mayores redes de relaciones de poder y procesos de transformación material'.⁶⁸

⁶⁶ Véase CSS y Swisspeace, 2008. Paudel, K. P. & Kattel, B., 2006. Véase también el sitio en la web Forest Action <http://www.forestation.org/>.

⁶⁷ Collier & Hoeffler, A., 2000.

⁶⁸ Peluso & Watts, 2001.

Un argumento esencial para el enfoque constructivista social es que los conflictos nunca tienen una única causa. El medio ambiente es sólo uno entre otros factores conflictivos de los que es necesario ocuparse de un modo integrado.

Otra rama de investigación acerca de las relaciones entre el medio ambiente, los conflictos y la cooperación se puede identificar en dos canales convergentes: a) el recurso y su manejo y b) los métodos de manejo del conflicto. De tal modo, un mejor manejo del propio recurso se vuelve importante para tratar adecuadamente con el conflicto. Por ejemplo, la calidad de la tierra asignada para manejo de la comunidad puede afectar el tiempo de retorno a la inversión a cargo de estas comunidades.⁶⁹

Los estudios de caso⁷⁰ y los artículos incluidos en el compendio destacan esta noción de conflicto como fenómeno específico de un lugar y la importancia de comprender la más amplia situación política y socioeconómica en que los conflictos se producen. Proporcionan relatos de conflictos y de procesos de manejo de conflictos en un amplio rango de marcos diferentes anticipando que se puede aprender mucho mediante la comparación de estas diversas situaciones.

Soberanía nacional y manejo responsable de los recursos

La soberanía nacional sobre los recursos naturales es ampliamente reconocida dentro de las Naciones Unidas.⁷¹ Sin embargo, los debates recientes acerca de la responsabilidad del Estado⁷² y una creciente concienciación acerca de la importancia de los bosques como una 'preocupación general de la humanidad'⁷³ para la conservación de la biodiversidad, el desarrollo de los medios de subsistencia y la mitigación del cambio climático son importantes para los programas forestales nacionales en cuanto pueden restringir la elección de manejos y la financiación.

Importantes superficies boscosas (en particular, las cuencas hidrográficas) se presentan como áreas transfronterizas y como el cambio climático incide en la posibilidad de un conflicto mayor sobre la ordenación de los recursos forestales y las cuencas hidrográficas, la situación puede agravarse hasta llegar a un conflicto entre Estados. Por ello, es importante para el sector forestal, la formulación de leyes internacionales relativas al manejo de los recursos transfronterizos.⁷⁴

⁶⁹ Fisher, R., Veer, C. & Mahanty S., 2008. Véase también FAO, 2006.

⁷⁰ Buckles, D, 1999. FAO, 2003, 2007. Ramiarantsoa, H.R., Thibaud, B & Peyrusaube, D., 2008.

⁷¹ Schrijver, N., 1997.

⁷² Naciones Unidas, 2004.

⁷³ Convenio sobre la Diversidad Biológica.

⁷⁴ Comisión de Derecho Internacional. Artículos anteproyecto acerca de la Prevención del daño transfronterizo a partir de actividades peligrosas. Adoptados por la Comisión de Derecho Internacional en su quincuagésima tercera sesión.

Es posible que las negociaciones para planificar y manejar estos sitios a través de las 'áreas transfronterizas de conservación' puedan aumentar la seguridad y crear confianza⁷⁵ La comunidad internacional más amplia podría facilitar estos procesos a través de la provisión de mediadores, fortalecimiento de capacidades y financiación apropiada para manejar estos importantes recursos como parte del principio de 'responsabilidades comunes, pero diferenciadas'.⁷⁶

La soberanía nacional también puede limitarse considerando los temas de autodeterminación para los pueblos indígenas y los ciudadanos. La importancia de la responsabilidad del Estado destaca la dimensión de los derechos humanos en la ordenación forestal sostenible, en particular, los derechos culturales de los pueblos indígenas.⁷⁷ La Declaración de las Naciones Unidas sobre los derechos de las poblaciones indígenas, adoptada el 13 de setiembre de 2007, tiene claros compromisos con la autodeterminación, así como el derecho de consentimiento, libre, previo e informado que se aplica a los recursos de las tierras boscosas.⁷⁸

¿Prevención, manejo y resolución de conflictos?

Paralelamente a la creciente importancia del conflicto como un tema referente al manejo de los recursos naturales y la política ambiental, se ha intensificado el diálogo internacional sobre la prevención, manejo y/o resolución de conflictos. Según el nivel en que el conflicto tiene lugar (internacional, nacional, local) estos procesos se reconocen bajo diferentes etiquetas.

Los procesos de paz en materia de medio ambiente unen a las partes en conflicto en los diversos modos de trabajar los temas ambientales para crear confianza y reducir las tensiones políticas. Los programas de paz ambiental se encuentran aún en las primeras etapas de su desarrollo y queda aún mucho por aprender acerca de las condiciones que pueden conducir al éxito. Sin embargo, cuando las partes se encierran en conflictos serios, los temas ambientales pueden proporcionar un foro para el diálogo y servir como una línea de

⁷⁵ Comunidad para el Desarrollo del Africa Austral (SADC) Protocolo de Conservación de la Fauna y la Observancia de la legislación de 1999 define el TFCA como "un área o componente de una gran región ecológica que superpone las fronteras de dos o más países abarcando una o más áreas protegidas así como áreas de uso polivalente de recursos". El Protocolo compromete a los Estados miembros de SADC a promover la conservación de los recursos de la fauna silvestre compartida a través del establecimiento de áreas transfronterizas de conservación. <http://www.peceparks.org/faq.php?pid=300&mid=438>; ver también Ali, S.H., 2007.

⁷⁶ Sands, P., 2004.

⁷⁷ Véase, por ejemplo, Stavenhagen, R., 2002.

⁷⁸ Las Naciones Unidas adopta la Declaración sobre los Derechos de las Poblaciones Indígenas: <http://www.un.org/esa/socdev/unpfi/en/declaration.html>
Anaya, S.J. % Grossman, C., 2002. Anaya, S.J. & Williams, R.A. Jr., 2001. Véase también el Programa para los Pueblos de los Bosques <http://www.forestpeoples.org/>

comunicación entre los grupos contendientes. Sin embargo, no es suficiente estar de acuerdo en cooperar; la forma y el contenido de la cooperación son también fundamentales.⁷⁹ Las características de los propios recursos forestales, entre ellos, la falta de conocimiento acerca de los procesos ambientales detallados con altos niveles de interdependencia, y las relaciones de poder de las partes interesadas con los diferentes paradigmas y expectativas de conocimientos, pueden crear conflictos de interés y percepción. Los procesos de resolución de conflictos forestales actúan con altos grados de incertidumbre, lo cual restringe la previsibilidad de los resultados.⁸⁰ La complejidad de la resolución de conflictos y la ordenación forestal sostenible requieren apoyo para aumentar la capacidad de los agentes estatales y no estatales con el fin de comprometerse eficazmente en los procesos apropiados.

Algunas organizaciones e individuos que participan en el manejo y resolución de conflictos⁸¹ han tratado de satisfacer esta demanda reuniendo la teoría práctica, las directrices y los instrumentos útiles que les permiten a los interesados determinar sistemáticamente y comprender las situaciones conflictivas y adoptar estrategias apropiadas de acción.

