Designing and Implementing Forest Tenure Reforms

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1. Trends in Tenure Reform

2. Why reform tenure and property rights?

3. Questions for Consideration
1. Public ownership dominant
2. Major industry control of public resources (and illegality of small)
3. Limited rights of forest dwellers to own, use and trade

80s-90s questioning of industrial forestry development model in many countries
- extreme poverty, social exclusion, illegal logging; “fences and fines” conservation; low, declining contributions to GDP, inability to capitalize on climate mitigation mechanisms
Forest Tenure in Transition: Key Trends

1. Public:
   1. Recognition of indigenous and other community-based rights (e.g. India Tribal Rights Bill, Brazil)
   2. Long-term management and use rights to indigenous and other communities (on public lands, e.g. JFM)
   3. Privatization: devolving public land ownership:
      • E. Europe – restitution of household lands
      • S. Africa – selling public forest plantations

2. Private:
   1. Sale of industry land and fragmentation (USA)
   2. Collective forest reform in China – to households
Countries are beginning to act...This train is moving.

Examples of Major Reforms Underway (this year):

- China – priority of new Minister (SFA) – first on “collective” forests, next on “public” forests
- Brazil – new law, regulations and agency
- Indonesia – devolving “60%” of degraded forests to communities
- India – Tribal forest rights Act enacted
- Russia – devolving 100 million hectares to concessions – private?
- Canada – increasing access by indigenous and other communities to public forest
Why Reform Tenure and Property Rights?

1. Resolve social conflicts
2. Social justice
3. Clarification enables improved management
4. Catalyze rural economic growth, through job creation (reduce poverty)
5. Increase investments, and enable market responsiveness
6. And, perhaps, enable, enhanced forest-based mitigation of and adaptation to climate change,
Challenge for agencies:

- Requires resetting the clock, retrofitting existing approaches and strategies - new legal bases for all forestry activities (investment, management, conservation)

Implications:

- Need to sort this out BEFORE achieving effective conservation, investment, forest management, and climate mitigation regimes
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<th>Question</th>
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<td>1. Recognizing indigenous rights – how to reconcile different community claims – and with other competing claims?</td>
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<td>2. How to decide what rights and responsibilities should be recognized and what should be retained (or developed) by public agencies?</td>
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<td>3. Elite capture: how much of an issue and when to regulate against it?</td>
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<td>4. If kept public: how to determine optimal level of devolution within government, and what package of rights (and responsibilities?)</td>
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<td>5. How to balance delivery of public goods (e.g. carbon, ecosystem resilience) without undermining progress on recognition of rights and tenure reform? What are the risks and opportunities that could emerge from Bali?</td>
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<td>6. More generally, what are implications of convergence of food, fuel and fibre markets on forest tenure reform processes?</td>
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Many Valuable Experiences

- Brazil, Latin America more broadly – indigenous peoples
- British Columbia, Canada – treaty negotiations
- Australia – recognition of rights, special areas
- South Africa – land reform
- China – collective forest reform
- USA – good examples, bad examples

Every country is different – no blueprints – this is new territory for public forest agencies
Thank You

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