



RETHINKING FOREST REGULATIONS

*An international workshop for government
official and civil society to study forest
regulatory reform*

SYNOPSIS

Western Montana, USA | May 18-22, 2015



BACKGROUND

The Rethinking Forest Regulations workshop was created by the Rights and Resources Initiative and the *MegaFlorestais* network which since 2006¹ has gathered forest agency leaders of the world's largest forested countries. It is an informal network dedicated to advancing international dialogue and exchange on forest governance and public forest agency reforms, and to share learning on technical issues in a frank and transparent manner. The group meets every year and, during their 2009 meeting, several forest agency leaders realized they were in the process of rethinking their forest regulations and expressed their needs for more information and training on that topic.

They imagined an international training workshop during which participants could become familiar with successful examples of regulatory frameworks and share good practices. In 2010, the Rights and Resources Initiative (RRI), the US Forest Service (USFS) and the Montana Department of Natural Resources and Conservation (DNRC) collaborated to design this workshop. The first "Rethinking Forest Regulations" meeting was held in October 2010 with participants from Mexico and Brazil in Western Montana in the USA. Montana was selected as a host site based upon its evolving, alternative regulatory models. These models bring together Federal and State governments, the forest industry, communities and private forest owners to work together to achieve the sustainable management of Montana's forest resources. Participants were very receptive to and appreciative of this kind of forum, and the workshop was held again in July 2011 with a group of 6 countries (Brazil, China, Liberia, Indonesia, Mexico, and Peru), in July 2012 with a group of 7 countries (Bolivia, Brazil, Cameroon, Laos, Liberia, Nepal, and Peru), and in July 2013 with a group of 8 countries (Burkina Faso, Colombia, Democratic Republic of the Congo (DRC), Guatemala, Mali, Myanmar, Nepal, and Senegal). The European Forest Institute (EFI) decided to collaborate on this workshop in December 2014.

SUMMARY

It is within this context that RRI, the Montana DNRC, EFI and the USFS brought together for the fifth time 13 key governmental officials and representatives of non-governmental organizations from Cameroon, Canada, DRC, Mexico, Nepal, Peru, and the US, as well as 4 experts and practitioners from around the world and representatives of the co-organizers, representatives of State and Federal forestry departments and Native Americans from the United States to share experiences and knowledge.

Held on May 18-22, 2015, the weeklong meeting was designed to better prepare and inform forest agency officials and civil society organizations to the challenges of forest regulations. Through presentations, group discussions and a field trip to a variety of different tenured lands, participants were exposed to successful and innovative regulatory models which include stakeholders and respect for individual and collective property rights. The workshop promoted information sharing and broader discussion on forest governance among the group through frank and open dialogue in a small group setting where problems and solutions can be discussed openly.

Participants reflected very positively on their experience. Notable highlights of the workshop cited by participants included exposure to new ideas and analysis and significant professional development. Participants expressed confidence that the event would influence the way they approach their work and contribute to the rethinking regulations process in their countries. They enjoyed the meeting structure

¹ Currently, *MegaFlorestais* core countries include Australia, Brazil, Cameroon, Canada, China, DRC, India, Indonesia, Mexico, Peru, Sweden, and the United States.

which allowed time for field trips and informal discussions and the opportunity for prolonged interaction with peers from other countries.

INTRODUCTION - Why a workshop on Rethinking Forest Regulations?

The actions of a state should be of benefit to its citizens. However, the powers of the state too often fail to achieve the publicly beneficial policy objectives and outcomes which they seek to incentivize through means of regulation. A common problem with regulation is the tendency to assume that more detailed and prescriptive regulations lead to better outcomes than scale-appropriate regulations which leave discretion to local regulators and those who are subject to regulation. Yet, evidence drawn from across all regions of the world shows that such over-regulation tends to hinder – rather than support – the ability of user groups to sustainably manage forest resource systems over time.

Like all regulatory frameworks, forest regulations aim to improve joint outcomes and reduce uncertainty for user groups. In forest settings, these generally seek to protect the long-term viability of the resource base and the services it provides. In the developing world, forest regulations are commonly driven by the perception that illegal logging and trade in forest products are widespread. Further, because of the wide range of ecosystem services provided by forests –services that are highly valued, at least rhetorically, by governments and societies– great attention is given to what are thought to be appropriate, environmental and silvicultural aspects of forest management. This, in turn, is translated into even more detailed sets of “one-size-fits-all” regulations and norms that apply universally to utilization of timber or non-timber forest products is to take place, irrespective of the scale, objectives, identity of the user or user group and tenure status of the forest. The result is a forestry sector that is now and has been highly regulated for many decades, especially when compared to other land use sectors such as agriculture, often with negative implications.

In 2011, the International Tropical Timber Organization² (ITTO) warned that more than 90% of the global tropical forest estate is managed poorly or not at all. One also sees the failure of regulatory regimes in the continued deforestation and forest degradation in countries throughout the developing world. Logging bans, particularly in Asia, are yet another symptom of the failure of regulation, demonstrating the frustration of governments and societies over the inability of “authorities” to make meaningful progress in conserving and sustainably managing their nation’s forests.

Regulatory failure is also bringing increased international focus on forest sector governance in tropical countries, partly reflecting the importance forestry plays regarding climate change mitigation and adaptation. Examples include the Lacey Act³ (USA) and FLEGT (Forest Law Enforcement, Governance and Trade, European Union), which seek to ensure that timber imports derive from legal sources, and REDD+ that seeks to align global donor support to provide a new set of incentives for forest conservation and sustainable management. However, these international initiatives are imposing or will impose additional regulations on countries. Under a “business as usual” scenario, there is a high probability that these new



² ITTO. 2011. Status of Tropical Forest Management 2011.

³ The Lacey Act is a 1900 United States law that bans trafficking in illegal wildlife. In 2008, the Act was amended to include plants and plant products such as timber and paper. This landmark legislation is the world’s first ban on trade in illegally sourced wood products.

regulatory requirements will simply be overlaid on national regulatory frameworks that are already overly complex and largely non-functional. Needless to say, the pursuit of such strategies would have very real and negative repercussions for the 1.3 billion people⁴ that depend on tropical and sub-tropical forests for their livelihoods.

