



# **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



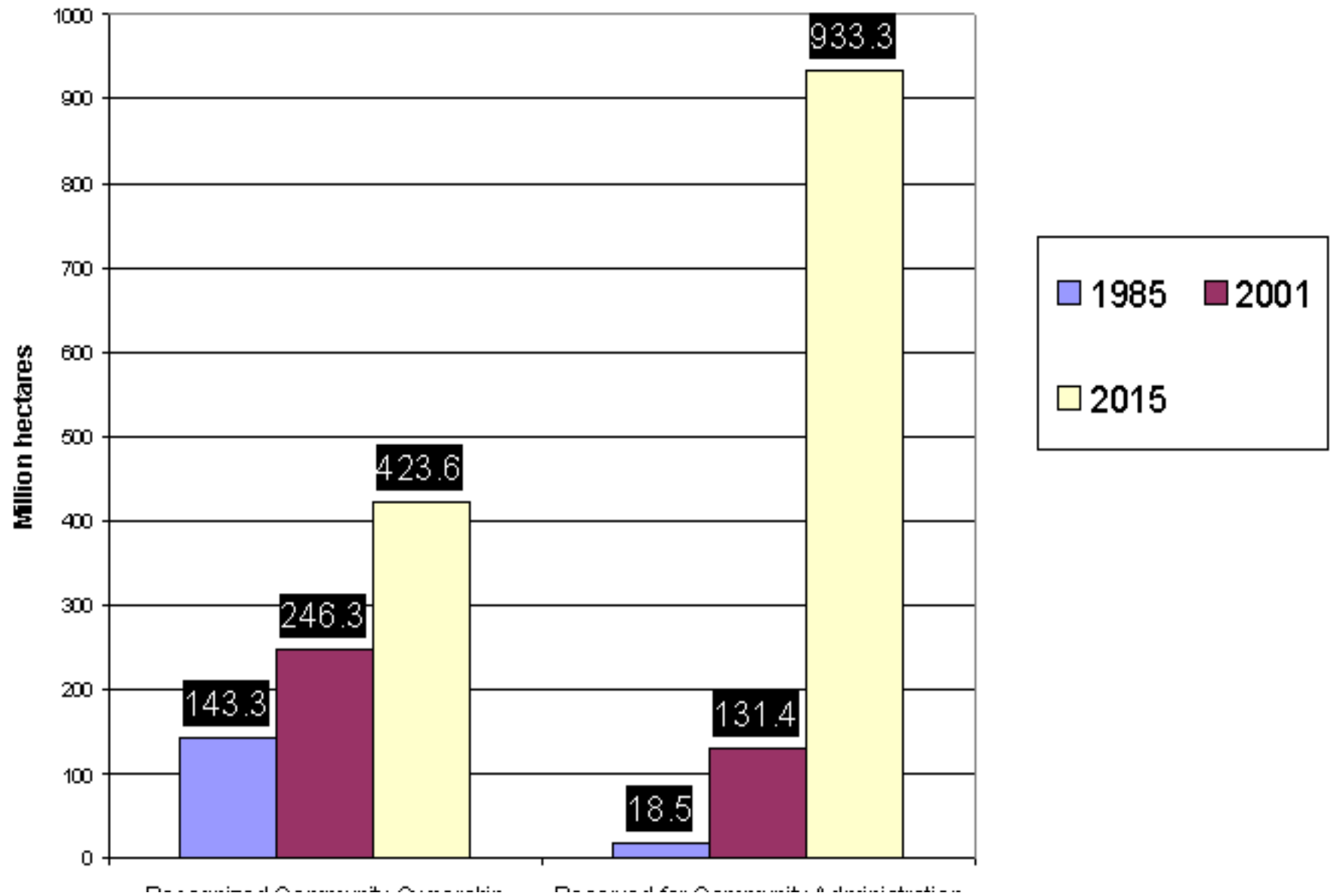
# New Regulatory Context

Support the creation of markets

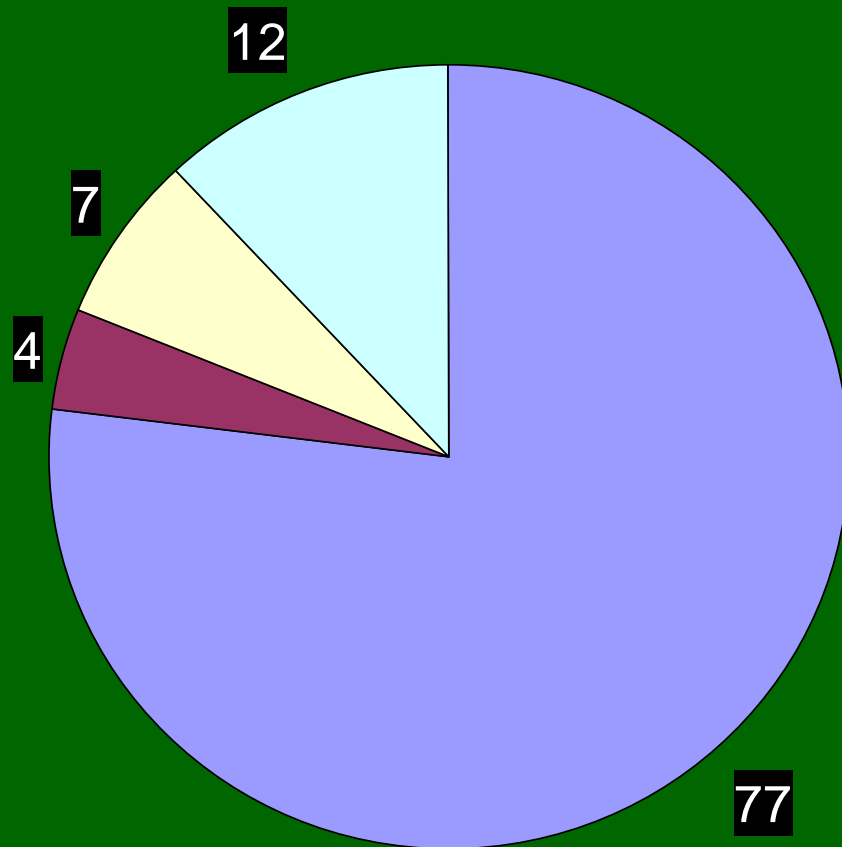
# New Regulatory Context

Property/tenure rights

# Community ownership and tenure



# Forest Tenure



- Administered by Government
- Reserved for Community and Indigenous Groups
- Community / Indigenous
- Individual / Firm

# 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**