Un cierto número de estudios de caso⁸² se han incluido en este compendio para destacar que los conflictos – cuando están bien manejados – pueden también tener resultados potencialmente constructivos y positivos. Los estudios indican que los conflictos pueden generar pensamientos creativos e innovadores, y son una parte necesaria del cambio. Los procesos de resolución de conflictos pueden aclarar las políticas, instituciones y procesos que reglamentan el acceso a los recursos forestales y los controlan. Asimismo, pueden alertar a los encargados de la formulación de políticas con respecto a la falta o insuficiente coordinación en la implementación de las leyes o políticas de ordenación de los recursos naturales. Estos procesos también pueden solicitar la atención por el descuido de las necesidades, derechos, intereses y prioridades de algunas personas.

La esfera del manejo de los conflictos en la actividad forestal puede nutrirse de muchas experiencias con 'resolución alternativa de controversias'.⁸³ La 'resolución alternativa de controversias' es un término primordial para las estrategias basadas en la colaboración y el consenso que se desarrollaron y se aplicaron con notable éxito para complementar los procedimientos tradicionales de adopción de decisiones en la

⁷⁹ Conca, K. & Dabelco, G.D., 2002.

⁸⁰ Berkes, F. & Folke, C., 2000. Norton, B.G., 2005.

⁸¹ En particular, Responding to Conflict, UK; Centre for Dispute Resolution, Associates, USA; Resolve, Inc., USA.

⁸² Véase Buckles, D., 1999. FAO, 2003, 2007.

⁸³ Susskind, 1999. Moore, 2003. Warner, 2001. FAO, 2003. FAO, 2005.

resolución de conflictos. Los diversos procedimientos tienen por objeto reunir a todas las partes interesadas, en posiciones opuestas, para resolver sus problemas de forma conjunta: negociar una solución aceptable para todos.⁸⁴

Si bien el interés y el uso de la resolución alternativa de controversias y mediación ambiental han aumentado, la prueba empírica acerca de la eficacia de los esfuerzos de mediación ambiental para resolver conflictos es difícil de demostrar. Una excepción es la investigación evaluativa realizada por Bingham y O'Leary.⁸⁵ Los autores han comparado las características cualitativas de los esfuerzos de mediación ambiental con costos, tiempo transcurrido, satisfacción de los contendientes y resultados de los foros administrativos judiciales los cuales, de otro modo, se ocuparían de la preocupación por el medio ambiente. La comparación concluyó en que la mediación es por lo menos moderadamente más eficaz en términos de costo, en eficiencia de proceso y en satisfacción de los contendientes. Esta prueba contribuye a aumentar la legitimidad de la mediación ambiental como un proceso real de resolución de conflictos.

Sin embargo, se plantea aún la pregunta acerca de qué manera una mayor concienciación sobre la importancia de abordar el conflicto forestal ha sido traducida hasta el momento a estrategias prácticas y a acciones. Un creciente número de organismos bilaterales e internacionales de desarrollo ha planificado proyectos de investigación, estrategias y programas para contribuir a reducir o resolver los conflictos en el contexto del desarrollo internacional.⁸⁶

Un elemento importante de la 'resolución alternativa de controversias' es el acceso a la información que se basa en el Principio 10 de la Declaración de Río⁸⁷ que articula la necesidad de que los ciudadanos tengan acceso a la información y la participación pública en la toma de decisiones apoyada con acceso efectivo a los procedimientos judiciales y administrativos. Sin un acceso igualitario a la información esas partes interesadas en procesos de resolución de conflictos no son capaces de contribuir claramente y 'en buena fe'.

⁸⁴ Véase un ejemplo de carácter práctico en Cynthia McDougall *et al.* 2008 o FAO, 2007.

⁸⁵ Bingham, G. 2001. O'Leary & Bingham, G. 2003.

⁸⁶ Por ejemplo, DfID, Sociedad Alemana de Cooperación Técnica, USAID, PNUMA, Banco Mundial, FAO.

⁸⁷ Declaración de Río sobre el Medio Ambiente y el Desarrollo – 1992, Principio 10. Articulado en la "Convención sobre Acceso a la Información, la Participación Pública en la Toma de Decisiones y el Acceso a la Justicia en Asuntos Ambientales, realizado en Aarhus, Dinamarca el 25 de junio de 1998" para miembros de la UNECE, entre ellos, la UE.

FLEGT (Plan de Acción sobre Aplicación de las Leyes, la Gobernanza y el Comercio Forestales)

El conflicto forestal violento en gran escala es la cuestión principal para varias iniciativas recientes de las Leyes, Aplicación, Gobernanza y Comercio Forestales y se ha vuelto un tema primordial en el programa de las reuniones internacionales de alto nivel. En particular, el comercio de la 'madera procedente de conflictos' ha sido un factor destabilizador en los países con bosques tropicales, por cuanto por largo tiempo se ha asociado con la corrupción, la deforestación insostenible y ha ayudado a alimentar largos y sangrientos conflictos.⁸⁸ Los procesos FLEGT pueden ser un modo valioso de aclarar los marcos jurídicos de la ordenación forestal en un país, pero aún se plantea la pregunta acerca de qué manera incluir los procesos del derecho consuetudinario, especialmente en relación con el consentimiento libre, previo e informado para los pueblos indígenas.

Los procesos FLEGT son importantes dado que plantean el tema de la responsabilidad del Estado en la creación de un marco reglamentario adecuado para las operaciones del sector forestal. El sector privado es un agente no estatal importante e influyente en la industria forestal. En la 'esfera de influencia'⁸⁹ de la industria forestal, la creciente transparencia sobre las concesiones, la financiación, la certificación y la venta de madera reduce el valor de la 'madera procedente de conflictos' armados u otros.

Responsabilidades nacionales e internacionales, riesgos y oportunidades

Los recursos forestales se comercializan en gran medida tanto a nivel internacional como nacional. La responsabilidad principal para el establecimiento de los marcos apropiados para la ordenación forestal sostenible, en particular, la resolución de conflictos, reside en el Estado en el cual están ubicados los recursos forestales. Sin embargo, hay obligaciones en desarrollo conformes al derecho internacional para que la comunidad internacional aplique marcos reglamentarios para supervisar las empresas del sector privado con el fin de garantizar que se respeten los derechos humanos y no se cometan abusos en el medio ambiente, que a menudo están vinculados con los conflictos.⁹⁰

⁸⁸ Véase Global Witness on Forests and Conflict Campaign: <http://www.globalwitness.org/pages/en/forests.html>

⁸⁹ Un concepto clave del Pacto Mundial es que las empresas deben apoyar y respetar la protección de los derechos humanos fundamentales en el país en el que desarrollan su actividad.

⁹⁰ El desafío posible para los daños causados en el medio ambiente como un Delito de Lesa Humanidad ha sido postulado para ser sometido a la jurisdicción de la Corte Penal Internacional. Véase Schabas, W., 2001.

La planificación de los procesos con apoyo internacional como el FLEGT, la REDD y el CDB y la ayuda para el desarrollo internacional deben garantizar que como mínimo sus acciones 'no produzcan daño' a los recursos forestales y a las comunidades que dependen de los bosques. Además, la mitigación de los conflictos y los procesos de resolución pueden ayudar en la implementación de los Planes Forestales Nacionales acordados.

