



Forest Policy, Law and Administration

By Jim Ball, Chair, Commonwealth Forestry Association

The UN Conference on Environment and Development (UNCED) in 1992 was a major catalyst worldwide for the revision of forest policies and legislation and for re-thinking administrative arrangements for forests.

This chapter describes how the forest services of the Commonwealth have sometimes been in the forefront of these changes, at other times have reacted to them. It also includes information on the various forestry associations in the Commonwealth and technical publications related to forestry published in Commonwealth countries.

■ Policy

The major trends in forest policy development since UNCED have been:

- A change in focus from wood production towards much broader environmental, social, economic and cultural issues;
- Devolution of responsibility for forest management;
- Involvement of the public in policy development;
- Provision for community involvement in forestry;
- Privatisation especially of plantations; and
- The acceptance of the concept of National Forest Programmes¹ as an aid to policy development and planning.

New interest groups have driven many of these changes; they range from forest-dependent villagers in developing countries to investors in global carbon markets, from urban families who look to forests for recreation to the owners of small woodlands, from environmental NGOs to communities. They all share a common interest in having a say in the management of the forest, or even in ownership.

¹ The term National Forest Programme (NFP) describes the wide range of approaches to the planning, programming and implementation of forestry activities, including policy development, mechanisms for implementation and the collection of reliable data and information through forest inventories and sector studies. A 2006 issue of *Unasylva* (No. 225 Vol. 57) was devoted to NFPs.

Several Commonwealth countries have revised their forest policies and the related legal framework with the participation of relevant stakeholders to allow greater community involvement in forest management.

Provision for the devolution of control to the level of communities has been made in the forest policies and legislation of several countries, including Canada, Ghana, India, Uganda and the UK.

Public participation in forest management has already been described in *Chapter 2*, but since much of the forest estate in Commonwealth countries is publicly owned (see *Chapter 1*) there has been a strong move to public participation in the process of forest policy development as well, in line with the trend in the 1990s towards more participatory democracy. In Canada the process of public participation in forestry decision-making, including policy development, has been encouraged for some time (see for example, Duinker, 1998) and more recently the development of Canada's Forest Strategy 2003-08 used the internet to reach a large number of stakeholders, including remote communities and young people (Cinq-Mars, 2006). Coates and Fenton (1999) describe the uses of social assessment to incorporate social issues in the development of policy and the Australian Regional Forest Agreements. But public participation has not been confined to countries with developed economies; Wyatt *et al.* (1999) for example describe the creation of a local consultation process for stakeholder involvement in forest policy involvement in Vanuatu, and Mauritius included public participation in reaching consensus on its new forest policy in 2006.

Countries are now much more sensitive to public opinion in developing and revising forest policies. For example, the UK Forestry Commission carries out regular surveys of public opinion of forestry; the latest, in 2009, showed that 98% of respondents selected at least one public benefit as a good reason to support forestry with



public money. As in previous years the three top reasons to support forestry were: “to provide places for wildlife to live”, “to help tackle climate change” and “to provide places for recreation”. In general, support for each benefit was higher in 2009 than in previous years (see www.forestry.gov.uk/statistics).

■ Administration

A section of a recent publication on forestry agencies is entitled “Public sector forestry agencies at the cross-roads: are they fading into irrelevance?” (Nair, 2008). This title encapsulates those institutional weaknesses of forest services in the public sector that have become apparent in recent years, such as inability to deliver results efficiently, failure to recognise the needs of those who depend on the forest for their livelihoods, reluctance to react to new demands for representation in decision-making or involvement of the private sector, and an inability to recognise that the days of top-down approaches to forest management have been overtaken by new political developments. In response, the arrangements for the administration of many national forestry sectors have been marked by decentralisation, devolution or corporatisation.

