

Forest Legislation: State of the Art

Rastislav Sulek

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Introduction



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New challenges

- successful development of the forestry sector in terms of sustainable forest management depends on the existence of an appropriate and effective legal and institutional framework
- different transition processes
- recent social, environmental and economic changes
- legal and institutional framework needs to be revised and improved to resolve problems and meet new challenges as they arise

Set of questions



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Why do we need forest legislation?

Theoretical justification

- forests cannot be sustainably managed without public intervention
- forest legislation is a regulative tool of forest policy that may help to eliminate market failure that occurs due to the presence of externalities and public goods and lack of well-defined property rights

Practical reasons

- to secure adequate use of economic, ecological as well as social forest functions so that the development of whole society, especially in rural areas, is provided
- based on the results of MCPFEs, forest legislation is basic tool for sustainable forest management in Europe

Who needs forest legislation?

- A. general public / whole society
 - B. forest owners / users (including professional foresters)
 - C. state authorities / state administration bodies
- They all need to deal with different legal issues!

Why shall we adopt modern forest legislation?

- increasing demand in the case of public-beneficial forest functions
- balance between public interests of the society and private interests of forest owners
- development of conditions for financial support of sustainable forest management
- rationalization of state administration of forestry
- forest legislation shall be innovative, sound, appropriate, favourable, effective, diverse, applicable, enforceable, cooperative

What shall forest legislation include?

Traditional provisions

- protection of forest land and rational use of forest resources (in biological terms)
- close-to-nature principles of forest management
- control of „best practices“ in forest operations – duties of forest owners and users
- enhancement of forest protection
- preservation of protection functions of forests

Modern provisions

- preservation and improvement of biodiversity
- stress on contribution of forestry to rural economy
- stress on social and cultural values of forests
- support of cooperation of forest owners together with the cross-sector cooperation
- participatory approaches to decision-making and systematic communication with the public

What are the impending problems of current forest legislation?

- in many cases, forest legislation is rather conservative and strict
- legal framework of forest tenure, with special emphasis on property rights of individual owners and local communities, is one of the key problems
- legislative tools do not solve the persistent conflicts between the economic interests of forest owners and social and environmental preferences of the society
- international legally binding agreements on forests (?)
- pay attention to Marta Ballesteros and Laura Vona!

How to overcome the impending problems of current forest legislation?

- forest ecosystem services shall be perceived as the object of public and private law
- tenure rights shall be enforced in order to secure stable production of wood as a basic material source for bioeconomy
- public access to forests and fault liability of forest owners shall be clearly defined in order to provide recreation and other cultural forest ecosystem services
- participatory approach may create a synergistic room for the applied jurisprudence debate

Conclusion



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TO REMEMBER!

- sound management of small forest holdings shall be shaped by the contours of innovative forest laws and environmental legislation which would take into account the specific character of property rights, the interests of forest owners as well as the preferences of the whole society
- one shall bear in mind that such legislation may either deform or harmonize the management of small forest holdings



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