Resumiendo, el creciente número de publicaciones sobre 'los bosques y los conflictos' refleja una creciente concienciación del alcance, magnitud e implicancias de los conflictos relacionado con los bosques. Los estudios nos muestran de qué manera el entorno político arroja una amplia influencia sobre la naturaleza, incidencia e intensidad de los conflictos forestales y en la operación de los procesos de manejo del conflicto. Asimismo, señalan que aún quedan importantes vacíos en nuestra comprensión sobre las relaciones causales entre los bosques y los conflictos, lo que crea dificultades para abordar el tema de manera fiable. El apoyo en curso a favor de la investigación y el desarrollo de conocimientos especializados que posibiliten la implementación de políticas eficaces y de sistemas de ordenación forestal, reduciría el riesgo de que los conflictos de baja intensidad lleguen a convertirse en conflictos armados más amplios con efectos sumamente negativos para el medio ambiente y las comunidades.

Policy implications of natural resource conflict management

(Extract)

Stephen R. Tyler, 1999

In: *Cultivating Peace: Conflict and Collaboration in Natural Resource Management*.

This paper presents policy contributions in support of natural resource conflict management and the role of governments to manage these conflicts and resolve them productively. It furthermore outlines the main elements of a public policy framework in which natural resource conflict management can best be applied.

Introduction: The need for creating a policy environment conducive for conflict management

The policy environment for natural resources management has changed dramatically in recent decades. Population growth, agricultural settlement, and growing trade, investment, and economic activity have increased pressure on all resources. Virtually every change of land use, new development, or expansion of any resource use now involves conflict.

But there are no magic solutions, no sweeping guidelines that policymakers can apply across the board when confronted with natural resource conflicts. There are just a few principal lessons and general rules which can be derived from case studies for the kinds of policy interventions that might be appropriate.

Principle lessons to guide policy interventions

- Identification and correction of counterproductive government activities: An important initial step in identifying potential policy contributions to the management of natural resource conflicts is to recognize the ways public policy can exacerbate such conflicts. There is ample evidence from case studies of how specific policies, government programs, and their implementation have generated or aggravated conflicts, even when the intention was to reduce the conflict. Such contradictions suggest that the nature and dynamics of local resource conflicts are poorly understood and that conventional interventions can be counterproductive. An essential element in effective policy responses to natural resource conflicts is the ability to recognize and anticipate these kinds of counterproductive government activities. Avoiding or correcting such problems will result in a solid policy base on which to build conflict management processes in natural resource administration.

- New roles for government officials: The core of a policy framework conducive for management of natural resource conflicts is the recognition of the need to engage the key parties, rather than generating expert-driven technical solutions: 'The innovative and practical ideas required to solve difficult issues are more likely to be revealed if those who are affected by the resolutions are given some responsibility for designing them' (Grzybowski, 1998, p. 92). Conflict management requires acceptance, especially by government agencies but also by other parties, of the need for mutual responsibility and joint problem-solving.

Involving other actors often induces major shifts in the role of government officials. The new roles are facilitative, rather than directive. The state's responsibilities for natural resource management mean that it is almost never a disinterested party in resource conflicts and may often be an important cause. Parties in conflict may therefore not perceive the state to be a legitimate arbitrator, but the state's role is still essential to successful outcomes from conflict management because of its statutory responsibilities and its powers of enforcement and support for collateral implementation efforts (for example, investment, training, technical advice).

This dilemma has several important policy implications. First, the role of the state and its agents in natural resource management is likely to have to change to respond to the need for better conflict management. Second, innovative mechanisms to resolve natural resource conflicts are likely to lead to policy support for new institutions and processes outside the formal realm of state authority and the emergence of new actors and skills to manage conflict situations. Third, the importance of procedural transparency and access to information in resolving conflicts begins to define how these roles, players, and processes are likely to have to interact and how policies can foster or impede such interaction.

- Engagement of a legitimate intermediary: Because of the many limits to the kinds of roles that even the most reform-minded government can play in conflict management, public policy must recognize the crucial importance of a new set of actors in resource management: external mediator-facilitators independent of government – and must make provisions for the recruitment of external professional intermediaries. A legitimate intermediary may be an outside mediator, a credible independent public agency (for example, ombudsperson), or a culturally appropriate 'insider.' Conflict management is a process rather than a specific package of standard solutions. The process needs expert guidance from individuals and institutions able to gain the trust of all parties.

- Administrative coordination: The first element of a policy framework is better local coordination of natural resource administration. Planning by sectoral agencies should be closely linked and coordinated at the local level, where conflicts typically arise.

- Information-sharing and communications: The importance of shared information is to be stressed. Sharing of information can result from better administrative coordination by sectoral agencies, when these groups actually have data to share.

- Stakeholder identification and analysis: Stakeholder recognition may arise from information exchange or through research. The recognition of a range of stakeholders with legitimate interests may in itself be an act of redistributing political power, if the state has previously assumed sole responsibility for management decisions.

- A process of interaction: Information-sharing and stakeholder identification represent the beginnings of an interaction process. Depending on the depth and severity of the conflict, it may not be possible to begin interaction on any of the specifics. Building trust and shared understanding can start with peripheral, less controversial issues. Interaction may take a variety of forms, depending on the context and the actors involved, from multi-stakeholder consultations (roundtables) to formal negotiations or mediation.

- A legal framework and procedural equity: For the process to move from ad hoc crisis management to systematic practice, some sort of legislative umbrella is required. The intent would be to confer some legitimacy and structure on the process without overly constraining it. Participation must be voluntary, but at the same time, mechanisms should also be found to ensure the commitment of all parties (especially the government) to a mutually agreed course of action.

- Strong local government: Conflict resolution and local management of natural resources rely on locally specific solutions. Therefore much progress can be made in conflict management through policy responses that improve governance at the local level. Local governments are typically not well qualified or equipped to deal with conflict interventions. Strengthening of skills, oversight procedures, increased transparency, and provision of expertise will all be needed to improve the ability of local government to cope with these issues.

Conclusion

There are many challenges in creating a policy environment supportive of conflict management.

Successful conflict management requires cooperation among the various stakeholders and identification of mutually dependent actions and interests. Parties design their own solution cooperatively. This approach to problem-solving is not consistent with the reductionist view of the modern technocracy. We have elaborated systems of specialized study, training, analysis, and institutional organization for choosing the 'best solution' on technical, economic, political, religious, or even multivariate grounds. We do not have well evolved systems to foster and support stakeholders in decisions to design solutions collaboratively. In the absence of such systems, even the stakeholders themselves often back away from the responsibility and expect somebody else (often the state) to solve the problem.

The challenge for governments is to create opportunities for new institutions and processes supportive of mutual solutions and joint responsibility, redefine their own roles and foster new ones in these processes, and encourage the creativity and courage needed to learn from the experience of these new institutions and roles.

Because of the changing policy environment conflict management will be becoming increasingly important in the future. Natural resource conflict is not going to go away. Permanent resolution of these conflicts is not likely. Management of the inevitable resource conflicts is important as a public good in the economic sense and, therefore, merits policy support.

Violent Environments

(Extract)

Nancy Lee Peluso and Michael Watts, 2001

With the end of the cold war the connections between environmental problems and international instability received more attention. The discussion has been largely influenced by political scientists such as Thomas F. Homer-Dixon (1999) and Guenther Baechler (1998) who strongly linked 'environmental scarcity' - which arises from depletion or degradation of renewable resources, from increased demand or from unequal distribution - with violent conflict. The basic argument is that 'environmental scarcity' is already contributing to intrastate violent conflict in many parts of the world and could potentially disrupt international security as states become more unstable.