Decentralisation, or the shifting of responsibility downwards within an organisation, is a feature of the forest administration in several Commonwealth countries; India, for example, decentralised control of forest resources to state level many years ago, as has Australia (to the states), Canada (to the provinces), Malaysia and Nigeria (to the states) and, more recently, Great Britain (to Scotland, Wales and England). There has been a movement towards the separation of regulatory and strategic roles from implementation functions: generally the national body is responsible for the national forest policy and national laws related to forests (including conservation and protection) and forest products, for training and (sometimes) for



research, for representation at international level, and for relations with other countries. But the division of responsibilities is not always clear and, furthermore, provinces or states may have their own development policies and priorities, so that tensions may arise between federal and state levels and coordination presents a challenge. Malaysia, for example, has a National Forestry Council, responsible for promoting collaboration in the implementation of national forest policy.

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Coppiced woodland in Formakin, Scotland, UK – several Commonwealth countries have revised their forest policies to allow greater community involvement in forest management.



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Devolution, or the transfer of power from the centre of an organisation outside that body to local bodies or communities, also reallocates rights and responsibilities and redistributes the benefits – and the risks. The rationale is that it will lead to increased efficiency, equity and participation at the local level by transferring decision-making to those most directly affected – often

called the “stakeholders”. Joint Forest Management – described in more detail in *Chapter 2* – is an example of the devolution of responsibility outside the national forest service.

Corporatisation and privatisation are other means by which institutional responsibility for the management of forests may be transferred in the interests of flexibility and efficiency. Corporatisation refers to the establishment of a corporation that operates largely according to the principles of the private sector – although the public sector still retains ownership of the forest resource. With privatisation the ownership of the forests passes to the private sector. In both cases the government forest service has responsibility for the development of policy, the enforcement of legislation and for relations with other sectors, with other countries and for international relations.

Sarawak, one of the three sovereign entities of the Federation of Malaysia, has also recently moved to corporatise its forest service. It has a forest cover of 71% of the land, producing 12 M m³ of logs in 2005 with, after processing, an export value of US\$1.87 billion. There had, however, been intense international criticism in the 1980s to the effect that forest management in Sarawak was not sustainable. In response to this the Chief Minister invited ITTO to make recommendations for improved institutional arrangements for the control of forests.

As a result the following changes have been made:

- A streamlined Forest Department, with much reduced staff, has been retained, largely responsible for the laws related to the Forest and the Wildlife Ordinances;
- A new corporation, the Sarawak Forestry Corporation (SFC), was established, to act for the government to manage the forests, collect royalties and fees, enforce the laws, implement policies, undertake research and provide advice to the government.



■ A private limited company, Sarawak Forestry Corporation Shd Bhd (Sarawak Forestry), was then established which supplied personnel to the SFC with more flexibility than a government department would have had.

The “reengineering” exercise in Sarawak is not described as privatisation, but: “a unique model of shrinking an existing government department by moving most of its functions to a newly created government corporation. Via an agreement, a private company supplied staff to undertake the work in the new corporation.” This company, like other private companies, has a strong emphasis on efficiency of delivery (Barney Chan, 2008).

Jamaica is moving in a similar direction. Here the Forestry Department is being transformed into an Executive Agency, although the name has remained the same. The transition was set to be completed when this book went to press in April 2010.

The privatisation of forest resources has gone furthest in New Zealand and the UK, catalysed by the free-market philosophy of the 1980s. In New Zealand the first phase was to transfer the commercial functions of the New Zealand Forest Service to a State-run enterprise. Between 1990 and 1992 the government then privatised much of the forest resource, and sold more than 350,000 ha of planted forests to the private sector. An additional 188,000 ha of government-owned forests were sold in 1996. More recently a long-running dispute between the Maori people and the government of New Zealand over the ownership of forest land was settled in 2008 with the transfer of land equivalent to about 10% of New Zealand’s plantation forest. The Central North Island tribal collective of eight Maori tribal groups, representing over 100,000 people, will become New Zealand’s largest single land owner in the forestry sector and will manage the land collectively with strong potential benefits for some of the nation’s poorest people (Asher, 2008).

