Legalising the informal markets
FLEGT impacts for smallholders

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The blind eye

- Efforts for Sustainable Forest Management focus on environmental and economic goals and assume that this (automatically) benefit to local people

- “Innovation Bias” (Rogers, 2003)
  - Innovations, besides the intended positive impacts, also have unpredicted consequences - positives as well as negatives often only indirect and only visible in the long term
  - Innovators highlight on the success of the proposed innovation rather than searching for the negative effects
Effects on local forest use

• Legalisation creates requirements incompatible with local capacities
  – Formal barriers, bureaucracy, unavailable technical capacities, unrealistic capital requirements

• Moderate success of efforts for inclusion of local people
  – Simplification of regulations and procedures
  – Pilot projects
    • Locals proofed capacity to comply with legal requirements, if massively supported
    • No replication or continuation of the initiatives without external support

• The legal and institutional schemes are not sufficiently attractive, and too far away from local realities
Local responses

- Continuation of traditional “informal” use (shift from informality to illegality)
- Stop of forest use (in the case of effective law enforcement)
- Support by NGOs (creation of dependencies)
- Collaboration with loggers (the new old approach)
Indirect costs and benefits

• Clarification of land tenure
  – **Acknowledgement of traditional rights**, but:
    • conflicts about land and resources
    • limitation of future options

• Long-term investments in remote areas by concessionaires
  – **Infrastructure and income opportunities**, but:
    • Infrastructure remains at a basic level
    • Relatively few jobs (1 permanent forest job per 2,000 ha)
    • Concessionaires might (will) leave
    • Land becomes attractive for agro-industry and migrants (correlation between roads & deforestation)
    • Long-term threat to forests difficult to control
Synopsis

- Forest management as defined by law requires capacities and resources not available at local level and therefore tend to exclude local people from markets.
- Legalising markets may generate local benefits, however, they are limited and questionable in the long run.
- Legalising markets does not automatically achieve social goals.
Options for action to increase forests’ benefits to local people

• Regarding concessions
  – Be aware about the challenge of the post-concession phase
  – Set up a clear development vision
  – Expand concessions in accordance with existing capacities
  – Focus control on the “bad” actors
Systematically explore the potential of local people to contribute to a sound local development

• Accept the impossibility to control and individually support the huge number of poor families
• Valorise and trust in locals’ proofed capacity to manage natural resources
• Instead trying to adapt locals to externally defined contexts, explore possibilities to adapt contexts to local realities
  – Legally acknowledge traditional tenure, access or user rights
  – Legalize local ways of using forests
  – Set up local forest governance schemes
  – Establish markets compatible with local capacities and interests
  – Consolidate the institutional context
  – Protect local families from actors trying to take advantage
Thanks a lot.
Merci beaucoup

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