Violent Environments makes an attempt to widen the space for debate in the environment and security field. The authors argue that many of the basic assumptions underlying the concept of 'environmental scarcity' remain under challenged and overstated. The book both provides a critique of the standard narrative of relationships between violence, resources, and environment put forth by writers in the field of environmental security and suggests alternative ways of understanding these connections.

In the introduction to the book, Nancy Peluso and Michael Watts define violence as a site-specific phenomenon rooted in local histories and social relations, yet connected to larger networks of power relations and processes of material transformation. The volume's contributors—an interdisciplinary collection of anthropologists, geographers, sociologists, and historians—draw on rich bodies of literature not normally included in many policy, political science, or economics-driven debates over environment and security—namely, political ecology, agrarian studies, STS-studies, and the anthropology of violence. In contrast to more standard approaches, these contributions are not intended to merely identify the 'environmental triggers' of violent conflicts; nor do the writers start from a presumed 'resource scarcity.' Rather, *Violent Environments* accounts for ways that specific resource environments (such as agricultural lands, tropical forests, or oil reserves), environmental processes (deforestation, conservation, or resource abundance), and cultural politics are constituted by, and in part constitute, the political economy of access to and control over resources.

The strength of this book lies in its contributors' rejections of automatic, simplistic linkages between 'increased environmental scarcity', 'decreased economic activity', and 'migration' which purportedly weaken states and cause conflicts and violence (Homer-Dixon 1994).

While these factors may certainly be present in situations where environmental violence emerges, the authors in this book argue that they need to be both contextualized and theorized; in other words, they can not be viewed as unilateral causes of violence. Many times, such factors work in concert or are produced by violence.

The authors in *Violent Environments* focus on the specific institutions and processes of production, accumulation, and resource access as well as the forms that nature and social relations take in aiming to understand the nature of resource conflict. This perspective ties all of our case studies together, although there is not a unity of vision imposed on the authors. In particular, three themes cut across nearly all the papers: the direct and indirect roles of state agencies and actors in creating the conditions for and/or for mobilizing violence; the complex dialectics between resources and identities (individual and collective) and the ways such identities are violently defended or contested; and the ways that community can be created from, maintained, and protected by violence.

The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement

(Extract)

Lawrence Susskind,
Sarah McKernan and
Jennifer Thomas-Larmer, eds.
2001

The Consensus Building Handbook is a reference guide for building agreement in groups. It has been written for people who are likely to face the need to work with others to solve problems and make decisions on a daily basis.

The book offers an alternative to top-down decision making. It describes collaborative decision making processes in which a third party neutral such as a facilitator or mediator assists diverse or competing interests groups to reach an agreement on a conflict. By learning to build consensus, stakeholders come to understand and respect one another's perspectives. The process allows participants to find solutions and forge agreements that meet everyone's needs – and provides a meaningful basis for effective, long-range implementation of decisions.

A short guide summarizes the essential steps and procedures involved in building consensus. Seventeen chapters describe the phases, facets, and forms of consensus building, explaining how to reach agreement. Case studies, with commentaries by nine experts in related fields, illustrate the variety of settings in which consensus building can be successfully employed.

Part One offers an abbreviated step-by-step guide to the consensus building process. This short guide summarizes the prescriptions found throughout the rest of the text. This chapter also defines commonly used terms, and includes a chart to help readers locate relevant sections of text and case studies, based on their topic of interest.

Part Two consists of seventeen chapters; each contributed by an expert in the field, and each discussing an aspect of consensus building in greater detail. Chapter One discusses how to decide when consensus building is appropriate, and how to design a situation appropriate consensus building strategy. Chapter Two explains how to conduct a conflict assessment and which parties to interview. The author describes some of the tensions that arise during the conflict assessment phase and suggests techniques for handling those tensions. Chapter Three focuses on the process design phase. It explains how to form a process design committee, and examines the use of the graphic process map (or 'road map') as a consensus process design tool.

Chapter Four explores the tasks involved in convening a consensus-based process. These tasks include determining whether a consensus process is appropriate, identifying relevant participants, acquiring resources to support the process, and working with the participants to plan the process. Chapter Five discusses the various roles consensus building practitioners may play in facilitating or mediating the consensus process. It describes the tasks practitioners may perform, and offers suggestions on selecting a consensus building practitioner. Chapter Six turns to consider the issues faced by stakeholder representatives. It identifies a number of practical problems that representatives commonly face, offers ways of handling those problems, and concludes by discussing difficulties in getting constituents to ratify the consensus solution.

Face-to-face meetings are at the heart of the consensus process. Chapter Seven explains what preparations need to be made before the meeting, describes the attitudes and behaviors that contribute to running a productive meeting, and notes some of the typical problems that can arise during a meeting. Chapter Eight focuses on techniques and strategies for producing consensus. Strategies include creating joint gains, setting fair distribution standards, and using dispute resolution techniques to handle impasses.

Chapter Nine describes the uses of joint fact-finding and technical experts in consensus building processes. Chapter Ten discusses ways to effectively incorporate technology into the consensus process. It considers the use of computers, the Internet, email listservers and Web conferences, as well as computer-based analytic and decision-making tools. Chapter Eleven offers strategies for dealing with the media during and after the consensus process.

Value differences are often believed to make consensus solutions impossible. Chapter Twelve argues that it is possible to build consensus in situations involving deep value differences. Drawing on a case involving HIV/AIDS policy, it develops suggestions for handling value differences productively. Chapter Thirteen examines the legal issues involved in consensus building. Topics include its relationship government agencies and the courts, procedural requirements, restrictions on government officials, liability issues, disclosure requirements, confidentiality protections, and implementation and enforcement considerations. Chapter Fourteen examines the issues involved in implementing consensus-based agreements. It suggests techniques that can be used before, during, and after the process to insure effective implementation of the agreement.

Visioning and collaborative problem solving are both types of consensus processes. Chapter Fifteen describes the visioning process, in which people build consensus on a vision of their preferred future. It describes when visioning is appropriate, the phases of the visioning process, and ways to implement the consensus vision. Chapter Sixteen examines the use of collaborative problem solving in organizations, discussing dispute systems design and the role of managers in collaborative processes. Finally, Chapter Seventeen considers ways to evaluate consensus-based processes and agreements. It identifies some of the challenges to developing such evaluations, and suggests new frameworks and techniques for assessing consensus building.

Part Three of this text consists of seventeen cases (over 400 pages), each with commentaries by experts in the field, which illustrate issues discussed in the earlier chapters. Cases range from community visioning to corporate restructuring to local governance, environmental and development policy disputes to organizational trauma recovery, deep value disputes to health policy debates. They include successes and failures. Some cases address the role of cultural differences in decision making processes. Others focus on highly technical disputes. Most cases explore consensus making in ad hoc groups, whose members assembled to address the problem at hand. However, a few cases focus on disputes within existing organizations.

The Promise and Performance of Environmental Conflict Resolution

(Extract)

O'Leary, R. & Bingham, L.B., eds. 2003

The growing interest on alternative dispute resolution and environmental mediation has provoked both enthusiasm and scepticism. Mediation enthusiasts see not only a more effective way to address complex issues, but also the possibilities of more profound politics. Critics argue that some of the claims made for mediation and collaborative problem solving are overblown and unsubstantiated.

