Public Forest Reforms Underway in the World Today

Major Trends and Emerging Findings/Lessons/Principles

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Three major categories of Public Forest Reforms

1. **Decentralization**: Shift of forest governance responsibilities to lower level of governments

2. **Collaborative/ participatory community forest management**
   1. Government maintain ownership
   2. Gives management or access to communities

3. **Devolution (shift in forest land ownership)**:
   1. Rights to communities/ Indigenous People
   2. Rights to households or firms
Public Forest Tenure Transition

Global forest tenure transition - 2002-2013

Shift from centralized state control to communities: from 11.3 to 15.5%
Initiation years of forest reforms regimes (59 regimes in 27 major forest countries)
Main Routes for Public Forest Reforms

- **Constitutional/Legal**: Through new laws brought through intentional political processes
  - India, China
- **Judicial**: In some cases judiciary has precipitated the public forest reforms through its interpretation of Constitution/existing statutes, treaties or international obligations
  - Canada
  - Indonesia
- **Policy/administrative changes**
  - India’s Joint Forest Management
Emerging Lessons in how to implement Public Forest Reforms

• Clear legal frameworks (clearer the better) and regulatory systems
• Strong (from the top), dispersed (across ministries), and sustained, political will is extremely helpful
• Even when legal framework is available, implementation of public forest reforms remains slow
• Strong, multi-stakeholder monitoring, learning systems are very helpful – steady, incremental improvement based on learning from the field/people
• Piloting often helps
Principles to Guide Reforms (RRI Perspective)

1. Human rights first (and land rights part of human rights of indigenous/ethnic communities);

2. Subsidiarity
   1. Local tenure/governance for local public goods
   2. Central/Federal governance for national/global public goods
      1. National forests
      2. National parks

3. Who owns matters less than the regulatory and incentive environment
   1. Incorporate checks and balances to ensure accountability
   2. Use technology and other innovative procedures for monitoring accountability
Many Good Experiences from Many MegaFlorestais Countries

- Judicial intervention – Canada (BC)
- Piloting reforms – China
- Recognition of IP rights (Brazil)
- New legislation – India
- Forest agency-community collaboration on public forests – USA
- More value in sharing and learning
Some Questions for Us

• Local communities and IPs as critical allies, as forest agencies lose clout in face of other development priorities?
• What should be devolved and decentralized and what should be centralized?
• How to accelerate public reforms? Are obstacles to effective reforms procedural and administrative? Or are they political?
• Forest governance by IPs and local communities? How to integrate science with lived knowledges and practices?
Thank You
Hyperlink Slides
Decentralisation

• National to provincial or state levels
• Decentralization from higher levels to local government levels
  • Often only transfer of power to lower levels of bureaucracy
  • Occasionally could transfer power to democratic self-government units
    • Example: NTFP ownership to elected Panchayats in India
What do we mean by forest tenure?
A Bundle of Rights

- Access
- Withdrawal – NTFPs & Timber
  - Subsistence & Commercial
- Management – Independent & Joint
- Exclusion
- Due Process and Compensation
- Duration
- Alienation (Lease, Sale, Collateral, Inheritance)
Different Pace in Regions (2002, 2013)

Africa
- 2002: 95.5%
- 2013: 93.7%

Asia
- 2002: 67.4%
- 2013: 60.9%

Latin America
- 2002: 61.1%
- 2013: 42.9%

- 4.5% > 6.2%
- 30.4% > 36.6%
- 24.4% > 39%
Why Public Forest Tenure Reforms?

- Contested and insecure forest and land rights trigger:
  - widespread forest mismanagement and illegality,
  - contribute to poverty and lack of economic growth.
  - social unrest, conflicts and investment risks

- Tenure security now recognized as necessary for confronting climate change – especially to engage communities

- Some common trends despite tremendous diversity – each country own legal and forest tenure history