Nevertheless, despite ongoing reforms to improve the sustainable management of forest resources, evidence of improved social and ecological outcomes is scarce. The question this raises is: Why? Could it be that the rules adopted to remedy recurrent problems might actually be perpetuating unsustainable forest practices? To what extent do institutional reforms lead to systems that are too demanding and costly to implement? To what extent are existing regulatory instruments appropriate for dealing with variable social and ecological conditions? Analysis of these questions point to a number of common flaws shared by many regulatory approaches, including:

1. The failure to respect customary law, resulting in the imposition of generic and often foreign solutions for which no local institutions, traditions or experiences exist to better ground such rules and ensure effective implementation;
2. The failure to take into account existing property rights and/or tenure arrangements (e.g., customary land rights);
3. The use of perverse incentives that result in socially regressive measures, such as those that reward large-scale investments but penalize small-scale initiatives. As is often the case, rule systems often pander to the interests of large or wealthy operators, while creating insurmountable barriers for small companies, communities and individuals;
4. The pursuit of short term revenue gains, whether public or private, over the achievement of longer term returns or non-monetary values and benefits;
5. Undisclosed efforts by governments to maintain control over land resources and the benefits derived therefrom;
6. The use of overly complex regulations that tend to become inconsistent and confusing over time; both for those charged with enforcing them as well as for those that have to abide by them.
7. The imposition of unrealistic technical and/or reporting requirements that create undue transaction and operational costs for both the regulator and the regulated;
8. The inability of many governments to actually monitor and enforce their own rules due to the lack of human or operational resources.
9. Costly compliance measures that make “legal” resource use non-competitive, encouraging illegal utilization and/or forest clearing for the pursuit of economic activities with less onerous regulatory burdens.
10. Insular regulatory reforms developed by small groups of technocrats through top-down processes that fail to effectively engage with or allow for the real and informed participation of those affected by their implementation.

⁴ Shepherd, G. 2012. Rethinking Forest Reliance: findings about poverty, livelihood resilience and forests from IUCN’s ‘Livelihoods and Landscapes’ strategy. IUCN: Gland, Switzerland.

PRESENTATIONS, DISCUSSIONS & SITE VISITS

Andy White, Coordinator at the Rights and Resources Initiative, and Sally Collins, Co-Chair of MegaForestais welcomed the group and thanked them for coming all the way to the US.

Bob Harrington, State Forester, Montana Department of Natural Resources & Conservation welcomed the participants to Montana and Lubrecht Forest.

Participants introduced themselves and shared several of their personal expectations for the week:

- Benefit from other countries' experience
- Learn about voluntary approaches & models in Montana, as well as different regulatory frameworks
- Know more about community forest and tenure and share experience on community rights.
- See how community, women and Indigenous Peoples' rights taken into account in other countries.
- Learn about forest management practices.

They also gave country presentations and identified the following as the biggest challenges occurring in participating countries:

- Governance and institutional frameworks becoming more complex (e.g. decentralization processes).
- Indigenous and community rights recognition and tensions around clarification of land ownership.
- Law implementation/enforcement becoming more difficult due to limited human and financial resources, weak organizational capacity, and relatively new regulations.
- Citizens requesting more transparency and inclusion.
- Growing political will to recognize and promote aboriginal/native/communities land tenure rights
- Forest sector competing with other sectors and ministries (i.e. land, mining) and many issues of overlapping rights on the same area: need for intersectoral dialogues and harmonized policies and laws.

➤ The history of forest management and governance

Meidinger (2005) believes that developed countries have, generally speaking, followed a path regarding the development of forest governance and management (with implications for forest regulations):

1. 16-19th centuries – Forests belong to States and there is an increasing industrial control of forests. This period is symbolized by forest degradation, 'elite capture' and corruption but also a period of significant industrial development and economic growth.
2. 20th century, until the 1970s – Period of "command and control", prescriptive regulations and management plans. It is symbolized by gradual strengthening of civil society and rule of law.
3. 1980s until present. Main characteristics of this period are:
 - More inclusive governance and decision making
 - Clearer / simpler rules
 - Increased market-based approaches (e.g. certification)
 - Continued tension, revision and reform (reflecting differing perceptions of forests, changing values), increased use of courts for determining direction.

Talking point:

Is there any evidence that developing countries' forest sectors are evolving along similar paths? Is governance improving? Are civil society actors becoming stronger and affecting outcomes? Are command-and-control structures giving way to market based approaches? Are competing objectives of different stakeholders increasingly being given attention? Are forest sector stakeholders seeking resolution of conflicting objectives through extra-sectoral mechanisms (e.g., courts)?

Key principles for rethinking forest regulations:

1. Recognize land rights and design different regulatory systems for each type. As land tenure regimes are a complex mix of historical, cultural, political, constitutional and regulatory elements, this requires taking into consideration (and possibly re-examining) the national constitution, land / forest laws, laws regarding other land use (e.g. mining, agriculture, environment), Indigenous Peoples and other special groups, as well as other international commitments (e.g. ILO 169, UN Declaration on Indigenous Peoples [UNDRIP]).
2. Identify and address the priority public problems and then prioritize action. Not all objectives are equally important nor can individuals or institutions do many things at the same time and do them well.⁵ There is a need to focus on what are the most important values and resources; the most important and critical locations for the management and conservation of those values and resources, and the stakeholders most relevant to managing and conserving those values and resources in those most important and critical locations. Oftentimes, the most relevant stakeholders will be those with the potential to cause the most damage.
3. Prioritize action against the most damaging actors: an approach that give priority to the operators with potential to cause most damage will be more effective than to focus on small actors whose impacts are proportionately small.
4. Government regulations should focus on desired outcomes and/or results. In many countries, regulations are overly prescriptive and focus on processes (inputs) rather than the desired outcomes. As a result, they become extremely complex, both for those that have to comply with the regulations, as well as for those charged with enforcing them.
5. Governments create favorable conditions for key rights holders and only do what no other entity can do, including:



⁵ It is exceedingly common to encounter that national forest agencies' legal mandates are over-dimensioned, a fact that often leads to varying degrees of institutional paralysis. This is especially common in the traditional top-down, command-and-control type forest sectors. Because all authority and responsibility lies with the forest agency, its mandate becomes so broad as to be unworkable. That is, any expectations of staffing levels and budget to effectively achieve their broad mandate would be totally unrealistic. Thus, rationally, there is an absolute necessity that forest agencies – in close cooperation and coordination with the other forest sector actors who will ultimately take on greater roles and responsibilities – learn to prioritize and focus on fewer, more strategic thematic and geographic areas. The failure to do this often leads to the paralysis. Resources are too few to cover all needs and their fragmentation across too many competing requirements ensures that no one thing will be done well. This is also one of the most difficult institutional reforms and changes to affect as it may involve moving towards decentralized and polycentric governance models that run counter to more traditional command-and-control mindsets.

- a) Catalyze and facilitate process to identify priority problems and new standards.
- b) Take a “systems” approach. Think of, and design systems that reflect and take advantage of stakeholder rights, interests and incentives.
- c) Find the adequate mix between regulations and voluntary guidelines.
- d) Develop an inclusive and transparent process, avoid capture by powerful vested interests.
- e) Ensure monitoring of outcomes, citizen learning, regularly adapting and updating regulations.