'The Promise and Performance of Environmental Conflict Resolution' is providing for a more nuanced perspective on the strength and limitations of collaborative processes for resolving public policy disputes. Defining success of environmental mediation is difficult as it involves intangible factors such as satisfaction of parties and stability of agreement.

Strength

Consensus building processes, whether or not they result in an agreement, typically produce a number of secondary benefits, outcomes or effects that are sometimes more important than any agreement. These can be clustered on the individual, relationship, social, and institutional or ecological level.

In summarizing the individual benefits of collaborative problem solving and connecting them to broader social goals, scholars and practitioners explain that the exchange of information, perspectives and the improved communication, understanding and focus on problem solving develop norms, trust and networks among people. Mediators claim that dispute resolution procedures contribute to social change and social justice as disputants learn new skills, legitimise their opponents' interests and transform relationships between parties. Because the mediator creates and controls a fair communication and negotiation space, parties participate fully and thus gain legitimacy and respect. Participation in collaborative processes can translate to greater resources and efficacy for groups in future negotiations with agencies or governments. Ultimately these processes strengthen democracy and communicative action.

Finally, a few scholars argue that inclusive consensual solutions are more environmentally sound and ecologically sustainable. Collaborative processes involve more parties; with more people involved, more about the areas, species, histories, and risks can be integrated into problem analysis and solution generation.

Limitations

At the same time as environmental and public policy mediation programs were institutionalised, theorists criticised specific cases, specific programs and the collaborative problem solving and consensus-seeking process. There is a long list of criticism, in particular about the effectiveness and fairness of the processes. Most of the concerns focus on power. The basic argument is that powerful actors tend to control access to the legislative, administrative and judicial processes, as well as technical expertise, alternatives to the negotiated process and the way mediators and parties think of their options.

Another longstanding critique is that alternative policy making and decision making processes weaken attempts to fundamentally reform governance and judicial processes.

Conclusions

Addressing these and other questions about the efficacy of environmental mediation, it has been found that some of the claims mentioned above have held up under scrutiny, some have not been researched adequately, and some seem too good to be true.

Before conclusions can be drawn the first question to ask is what constitutes success in environmental conflict resolution? How does one know whether or not an attempt to resolve a conflict has been successful? Since evaluations measure outcomes against goals, criteria for success must grow from the goals of the processes being evaluated. While many outside observers often focus on whether or not an agreement is reached, agreement is only one indicator of a successful process. Particularly in public policy conflicts, the absence of agreements may be counterbalanced by general improvements in the conflict dynamics. Multiple criteria can be therefore applied to measure success, including:

- Achievement of an outcome: agreements or ruling that are consensual, ratified, and verifiable.
- The quality of the conflict resolution process: processes that are procedurally just, fair, reasonable in cost.
- The quality of the outcome: agreements that are cost-effective, clear, financially viable, culturally and environmentally sustainable, legal, politically and scientifically/technically feasible and acceptable to the larger public.
- Satisfaction with outcomes: whether participants and stakeholders in a dispute resolution process are satisfied, think the agreement is fair and agree to comply with it.

- The quality of the parties' relationships: new relationships resulting in increased trust and an improved emotional climate, reductions in hostility, an increased ability to resolve future disputes, new conceptualizations of the relationship and increased empathy between the parties.

- Improved decision-making ability: new learning, changed perceptions and attitudes, integrative framing, problem-solving, better communication and new vocabulary.

- Increased social capital: increased capacity to draw on collective resources, empowerment, new leadership, problem-solving and influential participation, new partnerships, organizations and processes that transform the social system within which the conflict occurs.

In conclusion, one should bear in mind that all evaluations involve comparison. Comparisons are typically to a past state of affairs that the parties desire to change. However, comparisons may also be made to a future state of affairs, an ideal state of affairs, or to another similar intervention or setting. In the case of environmental mediation, efforts have been made to contrast attributes of environmental mediation efforts with costs, time spent, disputant satisfaction, and outcomes of the judicial administrative forums in which environmental concerns would be otherwise addressed.

Generally the results of early research suggest that mediation is at least moderately more efficient in terms of cost, process efficiency and disputant satisfaction. As such the book is helping to enhance legitimacy of environmental mediation as a real conflict resolution alternative and to pursued sceptical policymakers of it's potential usefulness.

Human Rights and Forestry – creative conflicts?⁹¹

Introduction

International human rights law, mediated as it is through national laws and regulations, poses important challenges when applied to practical situations rather than the rhetorical flourishes of treaty signatures and ratification. There is a tension in international law between human rights law, trade law and the Principle of State Sovereignty over natural resources. For forest dependent communities, practical livelihood decisions are based on issues of effective information, participation, clear land tenure, non-discrimination, good forest governance and, if all else fails, access to justice. A failure in these basic human rights can prejudice these individuals' and communities' very survival, thus breaching a range of civil, political, economic and social rights articulated in a number of United Nations Treaties⁹², regional conventions⁹³ and the International Labour Organisation.⁹⁴

Human rights, trade and state governance bring together a number of conflicting ideas about the most appropriate objectives for the management of forest resources within a state's boundaries. It is also clear that a number of rights, e.g. right to property 'serves as a basis for entitlement which can ensure an adequate standard of living, while on the other hand it is a basis of independence and therefore of freedom.⁹⁵ Conflicts around management of forest resources are often linked with property rights (private, customary, communal, state) and their interpretation when systems clash. These tensions can be used creatively to facilitate the development of agreed multipurpose objectives for forest land that contribute to meeting the basic rights of citizens through the effective articulation of procedural rights including those related to information, free assembly and access to justice.

⁹¹ Adapted from O'Reilly, 2008.

⁹² International Covenant on Economic, Social and Cultural Rights, Annex to General Assembly Resolution 2200 A (XXI) of 16 December 1966 (UN Doc. A/6316 (1966) and entered into force on 3 January 1976; International Covenant on Civil and Political Rights Annex to General Assembly Resolution 2200 A (XXI) of 16 December 1966 (UN Doc. A/6316 (1966) and entered into force on 23 March 1976; International Convention on the Elimination of All Forms of Racial Discrimination, 1 adopted by General Assembly Resolution 2106(XX) 21 December 1965 and entered into force on 4 January 1969; Convention on the Elimination of All Forms of Discrimination Against Women, adopted by General Assembly Resolution 34/180 on 18 December 1979 and entered into force 3 September 1981; Convention on the Rights of the Child, adopted General Assembly resolution 44/25 20th November 1989 and entered into force on 2 September 1990.

⁹³ See for instance Convention for the Protection of Human Rights and Fundamental Freedoms, European Treaty Series No. 5 Rome, 4.XI.1950; American Convention on Human Rights entered into force on 18 July 1978.

⁹⁴ International Labour Organisation (1989) Convention 169, Indigenous and Tribal Peoples (hereafter ILO169).

⁹⁵ Eide, 1995.

The inclusion of diverse stakeholders in positive processes, including transparent conflict resolution, can bring a high degree of creativity to agreed processes and facilitate the development of new and appropriate solutions to the sustainable forest management challenge.