Arrangements for Ministerial responsibility for forestry vary widely. A few Commonwealth countries include “forestry” in the title of the responsible Ministry; they include Cameroon (Ministry of the Environment and Forest Resources), and Ghana (Ministry of Lands, Forestry and Mines). With the reduced importance of production functions and the increased importance of the service and environmental functions, several other countries have established or have recently moved their forest services from “production” to “service” Ministries: Kenya (Ministry of Environment & Natural Resources), Malawi (Ministry of Mines, Natural Resources & Environment), Namibia (Ministry of Environment & Tourism), Nigeria (Ministry of the Environment), Seychelles (Ministry of Environment & Transport), Uganda (Ministry of Water & Environment). Sierra Leone has both production and service functions in the title of the Ministry – Agriculture, Forestry and Environment.

In the UK the Forestry Commission together with its executive agencies, Forest Enterprise and Forest Research, is the main government department responsible for advising Ministers on, and for implementing, forestry policy in each of the three countries comprising Great Britain. Following devolution, the Forestry Commission now reports separately in England, Scotland and Wales to the Secretary of State for Environment, Food and Rural Affairs (England), Scottish Ministers and the Welsh Assembly Government. The Secretary of State also has responsibility for UK-wide activities such as international affairs or plant health.

Malaysia, on the other hand, has divided responsibility for forestry at federal level between the Ministry of Natural Resources and Environment and the Ministry of Plantation Industries and Commodities – which presents a challenge in coordination. In some other countries forestry has a subordinate role: South Africa, for example, emphasises water supplies, and the forest section is part of the Department of Water Affairs and



Forestry while in Swaziland it is a section of the Department of Agriculture & Cooperatives. Forestry is a small section of another Ministry in many of the Commonwealth SIDS of the Caribbean.

Whatever the formal title of the Ministry, the development of land-use policies and legislation that do not cause conflict between sectors, and the promotion of cooperation continue to be major challenges.

■ Financial support to private forestry

Several countries give financial or other support to private growers. The UK Forestry Commission has offered planting grants to private land owners since 1919 and the scheme has been frequently reviewed to include payments for annual management costs or one-off incidents such as storm damage. It has been revised also over the years to take account not only of inflation and the changing objectives of forest policy but also the devolution of control to England, Scotland and Wales where each of the three countries has differing priorities as well as site characteristics of the areas available for planting. Now all forestry work undertaken through any of the grant schemes has to meet the requirements of the UK Forestry Standard (see *Chapter 2*). The Forestry Commission gives direct support to woodland owners but also works in partnership with other Departments and agencies to provide funding to for example forest industries, community and recreational activities, environmental improvements and the Forestry Commission also facilitates development through the use of the national forest estate.

Malaysia, for example, established in 2006 the Forest Plantation Programme, with initial government funding of RM200 million to support landowners and plantation companies farming on state-lease forest land who are expected to plant some 375,000ha with species like rubberwood, and *Acacia mangium* over the next 15 years (*Asia Business Monitor*, 26 May 2006).

In Uganda the Sawlog Production Grant Scheme (SPGS) is an EU-funded project that provides subsidies for private sector tree planters as well as technical support and practical training. During the first phase of the project (2004-2006) over 10,000 ha of plantations were directly supported – both financially and technically – which were established by community groups, small and medium scale investors and a few large-scale overseas investors. A second two-year phase has recently been approved, funded by the EU and Norway, which will help to establish a further 5,000 ha of private sector tree planting (see www.sawlog.ug).

Canadian provinces offer different levels and types of support to private growers. Dansereau (2003) compared the policies of Québec and Ontario provinces. The former actively supported private forest owners by providing a technical and financial support programme, land tax reimbursement, a mechanism and loan guarantee programme for the purchase of land and equipment, plants free of charge for reforestation, and protection services for insects and disease. Ontario only offered land tax reduction. The rate of reforestation on private land was 12 times higher in Quebec, in terms of trees planted yearly.