Why do we regulate forests? To regulate the...:

....Relationship Between the State...	...And its Citizens...	...Over Rights...	...To Use Forests.
<ul style="list-style-type: none"> •Central/federal government •Provinces/states •Local governments 	<ul style="list-style-type: none"> •Individuals •Groups of individuals with special rights (communities, IP) •Public 	<ul style="list-style-type: none"> •Harvest •Use •Management •Timber •NTFP •Wildlife •Recreation 	<ul style="list-style-type: none"> •Individual or households •Indigenous or community owned forests •Local government •Central/federal government

➤ **Tenure and regulations in the U.S.:**

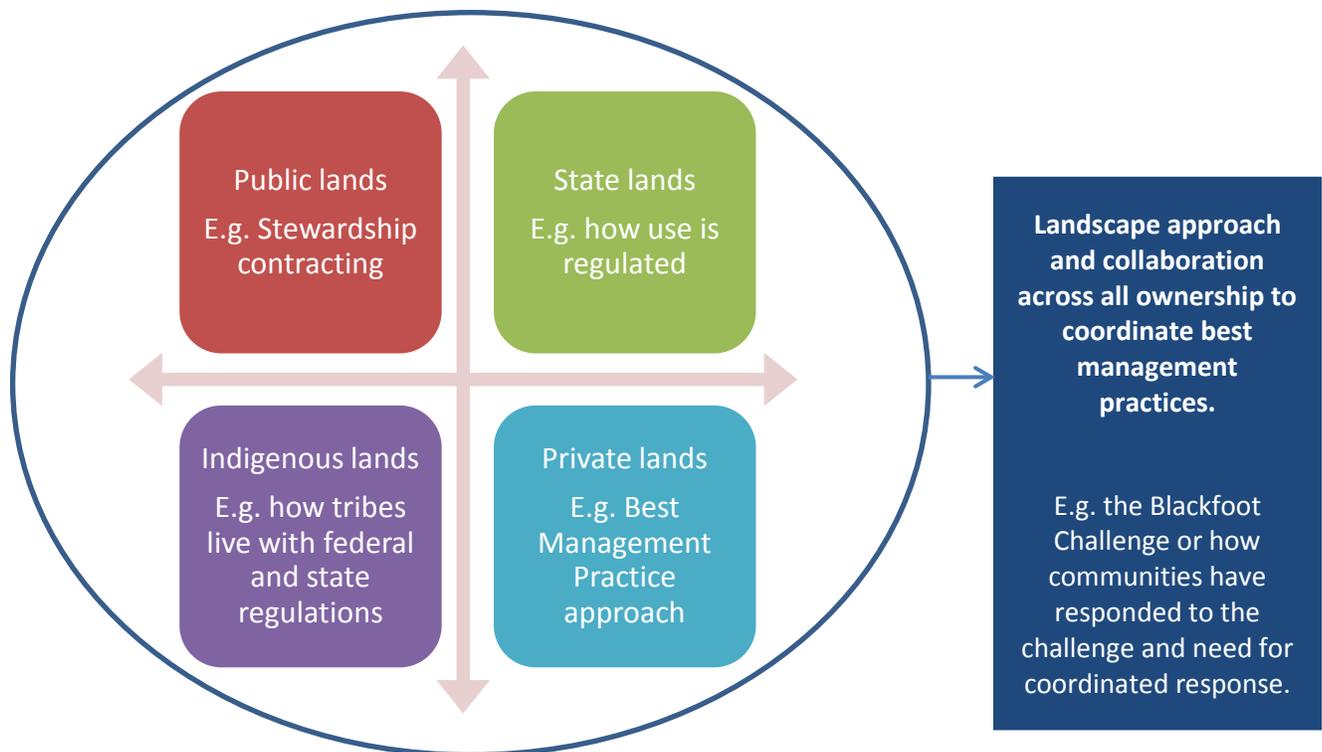
Tenure and regulatory systems in the US are deeply marked by the US westward expansion during the 19th century. The indigenous and native populations were driven West and eventually limited to several reservations during the 19th century. During that time period also, the total area under forest cover shrunk considerably in the eastern half of the US, which in turn fueled the push for timber and non-timber forest products north, west and south across the continent, especially after 1850. Today the distribution of forest land ownership in the US is as follows: the private sector owns 63 percent of the land, with families accounting for 43 percent, corporate 16 percent and other kind of private property for almost 4 per cent. The public sector still controls 37 percent of the land with 7 percent owned by the state and 28 percent by the federal sector, and 2 percent by local governments. The tenure policy of the US emerged 100 years ago with the creation of a National Forest System after most of the Native Americans were effectively removed from their ancestral lands, and to address public outrage over land degradation. State Trust Lands were created to generate revenue for education and infrastructure. Private forests were supposed to produce wealth for the nation and the individuals. In this system, private land owners have immense rights and apart from the Endangered Species Act, the Clean Air and Clear Water Acts, no federal law directly governs private forest management. This responsibility is largely left to state governments. Federal forests management has significantly changed over time and is now more focused on small scale and shorter term contracts that are increasingly incorporating innovative strategies to span the multiple values and interests that forests provide, including stewardship contracting arrangements. For the prior 50 years, the USFS primarily sold timber through long-term contracts to timber companies, while today’s issues demand a greater focus on restoration (including thinning, prescribed fire, road decommissioning, etc.). Collaboration with the public is now a much stronger component than in the past, as well.

➤ Why Montana?

The State of Montana is an interesting case study because it embodies the five principles for rethinking forest regulations. These include:

- A regulatory system for each ownership type (federal, state, private, tribal);
- A “systems thinking” approach that respond to rights, interests and incentives of each major stakeholder;
- A focus on mutual awareness, transparency and joint monitoring;
- Social legitimacy through collaboration with all stakeholders;
- A willingness to focus on agreed outcomes, with formal and informal sanctions for “bad actors” and credible threat of greater coercion if not effective;
- Collaborative federal and state government engagement that creates favorable conditions and incentives for all, including the pro-active outreach and involvement of NGOs and communities;
- The successful implementation of a voluntary approach to regulate private forests that relies on compliance with “Best Management Practices” to minimize impacts to soil and water quality.

Montana, a convenient laboratory to see 4 frameworks each based on different types of land ownerships:



And all this is part of a bigger picture:

International Initiatives Promoting Forest Governance, by Jussi Viitanen, EFI

During the last decades, many international initiatives have been promoting forest governance in order to ensure sustainability and legality of logging activities in the world. One of those is the European Union (EU) FLEGT Action Plan that aims to reduce illegal logging by strengthening sustainable and legal forest management, improving governance and promoting trade in legally produced timber. This voluntary approach is based on Voluntary Partnership Agreements (VPAs), which certify the legality of timber exports entering the EU. These VPAs have been implemented in six countries (Cameroon, Central African Republic, Ghana, Indonesia, Liberia and the Republic of the Congo), and nine other countries, mostly in the Sub-Saharan Africa and South-East Asia are still negotiating their VPAs with the EU.

Also, many countries that import timber have voted regulations aiming to prevent the sale of illegally harvested timber, such as the Lacey Act in the US, the European Union Timber Regulation (EU TR) and the Australian Illegal Logging Prohibition Act. Traders are now required to exercise due diligence and they are prohibited to place on the market illegally harvested timber and products. They also must keep records of their suppliers and customers. Other regulatory and voluntary approaches are also being implemented by private sector actors, such as private voluntary certification.