State Sovereignty, Forest Resources and Human Rights

The Principle of State Sovereignty 'allows states within limits established by international law to conduct or authorise such activities as they choose within their territories, including activities which may have adverse effects on their environment.'⁹⁶ Linked to this principle there have been many clear statements by the United Nations General Assembly⁹⁷ that forests are to be used for 'national economic development' under the management of the state. This principle was further articulated in both the Rio Declaration⁹⁸ and the Forest Principles⁹⁹ agreed at the 1992 United Nations Conference on Environment and Development. States are also responsible for 'operationalising' agreed international human rights norms through incorporation into national law, and for sustainable forest management (SFM). Whilst this sovereignty is usually stated as being conditional or in accordance 'with the Charter of the United Nations and the principles of international law',¹⁰⁰ states themselves rarely address this important part, effectively putting a 'conditionality' on a state's use of forest (and other renewable and non-renewable natural resources).

Forest dependent communities (FDCs) and indigenous peoples (IPs)¹⁰¹ therefore have an interest not only in the issue of 'complementarity' between international and national legal frameworks, but also in the implementation linkages between different legal regimes, and their oversight and/or enforcement at the international level.¹⁰²

Procedural and Substantive Rights

International initiatives related to forestry do not take place in a vacuum in relation to both international and national legal frameworks. From a human rights perspective, forests 'contribute to the livelihoods of many of the 1.2 billion people living in extreme poverty.

⁹⁶ Sands, 2003.

⁹⁷ Between 1952 and 1990 the UN General Assembly passed 35 resolutions articulating State sovereignty over natural resources see Appendix 1 Schrijver (1997).

⁹⁸ UN, 1992a.

⁹⁹ UN, 1992b.

¹⁰⁰ FPP, 2004.

¹⁰¹ For a detailed analysis of Free Prior Informed Consent for Indigenous Peoples see O'Reilly, 2007.

¹⁰² Anaya & Williams, 2001.

They nourish the natural systems supporting the agriculture and food supplies on which many more people depend.¹⁰³

The 1993 World Conference on Human Rights stated that 'All human rights are universal, indivisible and interdependent and interrelated.'¹⁰⁴ The focus on much work on human rights is on 'substantive rights' including the right to food which in forestry can be articulated through resolving conflicts around tenure and forest use rights.¹⁰⁵

However, procedural rights are important in two ways. Firstly, as a means to implementing the substantive human rights that flow from the UDHR and are codified in international and regional instruments.¹⁰⁶ Secondly, procedural rights in themselves are important as mechanisms for increasing awareness, fostering self-determination and democratic accountability of governments and their implementing agencies. The ability to use a wide range of civil and political rights to enable the substantive rights to be fulfilled has been shown for example in that famines no longer occur in countries with a free press and systems of democratic accountability.¹⁰⁷ Calls for substantive human rights such as land rights will remain unmet unless rights such as those articulated in Principle 10 of the Rio Declaration are in place. The gains made by indigenous peoples in the Americas have come, in part, through access to justice, often at an international level. Participation in development projects has led in some cases to better design, including changes in laws to enable community forest management.¹⁰⁸ Where participation and safeguards have not been followed, access to complaints procedures such as the World Bank Inspection Panel¹⁰⁹ can highlight significant problems with development project decision making and the effect on indigenous and local peoples as well as on the overall management of forest resources.

Three areas of procedural rights are emerging as important for the forest sector. The first flows from Principle 10 of the Rio Declaration and relates to information, participation and access to justice.

¹⁰³ From World Bank commentary on Millennium Development Goals, especially MDG7 on Environmental Sustainability. <http://ddp-ext.worldbank.org/ext/GMIS/home.do?siteId=2> (emphasis added).

¹⁰⁴ *Vienna Declaration and Programme for Action*, World Conference on Human Rights, Vienna, 14-25 June 1993. Un Doc A.CONF.157/23 12 July 1993, Article 5.

¹⁰⁵ Colchester, 2008.

¹⁰⁶ Brownlie & Goodwin-Gill, 2002.

¹⁰⁷ Drèze & Sen, 1989.

¹⁰⁸ As was the case in Vietnam which with the promulgation of the Land Law, No. 13/2003/QH11 recognised 'population communities' in Article 9 as a Land User so creating the legal space for the scale-up of previous pilot approaches to community based (commune and village) forestry.

¹⁰⁹ WBIP, 2006.

The second concerns corruption and its impact on the development and implementation of procedural and substantive rights. The third is the emergence of a focus on non-state actors, including businesses, and their role in human rights implementation. In a world of increased inter-linkages and trade in forest products, including timber, the power and influence of these businesses is often seen as a barrier to the management of forest land for pro-poor development and for biodiversity conservation.

Forestry does not sit outside the movement towards 'mainstreaming' human rights

Within the UN there is an increasing focus on 'mainstreaming' human rights in all activities. This approach has been articulated in the United Nations Declaration on Indigenous Peoples (UNDIP) that could provide an underlying principle for the implementation of the rising number of international programmes to support the development of sustainable forestry (FLEGT, REDD, NFPs).

Principle of Human Rights Compliant Implementation

'The provisions set forth in this Instrument [treaty, programme, conflict resolution process] shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.'¹¹⁰

Human rights analysis can contribute to the articulation of the underlying causes of conflict around resource management and facilitate clarity in conflict resolution processes. Rights come with duties and responsibilities and the role of the state in creating legal frameworks for the public and the private sector. The latter is intimately involved in the forest sector and has a role to ensure that this industry is not complicit in human rights abuses. A rights based approach, suitable to local contexts, can help articulate structural inequalities which discriminate against the poor and marginalized. Clarity around different forms of property rights within a fair and open society can ensure that sustainable forest management processes are clearly pro-poor and foster the inclusion of stakeholders to develop win-win situations around multiple use forests. Far from being something to fear, human rights approaches can assist states and non-state actors in developing and implementing creative solutions to the tensions inherent in multipurpose forest management.

¹¹⁰ United Nations Declaration on the Rights of Indigenous Peoples. Adopted by the Human Rights Council, Resolution 2006/2, 29 June 2006. Article 46.3 . material in [] added.

List of publications on 'Forests and Conflict' available on the CD

The CD contains either the full text publication or the web links and a short description of the resource.

Impact of conflict linked to the multi-objective nature of forest management which focuses on the balancing of competing interests			
Title	Organization	Authors	Year
Lorsque les conflits intéressent les forêts	FAO	Taylor, D.A.	2004
Cambodia: The Human Impact of Forest Conflict	USAID	Schweithelm, J., ARC, Inc.	2006
Indigenous Knowledge and Conflict Management: Exploring Local Perspectives and Mechanisms for Dealing with Community Forestry Disputes	FAO	Castro, A. & K. Ettenger	1997
Conflits et gestion des ressources naturelles	FAO	Matiru, V.	2001
Ruralités Nords-suds: inégalités, conflits, innovations	Edition-Diffusion l'Harmattan	Rakoto Ramiarantsoa, H., Thibaud, B. et Peyrusaubes, D.	2008
Conflits et gestion des ressources naturelles		Thieba, D.	
Stakeholder Conflicts and Forest Decentralisation Policies in West Kalimantan: Their Dynamics and Implications for Future Forest Management	Forest, Trees and Livelihoods	Yasmi, Y., Anshari, G.Z, Kumarudin, H & Alqadri, S.	2006
Disharmony in the heart of Borneo: a closer look at forestry conflicts in the tropics	Cuvillier Verlag, Gottingen, Germany	Yasmi, Y.	2003
Negotiating more than boundaries: conflict, power, and agreement building in the demarcation of village borders in Malinau	CIFOR and ITTO	Sheill, D. & Anau, N.; Iwan, R.; van Heist, M.; Limberg, G.; Sudana, I.M.; Wollenberg, E	2002
La gestion contractualisée des forêts en pays betsileo et tanala (Madagascar)	Éditeur : CNRS-UMR Géographie-cités 8504	Blanc-Pamard, C. et Rakoto Ramiarantsoa, H.	2008
Enjeux et conflits pour la gestion durable de la forêt amazonienne: une proposition méthodologique	CIRAD-Forêt	Pasquis R.	1997

