

Good, average & bad: law in action

Tool

Purpose:

The GAB is a tool for anyone to scrutinise and improve positive outcomes of laws for rural communities. It looks at the reasons behind variable practical outcomes (good, average and bad) then suggests changes in how to develop laws, put them into practice or enforce them.

Activities:

The GAB assumes that within the same country and context, similar community forest interventions should show similar levels of community involvement and benefit. Wide differences reflect problems with the writing, implementation and enforcement of legislation. To assess where the problem lies:

- Identify what laws say about community rights and benefits. The trick is to get hold of all the different bits of written law that refer to communities and make a complete table or list.
- Clarify who is responsible for delivering community rights and benefits and how it should happen. Get this information from written laws and interviews with relevant government contacts.
- Devise a checklist of criteria that you can use to test whether rights and benefits are in place. For example, if a law requires community consultation – make the nature of that consultation one test of the quality of the legislation.

Keep in Mind

★ Different laws may say different things – so make sure that you get hold of all the relevant pieces of law before starting.

★ When laws do not make clear who is responsible for implementation, different people will often have very different views where the buck stops. Ask around.

★ When choosing good, average and bad case studies make sure you consult several people – everyone has a different viewpoint.



- Select three case studies based on their perceived outcomes (good, average and bad). Cross-reference different people's views about cases where community outcomes match the law's intention and cases where they do not.
- For each case study use your criteria to investigate what elements of the law were followed or ignored. Make sure you get different opinions to ensure that your perceptions of success or failure are accurate.
- Identify differences in the approaches and tactics used in each case. The key here is to understand why laws were adopted in the good case and not in the bad. Was it because people could not access the law? Were they unable to comply? Was there anybody to make sure they complied?
- Ask which aspects of what worked in the good case study could be transferred to improve the bad case study.
- Draw conclusions about the main gaps in the law process and how these should be fixed.

★ Reasons for 'why' things happen vary depending on whom you ask - when using criteria in the case studies check different people's perspectives.

Further information

Find full tool and other related tools and resources at:

www.policy-powertools.org

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