Rethinking Forest Regulations
Government Regulation/control in the Forest Sector

• Governments own or control more than 75% of the World’s forests: 3 billion hectares
• Governments intensely regulate the management of all forests, public and private
• The forest sector is one of the most regulated in the majority of countries
With Generally Poor Results

- Continuous deforestation and environmental deterioration
- Widespread illegality
- Economic waste
- Social disruption, particularly affecting forest dependent, indigenous and poor rural people
Land tenure

- No recognition of traditional rights
- Perception that communities cannot be trusted with forest management: technically unprepared, ignorant.
- Government incentives to keep strict control of forest lands
Underlying Causes?

- Command and control: Regulatory overload
- Confusion, contradiction, conflict, unrealism
- Unfairness
- Poor “institutional fit”
Underlying Causes?

• Government does it all, no participation
• Widespread Illegality and Corruption
• Property concentration in government
New Regulatory Context

• Reduced government: need for increased focus of government action
• Decentralization, democratization, participation, partnerships
• Integrity in government
New Regulatory Context

Greater role for non-governmental organizations and private corporations: codes of conduct, community-company partnerships
New Regulatory Context

Support the creation of markets
New Regulatory Context

Property/tenure rights
Community ownership and tenure

![Bar chart showing community ownership and tenure from 1985 to 2001 and projected to 2015. The chart compares the amount of land in million hectares under different categories: Recognized Community Ownership, Prepared for Community Administration, and Reserved for Community Administration. The data indicates a significant increase in community ownership and tenure over the years.]
Results?

• Releasing energy that previously had to be dedicated to defending rights
• Incentive to investment
• Good forest management and conservation
• Increased government revenue
• Releasing energy from government
Smarter Regulations

• Capacity of state to deal with complex issues related to forest land tenure is steadily decreasing
• Traditional command and control regulations are seen as ineffective, inefficient, fair, favoring corruption and hurting communities
Smarter Regulations

New regulatory frameworks increasingly relying on creating the right conditions for self regulation, a most important one being security of land tenure or ownership.
Smarter Regulations

• Regulatory pluralism not only communities but also NGOs and private corporations
• More emphasis on harnessing capacities of institutions outside the public sector to further policy objectives.
• More on directing the process and less on directly executing actions: increased focus
Smarter Regulations

- More use of the market
- Transparency and integrity
- Many regulatory approaches are new and untested
- They do not imply a reduction of the importance of the state but rather regulatory reconfiguration
THANK YOU