■ Professional institutions and associations, and technical journals

Despite the physical isolation of many foresters as they practise their profession, they have long exchanged information and experience, either through formal or informal meetings or through the medium of a journal. The Royal Scottish Forestry Society dates from 1854 for example, while *Indian Forester* was first published in 1875. This section describes the professional institutions, responsible for accreditation to the profession, and professional associations, as well as their journals.

Australia, Canada, New Zealand and the United Kingdom have developed professional institutions,



which offer professional accreditation. By this is meant that they, to a greater or lesser extent, control admission to the profession, monitor professional practice, lay down requirements for continuing professional education/development and, as independent bodies, lobby their national governments on issues concerning the forestry sector. They require members to hold indemnity insurance thus offering security to those who employ them, and they control the conduct of members.

The Institute of Foresters of Australia (IFA, www.forestry.org.au) has over 1,300 members spread across all states and territories. On 7 June 2007 it absorbed the Association of Consulting Foresters of Australia (ACFA, www.consultingforesters.org.au) an independent body of consultant foresters. IFA members are bound by a Code of Ethics to guide professional conduct. Admission to voting membership is open to all forestry professionals and not restricted to persons with forestry degrees. Within the limited resources of an Institute scattered over a large continent, the IFA plays an active part in policy formation.

The IFA is the only organisation in Australia representing the forestry profession. It produces peer reviewed professional papers in the journal *Australian Forestry* which is published quarterly. It also contributes significantly to government inquiries. The IFA also maintains a media profile and issues media releases and letters to newspaper editors on current issues affecting forestry. It also encourages members to be active in this area.

The IFA launched a Registered Professional Forester (RPF) accreditation programme in 2001. In order to achieve government and employment recognition and to avoid the accusation of restrictive trade practice, applications are open to any person that can prove that they meet prescribed professional standards. The RPF Registration Committee establishes an applicant's credentials for the particular specialisation by an appropriate examination or other evidence.



Canada has around 7,500 registered professional foresters (RPF), grouped within independent provincial professional organisations in eight of the 10 Canadian provinces (Gauthier, 2003). A list of them is available as the Canadian Federation of Professional Foresters Associations on the Canadian Institute of Forestry website at www.cif-ifc.org. These provinces mainly have "right to title" legislation that states that only registered professional foresters have the right to use the title "forester" or to practice forestry. This can be problematic, as what constitutes the required training for a

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Arrangements for Ministerial responsibility for forestry vary widely throughout the Commonwealth. In Ghana, for example, the responsible Ministry is that of Lands, Forestry and Mines.



forester in one jurisdiction may not be recognised in another. Recent work on labour mobility and inclusivity by the associations has worked to improve this situation.

A typical example is that of the Association of British Columbia Forest Professionals, whose website (www.abcfp.ca) states that under the BC Foresters Act it is their responsibility to uphold the public interest respecting the practice of professional forestry by ensuring the competence, independence, professional conduct and integrity of members. Standards of education and qualifications have been established to ensure that foresters are qualified and remain up-to-date on changes in their field. The Act and the association's bylaws (including codes of conduct and standards of practice) govern their members. Furthermore, anyone who wants to practice professional forestry in British Columbia must be a member of the Association of BC Forest Professionals.

The New Zealand Institute of Forestry (NZIF) was founded in 1927. Its members are the individual professionals in forestry in New Zealand and its primary object is "to be an independent advocate for forestry". It has over 840 members, whose qualifications and areas of expertise reflect the diversity of disciplines involved in managing a modern forest resource from traditional forestry degrees through qualifications in economics, law, micro-biology, hydrology, engineering and resource management. Around 75 members have passed the more stringent requirements for registration, which is recognised as the cornerstone of professionalism within New Zealand forestry, and 37 have been elected Fellows of the Institute in recognition of having achieved eminence in their profession. NZIF members include forest managers, owners and processors, consultants, scientists, teachers, officials in central and local government, those with an interest in forestry and students. Members' interests span forests for timber production, carbon sequestration, environmental

services, conservation and protection. They include both native and introduced tree species.