➤ **Drilling down on the ‘Montana model’: the Best Management Practices for private and state lands**

Well into the 1980s, in Montana, timber harvesting on private lands was carried out with little concern for sustainable logging practices.⁶ Forest lands were degraded and the impacts on forested watersheds and water quality were severe. Because Montana is a state with significant water resources that are highly valued by its citizens – for hydroelectric power, drinking water, recreation and wildlife habitat and values, fishing and hunting, among others – the impacts of logging on water resources increasingly became an issue of public concern.⁷ As opposition to unsustainable logging practices and their impacts on watersheds grew, the federal government threatened to step in under the Clean Water Act and force the government of the state of Montana to put in place and enforce an appropriate regulatory framework to halt the abusive practices on private lands. The threat of regulation by the federal and state government catalyzed the forest industry, forest owners and conservationists, who – with the assistance of federal and state government – came together to seek an alternative way to improve forest practices and satisfy regulators in order to avoid the imposition of complex and costly regulations.

Subsequently, through a multi-year process that effectively involved and engaged all relevant forest sector stakeholders, an approach was developed that relies upon the application by the logging industry and forest land owners of Best Management Practices (BMPs) in forest harvesting and site management in 1989. The focus of the BMPs for state and private forests is on assurance of water quality specifically reducing impacts to streams via disturbance, erosion, and point source pollution.⁸ This focus is what was agreed upon and supported by all stakeholders, their motivation being based on their community and industry values and interests. As a result of this process, the widespread and widely agreed view is that

⁶ Private forest lands in Montana comprise some 1.5 million acres (0.61 million ha) of family owned forest lands (or “non-industrial private forests”) and about 1 million acres (0.40 million ha) of industry owned forest lands. In Montana, 60% of the forests are privately owned, 30% are on federal lands, 6% on state lands, and 5% on tribal lands.

⁷ Hydroelectric power accounts for nearly a third of the state’s electricity generation. Six of the ten largest power plants in Montana run on hydroelectric power (U.S. Dept. of Energy 2009). <http://www.eia.gov/beta/state/analysis.cfm?sid=MT>

⁸ On state and federal production forest lands, Sustainable Forest Management (SFM) objectives are required for timber harvesting. Also, a very high percentage of federal lands are gazetted as parks and conservation areas where biodiversity conservation objectives met.

“the use of voluntary BMPs has proven to be an effective tool in limiting non-point source pollution from forest harvesting activities” - From 1990 to 2010, the application of practices which met or exceeded the BMP requirements went from 78% to 97%. During the 2010 field reviews, BMP effectiveness was evaluated and results showed that, across all ownerships, BMPs were effective in protecting soil and water resources 98% of the time.

What are some of the elements that have made this approach successful?

- First, there was trust and patience on the part of the regulators. That is, the regulators were willing to enter into a systematic process with forest sector stakeholders and seek mutually acceptable solutions. They were also willing to view this as a process that would take time, accepting that the “correct” response to the abusive forest practices was not to simply put in place well-intentioned but impractical new rules immediately halt bad practices but rather to seek a more sustainable, long term resolution by working through the issues with stakeholders and allowing for trial-and-error.
- Second, they did not allow perfect to be the enemy of the good. That is, rather than seeking an optimal (perfect) solution from a regulatory agency perspective, the approach was to start with a basic, minimum set of requirements, to monitor the outcomes, and add additional requirements as needed. For example, after two years of initiation of implementation of the “voluntary application of BMPs” approach, the monitoring showed that the voluntary approach was not working well for the protection of riparian areas. As a result, mandatory requirements were developed for “streamside management zones”. Even so, these were not detailed technical prescriptions of what must be done, but shorter and clearer guidelines on what must not be done.
- Third, an innovative and effective monitoring program was established. Every two years, multi-disciplinary teams (comprising specialists in fisheries, hydrology, soils, silviculture, forest engineering and roads, conservation, forest land owners, loggers, and NGO representatives) visit sites that were selected to be audited. Selection is based on criteria relevant to the objectives of the BMPs, i.e., to protect water resources⁹. The teams are made up of volunteers from government, industry, consulting firms, academia, etc., that give 10 days of their time to participate in the audits. Interested civil society observers can go with the teams and observe how the audits are carried out. Participation in the BMP audits is voluntary for family private landowners, while it is compulsory for industrial private landowners and all landowners in riparian zones. Another innovation of the auditing program is that it does not seek to identify or

The Blackfoot River, 1899 and today



⁹ Selection is based on simple criteria. First, sites eligible for audit are identified based upon harvesting having taken place in the previous 2 years; the harvest unit contains or is within 200 ft (60 m) of a stream; the harvest unit is larger than 5 acres (2 ha); and harvest volume was greater than 3,000 board feet (7 m³) in the humid western portion of the state or 1,500 board feet (3.5 m³) in the drier eastern portion of the state. Then, sites are prioritized for audit based on a point system that awards points for the harvesting unit having multiple stream crossings (5 points), each new stream crossing (4), new road construction (3), road reconstruction (2), harvesting in streamside management zone (2), and/or each existing stream crossing (1).

“punish” individual forest owners or logging companies. Rather, the audit looks at overall compliance and quality of application of the BMPs so that there is a joint risk for all. If certain individuals are “bad actors” and they do not improve their practice, they increase the risk for everyone that additional and more intrusive regulation will be brought to bear. Thus there is a “social audit” function as well.

- Fourth, because the forest industry itself – both mills and loggers – is heavily reliant on obtaining raw material from private lands, it would have both suffered the most immediate impacts of regulation as well as having to absorb the majority of the costs imposed by that regulation. As a result, it was in their self-interest to support a voluntary compliance scheme and also to ensure its success. To do so, commercial loggers, through their associations, established programs to train and certify loggers in the actual 96 BMPs; the program provides for loggers becoming “Accredited Logging Professionals” and requires continuing education. Further information on the “Accredited Logging Professionals Program” can be obtained at the website of the Montana Logging Association (<http://www.logging.org/>).
- Fifth, government involvement is “smart”. The federal government maintains pressure on the state to ensure compliance with federal regulations. The federal regulatory threat is credible, i.e., the state and the forest industry know that the federal government will act if they fail to regulate themselves. In its turn, to comply with federal regulations, the state government has put in place a legal and operational framework to support a system of voluntary compliance. In this framework, state has defined its role not as an implementer but as a facilitator and guarantor of performance. Specifically, the state’s role is one of: (i) promoting and facilitating partnerships (with other relevant government agencies¹⁰) and providing for coordination and cooperation between federal, state and local actors; (ii) providing budget for support (technical assistance, education, organization, promotion, etc.) and appropriate mechanisms to transfer that support to the relevant private actors; (iii) providing for decentralized implementation such that state forestry staff are in the field and have continuous contact with the public, landowners and industry; and (iv) monitoring outcomes and working with stakeholders to correct and improve the system as required.

In summary, the approach is based upon a philosophy that self-regulation is possible because people – private forest owners, public forest managers, industry, forest-dependent communities and the public at large – with access to reliable and coherent information and good technical support will make good decisions. It also relies upon the basic principle that where there is an external, coercive force, the preferences of each individual in a group can be made to change such that cooperative action to produce “the good” can become the dominant behavior. Or, to put it more simply, the fear of being heavily regulated keeps the landowners and forest users committed to what is generally the right course. There is a cultural value involved as well: private landowners would rather regulate themselves than have an external, state agent do so.