Impact of conflict linked to the multi-objective nature of forest management which focuses on the balancing of competing interests

Title	Organization	Authors	Year
Assessing the need to manage conflict in community-based natural resource projects	ODI	Warner, M. & Jones., P.	1998
Integrating Conflict Management Considerations into National Policy Frameworks	FAO	NN	1997
The Role of Alternative Conflict Management in Community Forestry	FAO	Pendzich, C., Thomas, G. & Wohlgenant, T.	1994
Addressing Natural Resource Conflicts through Community Forestry	FAO	Chandrasekharan, D.	1997
The Intersection of Decentralization and Conflict in Natural Resource Management: Cases from Southeast Asia	IDRC	Suzuki, R.	2005
The protection of Indigenous Peoples' Rights over Lands and Natural Resources Under the Inter-American Human Rights System		Anaya, S. J. & Williams, R.A. Jr.	2001
The Case of Awas Tingni v Nicaragua: A New Step in the International law of Indigenous Peoples		Anaya, S. J. & Grossman, C.	2002
La gestión Forestal Municipal en América Latina	CIFOR/IDRC	Ferroukhi, L.	2003
Las Municipalidades Y Los Conflictos Forestales	CIFOR/IDRC		2003
Los grupos marginados, la descentralización y el sector forestal en Nicaragua	CIFOR and IDRC		2006
Institutional conflict and forest policy effectiveness: the case of the Costa Rican institutional reform	Forest Policy and Economics	Ibarra, E., Hirakuri, S.R.	2007
Forest of Learning. Experiences from Research on an Adaptive Collaborative Approach to Community Forestry in Nepal		McDougall, C., Ojha, H. , Ram Banjade, M. , Hari Pandit, B., Bhattarai, T. , Maharjan, M. & Rana, S.	2008

Impact of conflict linked to the multi-objective nature of forest management which focuses on the balancing of competing interests

Title	Organization	Authors	Year
Peace Parks, Conservation and Conflict Resolution		Ali, S.H.	2007
Cambodia: Forest Concession Management and Control Pilot Project (Credit No. 3365-KH and Trust Fund. 26419- JPN)	World Bank	World Bank Inspection Panel	2006
Indigenous Peoples' Rights, State Sovereignty and the Convention on Biological Diversity	FPP	FPP	2004
Legal and practical issues of the emerging principle of Free Prior Informed Consent for protected area management		O'Reilly, S.	2007
Human rights and the Global Forest Regime: Does the UNFFs Non-legally Binding Instrument on All Types of Forests Provide Support for Pro-poor Forestry		O'Reilly, S.	2008
Beyond Tenure: Rights-based Approaches to Peoples and Forests	FPP	Colchester, M.	2008
Conflicts d'usage de l'espace au Rondônia (Amazonie brésilienne)	Revue européenne de géographie	Droulers, M., Le Tourneau, F.-M. et Machado, L.	2001

Impact of armed conflict on forests and role of forests in influencing armed conflict

Title	Organization	Authors	Year
Conserving the Peace: Resources, Livelihoods and Security	IISD - International Institute for Sustainable Development and IUCN – The World Conservation Union	Matthew, R., Halle, M., and Switzer, J.	2002
From Conflict to Peacebuilding: The role of natural resources and the environment	UNEP		2009
The Trampled Grass: Mitigating the impacts of armed conflict on the environment	BSP Publications	Shambaugh, J et al	2001
So who owns the forest - An investigation into customary land rights and ownership in Nigeria	SDI & FERN	Wily, L.A.	2007
The Environmental Consequences of War	Cambridge University Press	Austin, J. E., and Bruch, C. E.	2000
Conflits Politiques et Gestion des Forêts au Nord du Congo	GTZ	Hans Hoffmann	
Extreme conflict and tropical forests	Springer, Dordrecht, Netherlands	De Jong, W., Donovan, D., Ken-Ichi Abe	2007
Forests and War, Forests and Peace	FAO	Kaimowitz, D.	2003
Natural Resources and Violent Conflicts: Options and Actions	World Bank Conflict Prevention and Reconstruction Unit and Development Research Group	Bannon, I. & Collier, P.	2003

Impact of armed conflict on forests and role of forests in influencing armed conflict

Title	Organization	Authors	Year
ETFRN Newsletter 34/44: Forest and Conflicts	The Tropenbos Foundation - European Tropical Forest Research Network	Brinkmann, W. (ed.) Kaimowitz, D. (guest ed.)	2004/5
La lettre d'information du Programme de Conservation des forêts	IUCN	Divers	2008
Fonds commun pour le renforcement de la gouvernance du secteur forestier dans la situation post-conflit	Banque Mondiale		2007
Le commerce de bois africain à l'origine de conflits et de pauvreté: agissons maintenant	Greenpeace	Verbelen, F.	2002
Les forêts tropicales: Richesses en péril— Forêt tropicales menacées	Mongabay.com		
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Conflict Timber: Dimensions of the Problem in Asia and Africa	USAID	Baker, M., R. Clausen, et al.	2003
Forest Conflict in Asia: How Big is the Problem?	USAID	ARD, Inc	2006
Fact Sheets: Forest and Conflict	CIFOR	NN	2004
Illegal logging info	Energy, Environment and Development Programme of Chatham House	NN	regularly up-dated
Cambodia's Family Trees	Global Witness	NN	2007

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Illegal logging, Conflict and the Business Sector in Indonesia	InWent, Capacity Building International	Schroeder-Wildberg E., Carius A.	2003
Environment, Scarcity, and Violence	Princeton University Press, Princeton & Oxford	Homer-Dixon, T.F.	1999
Guerra, sociedad y medio ambiente	Foro Nacional Ambiental	Cárdenas, M. y Rodríguez Becerra, M. (Editores)	2004
Greed and Grievance in Civil War	World Bank, Development Research Group	Collier, P & Hoeffler, A.	2000
Violent Environments	Cornell University Press	Peluso, N. L. & Watts, M	2001
Breaking the Conflict Trap, Civil War and Development Policy	World Bank Polivy Research Report	Collier, P., Elliott, V. L., Hegre, H., Hoeffler, A., Reynal-Querol, M., Sambanis, N.	2003
From conflict to Peacebuilding. The role of Natural Resources and the Environment	UNEP		2009
Caught in the Crossfire: Forest-Dependent Poor People in Nepal		Paudel, K.P. & Kattel, B.	2006
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Case Studies providing accounts of conflicts and conflict management processes