NZIF is committed to serving the practice of forestry and the wider community through education, accountability and its code of ethics and performance standards. Increasingly it fulfils a quality assurance role, setting the benchmark for professionalism and the quality of advice and practice by which members and others in the profession are measured (see www.forestry.org.nz).

The professional institution in the UK is the Institute of Chartered Foresters (ICF), the professional body for foresters and arboriculturists in the United Kingdom (the only one of the Commonwealth forestry institutes that includes the practice of arboriculture). See www.charteredforesters.org. The ICF has 1,130 members, of whom 781 are Fellows and Professional members. Its Mission Statement is: "To lead the profession and promote excellence amongst foresters and arboriculturists, ensuring the sustainable management of forests, woodlands, and trees throughout the UK". The Institute sets and maintains the standards for the profession and safeguards the public interest in matters relating to forests, woodlands and trees, as well as regulating the standards of entry to the profession, offering examinations for professional qualifications and keeping under review the status of Chartered Foresters and the profession. All members are bound by a Code of Ethics and Professional Conduct.

South Africa offers a different approach. The South African Institute of Forestry was established in 1968 with the primary aim of registering professional foresters, but it was soon found that the small number of foresters made this very difficult to achieve. In 1982 therefore they joined a society of natural scientists and registered as professional natural scientist consultants in forestry science. Since then 23 have registered; forestry technicians, possessing a forestry diploma, can also register.



Professional associations provide some of the functions of institutions in that they support the exchange of information, generally through journals and often newsletters, they provide the opportunity for networking and often offer in-service training courses or other professional development. Many of them are involved in public education. They are independent of governments, and may often lobby on behalf of the forestry sector or even environmental interests. But they do not control the right to practice as a forester, as the institutes do.

Annex 5.1 lists the forestry institutions and associations of the Commonwealth. It covers associations

and societies which deal with the subject of forestry rather than with wood-processing or other forestry-related subjects but some of the latter associations have been included where they are of particular interest to foresters. It is undoubtedly an incomplete list, and it is hoped that readers will provide information on omissions so that any revisions of this publication may give a more complete picture.

Annex 5.2 lists 29 forestry journals, defined as periodical publications, produced more-or-less at regular intervals (e.g. quarterly, yearly) devoted mainly to forestry issues. But since the issues covered by forestry journals may include technical aspects not only

BELOW

Explaining current management in a eucalyptus plantation in Victoria, Australia, where the forestry profession is represented by the IFA.





of the growing but also the conversion or utilisation of trees, or research into such topics, the coverage of this annex is broader than for the forestry associations.

The only countries to practise professional forestry accreditation in the Commonwealth are the four developed economies, but it is probable that the need for professional accreditation will grow, as governments become less involved in operational functions and the private sector's involvement increases; countries with few foresters may follow South Africa's example. All professional associations which are truly independent of governments, whether offering accreditation or not, could offer mechanisms for improving standards within the profession, for lobbying, and for public education and information. Unfortunately, as *Chapter 5* describes, fewer foresters are being trained and thus there are fewer professional foresters to influence public opinion and contribute to policy development.

■ Summary

Commonwealth countries have been in the forefront of policy and organisational changes in the forestry sector especially since UNCED in 1992. Decentralisation of responsibility for forestry was the case in several Commonwealth countries in fact long before UNCED, but others have now followed and the devolution of responsibility to local levels is now more widespread, especially to communities and through provision for public involvement in policy development. The control of forest resources, which were formerly owned and managed by the State, have been corporatised or privatised in some countries, and there is widespread government support for private forest owners through a variety of incentives.

There are a number of forestry institutions and associations in the Commonwealth. They have potential for improving standards within the profession, for lobbying, and for public education and information.

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Forestry Tasmania is taking its expertise to the world through its consultancy arm, Forest Technical Services.

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