¹⁰ To make the “voluntary, self-regulation” approach work, the Forest Service has a Memorandum of Understanding (MoU) with each following principal partners: the National Forest Service, the state Department of Natural Resources foresters; Montana State University Extension office; Local governments; non-profit organizations; and private operators (family and industrial).

➤ The ‘Montana Model’ at work – several examples

Across ownership initiative: The Blackfoot Challenge Association

The purpose of the visit to the Blackfoot Challenge was to demonstrate that local communities can be the driving force in conserving and protecting forest lands; that they are just as concerned as government authorities in conserving natural resources and the environmental services that they provide, and often more so because the lands and forests and how they are managed directly impacts their lives. In Montana, local partnerships were initiated in 1940 when local landowners formed soil conservation districts in response to Dust Bowl, the worst soil erosion event in U.S. history.¹¹ By forming partnerships with local communities, organizations like the Blackfoot Challenge show leadership and commitment to good stewardship of natural resources. By supporting and cooperating with community-based natural resource partnerships, federal and state authorities are able to meet their objectives and responsibilities in an effective manner that also reduced their cost and administrative burdens over the long term.

The Blackfoot River watershed encompasses an extensive block of conservation forests, including the Bob Marshall Wilderness, a national protected area that covers over 1 million acres (over 400,000 ha). Land tenure in the Blackfoot Watershed is diverse and includes individual and household ownerships, tribal lands federal and state land, and industrial timberlands. In the early 1990s, the Blackfoot River was recognized as one of the 10 most threatened rivers in the United States due to poor water quality, land use and forestry practices. This categorization served as a catalyst to local communities and all stakeholders to come together and begin to discuss concerns about their natural resources and sustaining their rural lifestyle and quality of life. Landowners were also worried that the area might become a focal point for top-down regulations, which would have limited their actions to the land.

As a result of that local discussion “The Blackfoot Challenge” was born in 1993. It was named ‘Challenge’ due to the complex landscape of forest land tenure which posed a significant challenge to developing a functional conservation and management scheme for the Blackfoot Watershed. Because of this complexity, it was decided early on that an advocacy approach was not likely to work. What was needed was a partnership approach within which those areas of mutual interest could be identified so that the partners could work on issues upon which they agreed on: e.g. the importance and high priority of ensuring/maintaining high quality water, forest habitat, and weed-free grazing lands; and healthy wildlife populations.

As presented by Mr. Gary Burnett, the Executive Director of the Blackfoot Challenge, *“the mission of the Blackfoot Challenge is to coordinate efforts that will enhance, conserve and protect the natural resources and rural lifestyles of the Blackfoot River Valley for present and future generations.”* Established as a non-profit, the Blackfoot Challenge is a landowner-led group that coordinates management of the Blackfoot River, its tributaries, and adjacent lands. Their Board is made up of private landowners, business owners, conservation groups, a major timber company, a major wood processing mill, and representatives of State and Federal government. Their overarching objective and strategy is simple: “Keep the landscape intact”. It is a unique initiative that enables multiple stakeholders to work together and manage the land across landscapes and ownerships. They are working on several programs and

¹¹ In 1937 U.S. President Franklin Roosevelt advised state governors to enact legislation allowing local landowners to form soil conservation districts in response to the massive soil erosion that had caused the “dust bowl,” the worst drought and dust storm in US history. In 1939 the Montana legislature passed the Conservation District Law (Section 76-15-101, MCA) with the first districts established in 1940. Today there are 58 conservation districts across the state (Montana Department of Natural Resources & Conservation <http://dnrc.mt.gov/cardd/ConservationDistricts/training/CDHistory.pdf>).

activities (promotion of conservation easements, fire management and fuel reduction, forest restoration, outreach, emergency drought response, weeds management, etc.)

Their principal success has been the “Blackfoot Community Project” which was initiated when the Plum Creek Timber Company¹² announced that it would be selling 89,000 acres (36,017 ha) of timberlands in the Blackfoot watershed. A major concern of local communities was that this land would be fragmented into smaller holdings and developed for residential and vacation homes. It was feared that this conversion would result in the loss of local peoples’ access for hunting, fishing and recreation, forest cover, and the rural character of the area. The Blackfoot Challenge, worked with a non-profit conservation organization (The Nature Conservancy) to put together a partnership strategy to purchase and conserve this forest land. A deal was developed in which a conservation easement¹³ would be placed on the entire area and the land would be purchased (and held individually) by a mix of federal, state, private (large and small) purchasers as well as the Blackfoot Challenge itself, which raised funds to purchase lands itself. A total of some \$500 million was raised through the various partners for the purchase. For example, the state of Montana’s Department of Natural Resource and Conservation purchased 32,000 acres (12,950 ha) to manage for sustainable timber harvesting.¹⁴ The purchased lands constitute the “Blackfoot Community Conservation Area”, within which a “conservation core area” was designated, comprising the lands purchased by the Blackfoot Challenge itself. This core area is the first designated community forest in Montana.

The experience and lessons learned from the Blackfoot Challenge’s success as a ‘community-based conservation initiative’ included the following:

1. Efforts should be driven by community values. In this fashion the buy-in and commitment of the local community is ensured, as is the long term sustainability of the activity.
2. All stakeholders, public and private, must be invited to participate.
3. Work on what is common ground and what everyone can agree upon; leave disagreements at the door (i.e. 80/20 rule).
4. Includes a coordinating framework.
5. Is supported by good science, combined with local knowledge

All those reasons explain why Ken Salazar, the U.S. Secretary of Interior, in 2011 said the Blackfoot Challenge was the model for conservation in the 21st century.

The Guide to Land Conservation in the Blackfoot Using Conservation Easements can be consulted [here](#).

Stewardship contracts on federal lands:

The existing planning for federal forests is very cumbersome in the USA due to time-consuming legal requirements for complying with the National Environmental Policy Act and lack of financial and operational resources to adequately achieve planning benchmarks. Projects are often delayed or stopped altogether, and District Rangers experience significant impediments to management of lands for wildlife habitat, recreation, timber production, forest health, and even safety of recreationists. Emerging from this difficult situation came a new authority from Congress for Stewardship Contracts—

¹² Plum Creek, a Real Estate Investment Trust (REIT), owns approximately 6.6 million acres (2.7 million ha) in major timber producing regions of the United States.

¹³ In the USA, a conservation easement is an encumbrance which creates a legally enforceable land preservation agreement between a landowner and a government agency or a conservation organization (e.g., "land trust"). It restricts real estate development, commercial and industrial uses, and other mutually agreed activities. The property remains the property of the landowner. The decision to place the easement is strictly voluntary. The restrictions, once in place, are permanent and binding on all future owners of the property.

