

National legal frameworks for forest fire management

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Forest fire legislation can assign responsibilities, define measures for firefighting and protection and establish mechanisms for damage compensation and forest restoration.

Currently, there are at least 182 pieces of national legislation throughout the world relevant to forest fires. Of these, some 84 are specific to forest fires, while the rest deal with certain aspects of forest fire management in the context of broader laws on forestry.¹ In the latter case, the provisions are usually fewer, giving a less comprehensive framework for managing and controlling forest fire situations.

National legislation on or touching upon forest fires generally deals with the following matters:

- general firefighting measures, making it an obligation for the relevant government departments or agencies to combat or help in controlling forest fires, usually without regard to the ownership of the forested areas;
- vesting responsibility in individual persons to report forest fires or situations of possible risk that may result from them, with some laws making it an offence if such an obligation is not fulfilled;
- the creation of mechanisms for exchange of information and data on projected weather changes, for example through committees or other coordinating methods, which help anticipate situations of forest fire risk and facilitate rapid response;
- demarcation of the authority of responsible officers at both national and grassroots levels, for maximum control and efficiency in firefighting operations;
- identification of special protection measures and the responsibility for them in situations of fire or fire risk, to protect the public and the environment;

- compensation mechanism(s) for damage suffered by those involved in firefighting and incentive measures to ensure that potentially risky situations are reported in a timely manner;
- the restoration of forest lands affected by fires.

Some examples

General legislation that includes detailed forest fire management provisions. In Spain, Forest Law No. 43 of 2003 makes it obligatory for the relevant agencies to combat fires in all forests, regardless of their ownership, by means of prevention, detection and other control measures. Individuals must inform the competent authorities of the occurrence of any forest fire and assist in controlling it. The law requires the creation of coordinated prevention programmes, with particular emphasis on the root causes of intentional fires; the development of fire prevention awareness programmes aimed at promoting people's involvement in forest protection; the regulation of activities likely to provoke fires, including security standards for development activities (e.g. construction of structures or access roads) on forest lands and restrictions or bans on transportation through forests; and the formation of groups of volunteers, including forest owners, to help prevent and control fires.

Articles 81 to 87 of Guinea's Forest Code No. L99/013/AN of 1999 prohibit the setting of "bush fires", which are understood as fires on forest land, but allows some exceptions, mainly for agricultural and pastoral purposes. Under certain conditions, preventive and early fires may be used, provided the necessary precautionary measures are taken. Such fires may be used only during limited periods of the year, in daytime and in the absence of wind. Land intended for isolating fire must be clearly delineated, and the neighbouring population must be ready to intervene, if needed, to avoid propagation of the fire. The minister

¹ Further information on this and other legislation is available in FAOLEX, FAO's online legislative database (faolex.fao.org/faolex/index.htm). See also FAO's Web page on legal frameworks for forest fire management (www.fao.org/forestry/site/3470/en).

responsible for forestry must provide for the creation, training and equipping of firefighting brigades. The minister can, by regulation, prohibit grazing on forest land where a fire has occurred until the forest is regenerated. Local forest dwellers have a duty to assist firefighting agents in controlling fires.

Forest fire specific legislation. In Italy, Act No. 353 of 2000 on forest fires is mainly a framework law with provision for each of the Italian regional authorities to develop further regulations or legal provisions. It does, however, set out the broad principles governing firefighting activities aimed at the protection and conservation of forests. It requires the regional authorities to approve and implement programmes related to fire prediction, prevention and control, including identification of forest areas affected by fires during the previous year and the forest areas considered to be at risk of future fires. The act specifies forest firefighting techniques and calls for effective information dissemination by the government and the regional authorities to promote sound forest fire management practices. Based on this law, a number of regions have enacted regional forest fire legislation.

In Hungary, Decree No. 12 of 1997 on the protection of forests against fire, issued by the Ministry of the Interior, obliges the Forestry Department to elaborate a protection plan for forests at risk of fires. The decree also provides detailed rules regarding the prevention of forest fires and activities that may lead to forest fires. It outlines special rules on extinguishing fires and provides guidelines for declaring the periods when lighting fires is prohibited.

In Ghana, the Control and Prevention of Bushfires Law of 1990 makes it unlawful for anyone to start a bushfire, defined as the "uncontrolled burning of any farm, forest or grassland". In exceptional circumstances, the law allows the Chief Conservator of Forests or delegated officers to set fire to forests or

wildlife conservation areas for management purposes or to protect against accidental fires. It also mandates the creation of a fire volunteer squad in every town and a Bush-fire Control Sub-Committee in each district to assist and advise in the implementation of the law. The latter group is expected to establish annually the allowed period for the burning of farm slash, grass and herbage, and to "educate residents on the hazards of uncontrolled fires".

In Brazil, Decree No. 2.959 of 1999 establishes measures to be applied to combat forest fires, particularly in the Amazon region. In addition, the decree provides various measures for forest fire prevention and environmental education in order to avoid the incidence of, and to combat, forest fires. It establishes the Programme on Forest Fire Prevention and Control in the Amazon, under which research is carried out on areas with high risk of fires. This programme also aims to raise the awareness of rural communities about forest fire risks and to train personnel for specialization in managing, controlling and combating forest fires.

Prospects

A number of other countries are currently in the process of formulating national legislation specific to forest fire management or are contemplating such legislation. Bulgaria, Guatemala and the Syrian Arab Republic are currently receiving assistance from FAO in the drafting of their legislation, while Croatia, Nicaragua and Seychelles are considering embarking on the process and have requested FAO support. The incidence of forest fires is likely to prompt yet more countries to consider enacting comprehensive legislation which will give them the scope to prevent or address forest fire situations more effectively.

Further research, preferably at the field level, is needed to get a sense of how effectively the existing legislation is enforced, and of what practical use it has been in for-

est fire management and control. However, legislation appears to have been useful as a framework enabling decision-makers to take the necessary action. FAO's work in the countries that have requested assistance in forest fire management may lead to further research and analysis of legal frameworks and feed into case studies for the benefit of other countries.