Title	Organization	Authors	Year
Environnement institutionnel et gestion traditionnelle des espaces forestiers: cas de la région des Monts Kouffé au Centre du Bénin		Akouehou, G. S.	
Cultiver la paix: conflits et collaboration dans la gestion des ressources naturelles	CRDI	Auteurs divers. Sous la direction de Buckles, D.	2001
Déforestation, concessions agricoles et conflits potentiels : province de Ouest-Kalimantan, Indonésie	CIRAD-Forêt	Penot, E. et Geissler, C.	2003
Systèmes d'aménagement des forêts communautaires dans la cinquième région du Mali: résistance et vitalité face aux contraintes	FAO/Unasyva	Thomson, J.T. et Coulibaly, C.	1995
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Natural Resource Conflict Management Case Studies: An Analysis of Power, Participation and Protected Areas	FAO	Castro, A. P., Nielsen, E.	2003
Cultivating peace: conflict and collaboration in natural resource management	IDRC / World Bank	Buckles, D. (ed.)	1999
Policy implications of natural resource conflict management	IDRC	Tyler, S.T.	1999
Conflict over Natural Resources at the Community Level in Nepal: Including its Relationship to Armed Conflict	USAID	Schweithelm, J., Kanaan, R & Yonson, P.	2006
Conflicts in Joint Forest Management: cases from South Rajasthan, India	Community-Based Natural Resource Management Network	Kashwan, P.	2003
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El Balcón, Guerrero: un estudio de caso del beneficio de la globalización a una comunidad forestal		Barton Bray, D. y Merino Pérez; I.	2003
Poverty Reduction and Forests. Tenure, market, and Policy Reforms. Proceedings of an International Conference	RECOFTC	Fisher, B. Veer, C. and Mahanty, S. (Eds)	2008
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Forests and Conflict: A Toolkit for Intervention	USAID	Schroeder-Wildberg, E., Capistrano, D., Voils, O., Carius, A.	2005
Les techniques de négociation et de médiation appliquées à la gestion des ressources naturelles	FAO	Engel, A. et Korf, B.	
Instrumentos De Análisis De Conflicto	SDC	Mason, S. y Rychard, S.	2005
Técnicas de negociación y mediación para la ordenación de los recursos naturales	FAO	Engel, A. y Korf, B.	2006
Guía para el Manejo de Conflictos especialmente Socio Ambientales	Centro Ecuatoriano de Derecho		2006
Consensus Building Handbook	Sage Pubn Inc	Susskind, L. McKearnan, S. & Thomas-Larmer, J. (eds.)	1999
Collaborative Problem Solving Within Organizations	Sage Publications	Moore, C & Woodrow, P.J.	1999
The mediation process – practical strategies for resolving conflict	Jossey Bass Wiley, San Francisco, California, USA,	Moore, C.W.	2003
Conducting Conflict Assessments: Guidance Notes	DfID	Goodhand, J. Vaux. T., Walker, R.	2002
Constructive Conflicts: From Escalation to Resolution	Rowman and Littlefield, New York	Kriesberg, L.	2006
Complex problems, negotiated solutions: tools to reduce conflict in community development	ITDG Publishing, UK	Warner, M.	2001

Capacity building material and lessons learned from natural resources conflict management

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Décentralisation et gestion durable des ressources naturelles dans le cercle de Koro, région de Mopti, Mali	CARE International au Mali; Projet de gestion de la forêt naturelle de Ségué	Bocoum, A.	2002
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Collaborative Environmental Management: What Roles for Government?	Resources for the Future Press	Koontz, M., Steelman, T. and Carmin, J.	2004
Community-Based Forest Conflict Management - Volume 1	FAO	Means, K., Josayma, C.	2002
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Negotiation and mediation techniques for natural resource management	FAO	Engel, A., Korf, B.	2005
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Working with conflict: skills and strategies for action	Zed Books, London & Responding to Conflict (RTC)	Fisher, S., Abdi, D.I., Ludin, J., Smith, R., Williams, S. & Williams, S.	2000
Managing Public Disputes: A Practical Guide for Professionals in Government, Business and Citizen's Groups	Jossey-Bass, San Francisco, California, USA,	Carpenter, S.L & Kennedy, W.J.L.	2001
Conflict-Sensitive Business Practice: Guidance for Extractive Industries	International Alert	NN	2005
Understanding the approaches for accommodating multiple stakeholders' interests	IDRC	Ramirez, R.	2001
What is Consensus-Building and Why is It Important for Resource Management?	RESOLVE, Inc.	Bingham, G.	2000
Sustainability. A Philosophy of Adaptive Ecosystem Management		Bryan G. Norton	2005
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Title	Organization	Authors	Year
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Understanding Environment, Conflict, and Cooperation	UNEP and the Woodrow Wilson International Center for Scholars	NN	2004
Environmental Peacemaking	Woodrow Wilson Center Press, Washington DC & The John Hopkins University Press, Baltimore and London	Conca, K. & Dabelko, G.D.	2002
Do No Harm: How Aid Can Support Peace or War	Lynne Rienner Publishers	Anderson. M. B.	1999
The Implications of Do No Harm for Donors and Aid Agency Headquarters	The Collaborative for Development Action, Inc. (CDA)	Anderson, M. B.	1999
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Making collaboration work: lessons from innovation in natural resource management	Island Press	Wondollek, J & Yaffee, S.L.	2000

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The Promise and Performance of Environmental Dispute Resolution	Resources For the Future, Washington, D.C., USA	O'Leary, R. & Bingham, L.B.	2003
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An assessment of social negotiation as a tool of local management: a case study of the Dimako Council Forest, Cameroon	Scandinavian Journal of Forest Research 19(Supplement no.4)	Assembe Mvondo, S.; Oyono, P.R.	2004
Resolving Environmental Disputes: A Decade of Experience	Conservation Foundation	Bingham, G.	1986
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Non-legally binding authoritative statement of Principles for a Global consensus on the Management, Conservation and Sustainable Development of All Types of Forests. Rio de Janeiro, 3 – 14th	UN		1992b
Basic Documents on Human Rights	Oxford University Press	Brownlie, I & Goodwin-Gill, G. S.	2002
Hunger and Public Action	Clarendon Press, Oxford	Drèze, J. & Sen, A.	1989
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Negotiation and mediation techniques for natural resource management - Case Studies and Lessons Learned	FAO	Castro, A. P., Engel, A.	2007

This Digest aims to assist those involved in national forest programmes to take action, by bringing together available knowledge on the relationship between forests and conflict, and pointing to ways for further information. It is hoped that this will encourage and help institutions and individuals involved in forest policy decisions to manage forest related conflicts and resolve them productively.

Cet abrégé vise à aider les responsables des programmes forestiers nationaux à intervenir en réunissant toutes les informations disponibles sur le rapport entre les forêts et les conflits, et en indiquant les moyens d'en obtenir davantage. Nous souhaitons que cet ouvrage contribue à encourager et à aider les institutions et les individus chargés des décisions sur les politiques forestières à gérer les conflits ayant pour cadre la forêt et à les régler positivement.

Esta Recopilación tiene por objeto ayudar a aquellos que participan en los programas forestales nacionales a tomar medidas, reuniendo el conocimiento disponible sobre la relación entre los bosques y los conflictos y señalando los modos de lograr más información. Se espera que esto estimule y contribuya con las instituciones y las personas que participan en la adopción de decisiones relativas a las políticas forestales a gestionar los conflictos relacionados con los bosques y resolverlos de forma productiva.