¹⁴ See below paragraph on State Trust Lands.

first tested for nearly a decade with pilot projects around the country. In the past few years, the authority was granted more broadly, encouraging USFS offices to more widely apply the stewardship contracting method. This method serves as an alternative to the historic timber contracts that were issued to timber companies. The new stewardship contracts allow the agency to enter into contracts (up to 10 years) with communities, non-governmental organizations, Indian tribes, private organizations or businesses to meet larger landscape objectives. Those contracts are based on an exchange of services. For example, a District Ranger will sign an agreement with a contractor to reduce wildland fire risk and improve forest and rangeland health in a specific area. The contractor will do restoration work as well as harvest timber. The revenue generated by the sale of timber pays for the restoration work. This keeps the transactions local, and assures that the land management work is done. Before this tool was available, the agency issued timber sale contracts, which did not allow for restoration work beyond reforestation after harvesting, and all of the revenue accrued to the government from the sale went to the national budget, and was not kept at the local level where it could be used to restore the forest. This is another example of the benefits of outcome-based regulations and how different stakeholders can collaborate to achieve sustainable forest management. Those contracts contribute to community development and empowerment, and they show that it is important for a government to promote innovations.

Visit of a family-owned sawmill “Pyramid Mountain Lumber”:

During the workshop, the group visited, Pyramid Mountain Lumber, a sawmill which prides itself on being “the stewardship company.” The mill was created in 1949 and was started by two families. Because it has no timber land of its own, the mill relies upon timber supply from private, federal, state, and tribal lands. The mill’s business practices dictate that they may only use foresters who are certified members of the Society of American Foresters, and only contract with accredited logging professionals who are trained in Forestry Best Management Practices. Pyramid Mountain Lumber is an excellent example of how the forest industry can support initiatives promoting a better forest management and benefit from it. In 2011, the mill received the Sustainable Forestry Initiative Program Certification, and it was also awarded US\$202,727 by the U.S. Forest Service to develop a biomass project: add a 5-megawatt co-generation plant using lumber byproducts like sawdust, chips and branches. Very few saw mills are left in the area, and the success of Pyramid is largely due to its ability to diversify the products it produces and the age and size diversity of the trees it accepts for milling.



Natural resources management on tribal lands – Visit to the Confederated Salish and Kootenai Tribes (CSKT), Flathead Reservation.

The purpose of the visit was to see how indigenous peoples from three tribes (the Bitterroot Salish, the Pend d’Oreille and the Kootenai tribes) have successfully joined forces to sustainably manage their traditional lands and seek to develop economically based upon their own vision, values and customs. The Flathead Reservation – comprising 1.32 million acres (over 530,000 ha) – is located in northwestern Montana. There are 7,800 inhabitants on the reservation, amongst which only 4,000 are Indians. The traditional tribal territory exceeded 20 million acres (over 8 million ha) in 1855, the year in which the Hellgate treaty was signed between the US and the tribes. This treaty was supposed to recognize their



traditional claim to certain, specific lands as well as their access to all their other traditional lands for purposes of hunting and fishing. However, subsequent violations of the treaty by the U.S. government resulted in a reduction of the total area of the reservation, which now comprises less than 10% of the originally delineated area. In spite of prejudicial laws and policies impacting indigenous rights in the U.S., the confederated tribes have been (and continue to be) proactive in claiming and exercising their rights to govern their own natural resources in the way they desire, free from interference by outsiders. The CSKT have had particular success in purchasing lands once illegally settled by non-native individuals, and have now regained ownership of

back 60% of the land originally appropriated. The security of their governance over their lands and resources *in perpetuity* is the most important objective of the tribes.

As presented by Jim Durglo, Department Head of the Confederated Salish & Kootenai tribes Forestry Administration, Vernon Finley, Chairman of the tribal Council of the CSKT and Robert McDonald, the Communications Director of the Confederated Salish and Kootenai Tribes, the US has had a long and often painful history regarding the treatment of Native Americans. This history is reflected in current government policies that are aimed at trying to partially compensate indigenous communities for historical injustices, as well as at ensuring and strengthening the rights of Native American people so that past injustices are neither perpetuated nor repeated.

The Tribes express a commitment to environmental stewardship, based upon their beliefs, traditions and history with the land and way of life. They are one of the best organized and well managed tribes in the US and operate their own natural resources management since the 1970s. In 2003, the Trust Resource Management of the CSKT received the American Tribal Governance Awards, an annual event recognizing outstanding work in Native American government. They spend over \$10 million a year of their own funds on natural resources and land management programs to protect and enhance the Reservation's resources. They have developed and implemented strict environmental standards for air and water quality. They were the first tribe in the US to designate their own wilderness area – the Mission Mountains Wilderness Area – that comprises 89,500 acres (36,220 ha) and which is managed by the tribes not for timber production but for spiritual use. Under a cooperative management agreement between the Tribes and the State of

Snapshot on Native American Tribes in the United States:

The U.S. contains 4,5 million American Indians (or 1.5% of the total US population according to the US Bureau of the Census, 2007). 566 Indian tribes are federally-recognized as sovereign, which mean they have government-to-government relationships with the US. The largest reservation is the Navajo Nation, of about 6.5 Mha, and the smallest, just 0.5 ha. Indian lands only represent 5% of the total land in the US, but account for about 10 percent of all the country's energy reserves. These reservations are the result of a brutal and difficult history in which the US government signed treaties with the tribes or violently displaced them to acquire their land as European-descended populations expanded to the West between the 16th and 19th centuries. In the early 20th century, communally held lands were forcedly converted into small parcels for individual ownership. Overall, the US government took 36Mha from the tribes without compensation, resulting in significant social and economic impacts to tribes across the country. Starting in 1968, a new period for self-determination and self-governance began, with tribes progressively regaining control over their lands and resources. Nowadays, tribal lands represent 23 Mha and tribes also have access to an additional 40 Mha with rights to manage or use resources in virtue of Treaty Rights.

Montana, thousands of acres on the Flathead Reservation are open to non-Tribal members for fishing and hunting.

To manage their resources, the tribes established their own Natural Resources Department, which includes:

- An Environmental Protection Division to protect human health and the environment for all Reservation residents. The Division operates air and water quality, and shoreline and aquatic lands protection programs as well as a solid and hazardous waste program that also handles pesticides issues in agriculture.
- A Fish, Wildlife, Recreation, and Conservation Division charged with the stewardship of the tribe's natural resources. The participants had the opportunity to see some of the activities of this program: how the tribe is tracking bears and wolves, and building wildlife crossings near a major highway to secure the road.
- A Water Division to preserve, perpetuate, protect and enhance the Reservation's water resources and aquatic ecosystems.
- A Tribal Lands Department that has four main programs: Permitting and Leasing, Land Planning, Land Services (Acquisition, Exchanges, Easements), and the first Tribally-managed land Titles and Records office in the nation.

As with the Blackfoot Challenge, the CSKT provide another example of how local people and communities, by pursuing their own interests and destinies, can be "self-regulating" forces that provide benefits to the larger society by conserving and protecting forest lands, watersheds and biodiversity. One of the lessons learned from this experience (and still being learned) by government is that much of government's previous interventions have been misguided and costly in monetary terms (i.e., wasted public resources). In terms of land degradation and failure to achieve conservation goals, the federal government did not acknowledge that local peoples have an interest and incentive to manage and protect their own natural resources. Clearly tribal communities have now demonstrated the capacity to achieve real and concrete results on a large-scale since demanding the opportunity. While still an evolving experience, the Tribes have established and operate their own programs for the management and conservation of their natural resources that are providing real results on the ground. They demonstrate that sustainable management at a landscape-scale of forest and wildlife resources can be accomplished by communities through their own initiative.

