Crafting the Next Generation of Forest Regulations
Outline

• Limitations of forest regulations and their causes

• Examples

• Reflections, Questions
Ineffective regulations

- Forest sector: direct management by government and heavy regulation of other actors
  - Management and harvesting, transportation, industrial processing, trade...
- With disappointing results:
  - Deforestation and degradation
  - Illegal operations
  - Inequitable distribution of rights and rewards
  - Inconsistent application (disproportionately hurting the vulnerable)
  - Inability to distinguish between “criminal” and “criminalized”
Examples of Regulatory Errors

- Overly stringent, cumbersome harvest regulations (diminishing incentive or ability to manage forests)

- Overlapping regulations, confusion

- Logging bans, log export bans

- Not accounting for potential detrimental effects of regulations in related sectors, on different scales of industry, on different segments of the population (e.g. gender), on other countries
Rethinking regulations: Emerging “lessons”

Four linked aspects:

• **Context** of regulations – how to optimize leverage of interests and incentives of other stakeholders

• **Content** of regulations – how to make most judicious (and limited) use of state power,

• **Process** of regulatory reform – how to develop in a way that builds understanding and support

• **Continuous monitoring, evaluation, adaptation** – how to ensure social “learning”, mechanisms for adaptation

“Rethinking” : from government “enforcement” to “system for encouraging improved practice and compliance”
Examples

- Certification
- Independent Monitoring
- Voluntary Codes of Conduct
- Voluntary: Best Management Practices, backed up by regulation
Reflections

• Improved regulatory frameworks are needed
• There is no single and simple best regulatory model of general application: possible reforms are shaped by the political, economic and institutional context of countries
• There are new demands requiring new configurations: e.g. GCC, REDD
• Problem: countries where levels of governance are the lowest are those that less capable to introduce new regulatory frameworks
(Some) Questions

1. Regulations are slow to catch up with changes in policy (and markets) – how establish flexibility and speed up the process of adaptation?

2. Difficulty in getting regulations right to genuinely promote interests of forest dependent people – how to guide without killing incentive?

3. Vested interests in existing regulations (e.g. financial, urban, environmental groups) etc.– how to overcome these?