

Legal, Policy and Institutional Framework

Ownership and tenure of forest resources

Report of the Working Group G

Wednesday 14/06/2006 – Kotka V

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Note-taker: Jean Louis Blanchet.

Consideration on the 7th element

Discussion: All participants retain that the 7th element is very important for SFM and FRA should collect information related to forest policy, legal, tenure and institutions. The 7th element should be used as a framework for the other 6 elements of SFM. FRA could help various processes and countries in assessing progresses in implementing policy and institutional reforms. Information related to finance is particularly important. Much information related to this element is available in form on compiled documentation. There is no standard or comparable information related to policy, legal and institution framework. Some sort of synthesis would be very useful. However, collecting such type of information cannot put an additional burden on the country reporting. Quantifying that information could facilitate the comparison between countries but this could be relatively difficult. Collecting information related to policy, legal and institution framework doesn't mean that the NC should provide himself that specific information. Some difficulties to cross bureaucratic frontiers should be overcome. Innovative ways for collecting such information should be sought.

Ownership and tenure

The participants discussed and agreed with the validity to focus on forest resources instead of forest lands. However, consistency should be made with the information related to forest area. The issue of tenure and ownership is very complex and the participants suggested establishing a task force which should consider in more details the categories and their content to be integrated into the ownership tables. The two tables - ownership and tenure - have to be kept.

In addition, the participants suggested the following changes in the table *related to ownership*: only three categories should be retained: Public ownership (containing all forms of public lands) - private ownership (details could be provided for the various categories - commercial, community, family ownership) and Indigenous and tribal.

Related to tenure, the participants suggested considering the following categories of bodies responsible for managing public forests only with long term arrangements:

- State: central and Provincial
- Local communities

- Private/commercial/corporations
- Individuals/families
- Indigenous/tribal
- Other

Other dimensions of the tenure such as short arrangements (permit, licences, security) should be considered in greater details by the proposed Task Force.

Policy, legal and institutional framework

The participants considered and discussed the categories and variables proposed in the background document.

Related to policy, the participants suggested that the table should focus on the following:

- Policy endorsed by whom and at what level
- Select three main priorities
- The process – informing participation, scientific involvement, linkage with other sectors.

Related to legislation, the participants didn't have really the time to complete their reflection and they suggested focusing on the following:

- Accordance with related policy
- Provide information on the content not on the form
- Stress the importance of law enforcement

Related to institutions, the participants suggested stressing on the following points:

- Who are responsible for : a) formulating the forest policy; b) enforcing laws; c) managing public forest and resources; d) research and education.
- Are human and funding resources adequate for each proposed activity?
- Identify indicators that could relate number of people or funding per ha.

About funding SFM, the group emphasised that SFM should be economically sustainable and suggested to consider various sources of funding including payment of goods and services, ecosystems services, innovative mechanisms, ODA, and particularly the national budget as % of the total budget.

Recommendations

The participants of the Group 5 – Legal, policy, institution framework and ownership – recognise the importance of the 7th element in SFM and acknowledge the useful role FRA could play in quantifying and standardising such information. However they recommend avoiding any additional burden to country reporting and find way to use as much as possible information already available.

On forest resource ownership and forest tenure, the participants recommend considering only three owner categories (public, private and indigenous / tribal). About tenure, the participants recommend considering bodies responsible for managing public forest only with long term arrangements: State (central and provincial level); local communities; Private companies; individuals; indigenous; others. **A task force** should consider and analyse the other dimensions of the forest tenure and related to extent of tenure, legal framework, security, and so on.

Related to policy, legal and institution framework, the participants recommend to keep the structure of the proposed tables but to simplify the requested information as much as possible. The participants emphasise the importance of some specific variables: *for policy*: the level of the policy endorsement, the priority of objectives and the level of participation in the process; *for legislation*, the coherence with the forest policy and the level of enforcement; *for institutions*, indication of responsibility of the institutions and their capacity to cope with such responsibility; Finally *for funding*, the need for economically sustainable forest management and the contribution of various sources of funding. The part (in %) of the national budget allocated to forestry sector would be proposed as one of the indicators.

The time allocated was too limited to discuss thoroughly the proposed variables for policy, legislation and institutions. All proposed variables are new in FRA and they need more time to be considered and evaluated. The validity of some proposed variables need to be tested at country level. A task force could assist FRA in improving the selection of the variables and indicators.