Water Compact Struggle: a victory for the CSKT

The CSKT Water Compact refers to a bill that was finally signed by the Montana State Legislature in April 2015 after more than 30 years of negotiations. It reflects an agreement between the CSKT and the state and federal governments to recognize the tribes' time immemorial water rights and ensure non-tribal members continue to receive water. This is the largest and last of seven Montana tribal compacts passed out of the state Legislature. However, the bill now has to be signed by the US Congress, which could take years.

➤ **Working with civil society and local communities: Successes and challenges from around the world**

- ***An Experience from Traditional Chiefs in Cameroon – His Majesty Bruno Mvondo***

Traditional chiefs in Cameroon have organized themselves to weigh on the ongoing land reform and take advantage of their customary legitimacy with communities and populations, as well as their

expertise and experience in natural resources governance and community rights. To that end, they created a Network of the traditional chiefs for the conservation of the environment and sustainable management of the ecosystems of the Congo Basin (RecTrad), which now expanded to 8 countries. They also created the National Council of Traditional Chiefs, which has been a great platform to engage with policy makers and put forward their proposals. Overall, these have been great instruments to push the claims of civil society which had been blocked and the traditional chiefs have been working closely with the RRI coalition in Cameroon. Through their hard work, traditional chiefs have been able to gain trust from all sectors and ministries, which gave them incredible access. They are now recognized by decision makers: they frequently participate in public hearings in the Senate and the National Assembly and work in close collaboration with the President and the Prime Minister Offices. One of their main achievements has been the creation of a “Special Committee” in charge of including the Traditional Chiefs’ proposals in various legislations.



Throughout this process, traditional chiefs gained recognition and are now more committed to act and more sensitive to new issues (i.e. gender, indigenous peoples, climate change). They will continue to work, with the objective of reaching out to more traditional chiefs in Cameroon and sharing their experience in Africa and around the world.

- ***Lessons learned for FLEG(T) – Paolo Cerutti***

Timber production and exports steadily increased over the period 1960s-80s, and became more irregular in the 1980-90s. In the 2000s, official numbers show timber production dropping significantly, sometimes being lower than exports. This shift can be explained by the structural adjustment programs (SAPs) requested by the World Bank and the International Monetary Fund in the 1980s/1990s, which led to a restructuring of developing world institutions. In theory, it should have led to more large scale logging concessions and more exports, allowing developing countries to earn a positive commercial balance. In reality, it led to the emergence of illegal logging by criminalizing small loggers and actors who were reliant on timber exploitation, and making their subsistence even more difficult. The situation is now very complex on the ground, with flourishing pockets of organized crime amidst communities of forest dependent populations that are now being touted as criminal by a sly change of rules. To correct this, we have seen more emphasis on forest law enforcement, governance and trade (FLEG(T)) worldwide.

It becomes urgent to act as timber demand is growing and this issue will only get bigger. Progressive regulations can be one solution to these problems and help the regulators adapt to a changing forestry sector. Indeed, the market is much more diverse than what we think. Include communities in decision-making processes that affect their lives is also a way forward. Lastly, it is time to move away from simplistic dichotomies: illegal, illegitimate and non-sustainable are not synonyms, the same way that legal, legitimate and sustainable aren't. Over recent years, the agenda has been taken over by REDD+ but it may not answer to the huge variety of forest realities and needs.

- ***Local Actors, timber market and emerging forest policy approaches in Western Amazon - Pablo Pacheco***

In the Western Amazon, one third of the forests are held by small holders and communities, who use the forests in different ways, and local population has progressively been granted tenure rights in Brazil, Bolivia, Peru, and Ecuador. Most forest logging activity is done individually, but also through collective

plans. Some of the forests are public forests set aside for conservation, and others are considered as part of indigenous tenure rights. Important areas are forest concessions. In the Western Amazon, there is a deep penetration of markets and more influence and impact of urban demand. The histories of forest management in these countries have changed dramatically with the Structural Adjustment Programmes (SAPs) of the 70s/80s and 90s, which sought to rethink and recreate the forest agencies, regulations and the forestry activities. The main focus during the 90s has been to promote sustainable forest management (SFM) while trying to understand the complexity of forest management in the Amazons. New forest reforms have included feedback on how these models of SFM can be best applied. There are particularly new perspectives with broader political processes in Bolivia and Ecuador with the “Living well” ideology, while more emphasis has been put on economic growth and neo-liberal views in Peru. In Peru, the commercial use of forest was aimed at increasing their economic value and the informal expansion of timber supply has grown. Most of the activities of small holders are still conducted outside of the law because they are excluded from the regulations. For a major portion of smallholders and extractors, undertaking illegal timber extraction is economically good, and smallholders often depend on multiple income streams. However they receive less profit compared to the other actors up the chain.



One of the main challenges are that: 1) forest policies and regulations of forest practices place additional burdens on small and medium scale operations; 2) timber extraction remains a great source of short term cash for smallholders, so incentives for conservation are limited; 3) there is a disconnect between the demand (coming from urban centers) and the offer. Looking forward, forest policies should include efficient timber legality verification systems, incentives for conservation and SFM, technical assistance to prepare forest management plans. In conclusion, moving beyond a command-and-control approach (which ended up undermining the capacities of smallholders and putting more constraints on local timber markets) and relying more on local forest users will be key.



CONCLUSION

There is a critical need in many forested countries to rethink how forests are regulated and what the appropriate role for government authorities is/should be in a world where forests continue to disappear and be degraded at an alarming rate despite decades of regulatory reforms – most of which have resulted in top-down, complex, command-and-control institutional and regulatory structures. These approaches have not worked well for many reasons and for those same reasons are unlikely to work in the future. As noted by the 20th Century physicist, Albert Einstein: *“The definition of ‘insanity’ is doing the same thing over and over again and expecting different results.”*

Among the perverse outcomes commonly observed in the world today, such rule systems tend to:

1. Constitute significant barriers to forest-dependent communities and populations by denying them the opportunity to use forests in a sustainable manner to alleviate poverty and improve their livelihoods.
2. Encourage rent seeking¹⁵ behavior by those who should be upholding the law, thus favoring entrenched political and economic interests that have historically benefitted from a status quo in which forests continue to disappear and degrade.
3. Impose burdens and costs onto agencies that have historically been under-resourced and understaffed, or forced into providing for their budgets through the imposition of stumpage or user fees and other related charges.¹⁶ If governments could reduce the burden imposed by “command-and-control” regulatory structures, the limited budgetary and staff resources could be used to achieve more productive ends.

When revising regulations, governments and agencies should hold the following five basic principles in mind:

1. Recognize land rights and design different regulatory systems for each property type;
2. Identify and address the priority public problems;
3. Prioritize action against the most damaging actors;
4. Government regulations should focus on desired outcomes rather than process (i.e. being outcome-based rather than prescriptive);
5. Governments create favorable conditions for key rights holders and only do what no other entity can do.

And, in pursuing such principles, some of the lessons learned in rethinking regulations include:

- Regulations should be based on a firm foundation of societal norms, values and beliefs;
- Design regulations that can be credibly enforced;
- Allow flexibility so that local visions and objectives can drive implementation;
- Be aware of political outcomes, including who wins and who loses when regulations are changed;
- Clean up existing regulations, do not simply add on top of existing sets of rules;

¹⁵ The term rent-seeking was developed by American economists James Buchanan and Gordon Tullock to explain the means by which individuals or corporations seek to capture an unfair or unearned advantage over their competitors through supply guarantees, privileged access, long term leases, perverse subsidies, inefficient regulatory instruments, monopolies, corruption, etc.

¹⁶ One global lesson learned is that productive use of forests alone cannot generate the income needed by a modern forest agency whose mandate covers the management and conservation of the multiple values generated by forests, i.e., not just commercial utilization but also management for maintenance, conservation and enhancement of biodiversity and other ecosystem services, social and cultural values, recreation, etc. As a result, management of the non-timber values suffers as forest agencies focus on obtaining rents from commercial utilization.

- By creating favorable conditions so that other, non-government actors are empowered and engaged, government further empowers itself. By enhancing its power to convene and convince, it opens new opportunities to focus its efforts and expand its coverage;
- In recognizing land rights, recognize also that the relation between key stakeholders and their lands is often tied to important cultural values and customary traditions.
- Recognize that communities have both values and built in incentives to sustainably use and conserve their valuable forest resources. Community values, if understood, provide a vision of what a community desires for itself and its future. Those define the realm of what is likely to be more feasible to accomplish in the short-to-medium terms. Also, communities thrive on long-term, stable economic development, not on boom-and-bust cycles. This is well understood by communities themselves and can provide a sharp incentive for sustainable, local management.
- Regulation is not just about government. It concerns all stakeholders and all must be considered when developing and reforming regulations.
- Regulations should support learning and allow for adaptation and change. Montana’s voluntary BMPs offer a compelling case in point, where all participating actors are working and learning together to improve socially and ecologically desirable outcomes over time.
- In developing regulations, the actors are not just those with land and resource user rights but all those with a legitimate interest in what happens on the land. In the Montana example, one sees how demand-driven institutions and forest processing industries played a key role in sourcing timber from SFM-accredited loggers, enhancing the value and potential returns of BMPs.
- Take advantage of local opportunities, allow local people to refocus priorities. It is not the process that should drive the system, it is the desired outcome. If local people wish to take a different path to achieve sustainable forest resource use, then every effort should be made to support such ends.

Finally, what are some of the things that we can do to advance the idea of rethinking regulations? From the experiences in Montana, a few things that present themselves as being important to achieving change include:

- Ask the right questions. When other large and important initiatives are in progress, look for ways to interject concerns for “Rethinking Regulations” by asking questions that get people thinking about the principals and concepts that underlie the Montana experience.
- Communication and dissemination. The Montana experience is not a model to be replicated or overlain on other countries and situations. Rather it is the lessons and principles that it demonstrates that are important. Montana is not the only place in the world where one can learn from experiences and distill basic principles that can be considered elsewhere. Take advantage of existing “backstopping” opportunities at the global level (e.g., the Rights and Resources Initiative - RRI, and RECOFTC - The Center for People and Forests) and growing wealth of scholarship on sustainable forest management and governance (e.g., IFRI, CIFOR, ICRAF) to identify relevant concepts, principals and questions that can be communicated and disseminated through in-country networks.
- Foster learning, especially through horizontal exchanges at the local level – supporting learning between communities at multiple scales of aggregation.
- Think about and analyze existing regulations in your own country. Doing so in a systematic fashion could provide a basis for local action and a platform for learning across countries and international action. Some questions to consider could include:
 - What is the intent of the existing regulations and is that intent still valid?
 - Are regulations achieving their intended end?
 - Who is benefitting from the current set of regulations?

- Who is losing under current arrangements?
- What are some alternative ways of accomplishing the intended outcomes of existing regulations?

RECOMMENDED RESOURCES

The following PowerPoint presentations are available on the [MegaFlorestais website](#)¹⁷:

- Sally Collins and Claire Biason - [Workshop Overview and Ground Rules](#)
- Andy White - [Why do we regulate forests?](#)
- Andy White and Sally Collins - Rethinking Forest Regulations in the World [English](#) / [Français](#)
- Jussi Viitanen - [International Initiatives Promoting Forest Governance](#)
- Bob Harrington - [History of Forest Tenure and Regulations in Montana](#)
- Tim Love - Another Innovation -- Stewardship Contracting: An alternative to traditional concession contracts [English](#) / [Français](#)
- Gary Burnett - Local Community Forest Governance and Regulation - Blackfoot Challenge Overview [English](#) / [Français](#) / [Español](#)
- His Majesty Bruno Mvondo - The Traditional Chief's Experience in Cameroon [English](#) / [Français](#) / [Español](#)
- Paolo Cerutti - [Lessons learned for FLEGT and Implications for Forest Management](#)
- Pablo Pacheco - [Local Actors, Timber Markets and Emerging Forest Policy Approaches in the Western Amazon](#)
- [Introduction to the Tribal Lands](#)
- [Confederated Salish and Kootenai Tribes - Treaty and History](#)

Additional resources:

- Agenda and List of Participants [English](#) / [Français](#) / [Español](#)
- Biographies [English](#) / [Français](#) / [Español](#)
- [Map of the Confederated Salish and Kootenai Tribes](#)
- Article from The Missoulian on "[CSKT foresters earn accolades as tribal timber operations face budget shortfalls](#)"
- Country Guides English : [Part 1](#) / [Part 2](#) ; Français [Part 1](#) / [Part 2](#) ; Español : [Part 1](#) / [Part 2](#)
- Blackfoot Challenge: [A Guide to Land Conservation in the Blackfoot Using Conservation Easements](#)
- [Montana's Forestry Best Management Practices Program: 20 Years of Continuous Improvement](#)

Publications:

Fay, C., & Michon, G. (2005). Redressing Forestry Hegemony: When a Forestry Regulatory Framework is Best Replaced by an Agrarian One. *Forests, Trees and Livelihoods* 15: 193–209 ([download](#)).

¹⁷ <http://megaflorestais.drupalgardens.com/content/rethinking-forest-regulations-2015>

Gilmour, D., O'Brien, N., & Nurse, M. (2005) Overview of regulatory frameworks for community forestry in Asia. In N. O'Brien, S. Matthews and M. Nurse (eds.) First regional community forestry forum: Regulatory frameworks for community forestry in Asia. Proceedings of a Regional Forum held in Bangkok, Thailand, August 24-25, 2005. RECOFTC, Bangkok. 3-33 pp. ([download](#))

Gregersen, H. & Contreras, A. (2010). Rethinking Forest Regulations: from simple rules to systems to promote best practices and compliance. Rights and Resources Initiative: Washington, DC. ([download](#))

Rights and Resources Initiative. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Washington DC: Rights and Resources Initiative. ([download](#))

