

2. What is a national forest policy?

WHAT IS A NATIONAL FOREST POLICY AND WHY SHOULD A COUNTRY HAVE ONE?

The term “policy” is not tightly defined but is used in different ways on different occasions. Often, it can mean “a course of action adopted and pursued”. A policy can be explicitly stated or not. It can also be planned or it can emerge through evident behavior. It is thus often viewed either as a rational system based on deliberate aims and plans or as a consequence of political activity arising from a series of decisions. In any case, a policy needs to provide guidance and a sense of direction over a certain period of time in order to be useful. People complain that central government, a ministry or other stakeholders “do not have a policy” when decisions are made on an ad hoc basis or are incoherent or contradictory.

A policy is intended to guide and determine present and future decisions and actions. It usually comprises two elements:

- a set of aspirations, goals or objectives
- an outline of a course of action to achieve them.

In this book, a national forest policy is considered to be a negotiated agreement between government and stakeholders (i.e. all those who depend on or benefit from forests or who decide on, control or regulate access to these resources) on the orientations and principles of actions they adopt, in harmony with national socio-economic and environmental policies, to guide and determine decisions on the sustainable use and conservation of forest and tree resources for the benefit of society.

A national forest policy is not to be unilaterally imposed by government. Ideally, it is an agreement among bodies that represent different forest interests and is formally adopted by government. Who should be involved in its development is thus a key question, as the selection of the participants influences which interests are taken into account. As Byron (2006)

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observes, it is difficult to imagine a national forest policy that can be relevant and useful without being firmly placed within the broader aims of society. Forest policies thus not only have to cover issues under the competence of the forestry administration and its agencies, but they also need to contribute to overarching policies, including those responsible for national development or economic and poverty strategies. They also need to be consistent with policies issued by other government authorities, e.g. on environmental protection, climate change, agriculture, industry and trade. Further, they need to be in line with a country’s

forest-related international commitments. Thus, a forest policy is a policy for people, not for the forestry administration.

Being an agreement among government and stakeholders, a national forest policy is endorsed by government and implemented through legal, economic and informational

Today, a forest policy is widely understood as a negotiated agreement among government and other stakeholders on a shared vision on forests (and trees) and their use.

instruments, and by other stakeholders with their respective means. Ultimately, through government endorsement, a formal national forest policy is the official position of the government, as a clear statement of a country's goals and objectives, made public so that all parties know

the directions being pursued and the outcomes to be achieved.

If different actors each pursue their particular interests and change course frequently, larger goals or longer-term objectives are unlikely to be reached. Thus, there are a number of good reasons for jointly developing and using an agreed forest policy:

- The process of bringing stakeholders with diverse interests together to negotiate an agreement is extremely valuable in itself.
- A mutually accepted forest policy builds a sense of joint ownership, which is essential for its implementation.
- The involvement of stakeholders beyond the forest sector gives the policy legitimacy across society. Wide buy-in is particularly advantageous when negotiating with powerful ministries such as agriculture, energy, planning or finance.
- A national forest policy provides excellent guidance for developing more coherent institutional frameworks and policy instruments, including forest legislation.
- A national forest policy can guide the planning and operations of forestry stakeholders including administrations and agencies at various levels.
- A national forest policy facilitates communication, coordination and collaboration across government, non-governmental organizations and the public.
- A national forest policy can provide a solid basis for international policy discussions and for strengthening technical assistance cooperation.
- The national forest policy can serve as a reference to guide decisions on emerging issues, particularly those where quick, difficult or controversial decisions must be made.

WHAT DO NATIONAL FOREST POLICIES LOOK LIKE?

A country's *de facto* forest policy is determined by the actions taken by government and stakeholders in relation to forests. It is the sum of a multitude of more or less coordinated individual policy-relevant actions by government and stakeholders. *De facto* policy evolves over time as the actions of different bodies change in response to changing circumstances.

National forest policies are formalized and issued as statements in order to spell

out a longer-term vision for the sector, guide and support strategies to achieve goals and promote concerted efforts among different bodies and decision-makers.

The structure and contents of such a formal forest policy is determined by the needs of decision-makers and others who develop, agree on and aim to use it. Most important is that it be consistent with a country's unique history, culture, resources and aspirations.

A formal forest policy statement spells out a shared vision or goals on forests and trees and outlines the strategies for their achievement, but allows flexibility for the methods to be used.

Thus, as one would expect, forest policy statements differ considerably from one country to another. It should also be noted that statements that focus on the history of forest management and administration, describe the sector as it currently exists or outline operational aspects of a forestry agency should not be considered forest policy.

A forest policy statement can vary from as few as ten pages (e.g. the Gambia and Mozambique) to a more comprehensive document (e.g. Cameroon, Mexico, Mongolia, Panama, Peru, the Plurinational State of Bolivia and Senegal). Some countries, e.g. Canada, opt for a simple framework or "umbrella" document, making reference to the relevant codes of practice, laws and guidelines that are found elsewhere.

Forest policy statements focus increasingly on expected outcomes or intended results and less on how to achieve the goals.

Others incorporate their forest policies into their forest laws or into general longer-term planning documents (e.g. Thailand and Turkey), including NFPs (e.g. the Congo and Finland). A forest policy can be one statement or a coherent set of statements about a range of aspects (e.g. China, South Africa and Uganda). Whatever approach is taken, experience has shown that bulky documents, whatever their quality, are often shelved and forgotten. Forest policy statements that focus on results and provide flexibility with regard to the means of achieving them are better suited to adapt to changing circumstances and integration of experiences. A forest policy statement should avoid repeating specific guidelines and be concise enough that it can be easily read and understood by the widest possible audience.

The scope of a national forest policy usually covers all forest resources in a country – industrial or commercial forests, private forests, community forests, agroforestry, trees outside forests, urban forests, natural forests and woodlands, for example – and their management and use, irrespective of tenure or ownership. Forest policies no longer address only the traditional aspects of forestry, but now take into account the broader needs of and benefits to society as well as the problems arising from increased pressure on a finite resource base (Box 1). Many key issues extend beyond sectoral boundaries, including the links between population changes and land use, the need to increase agricultural productivity, climate change, energy and economic/infrastructure development. The lines separating forest policy, land use policy and renewable natural resource policy thus have become blurred – more so as countries seek to harmonize their policies with the international commitments they have made.

BOX 1

Recognition of forest's broad societal role in South Africa

“Contrary to the traditional view of forestry as the science of managing forested land, forestry today is about the relationships between people and the resources provided by the forest. It includes the use and husbandry of the wood, fruits and other products that come from trees, as well as the wildlife that dwell in the forest.”

Source: Government of South Africa, 1996.

Most forest policies state vision and/or goals and spell out specific objectives on a limited number of topics. As noted earlier, topics vary substantially across countries to reflect different contexts and needs. They may include the multiple uses of forest land, for example, commercial timber production, recreation and tourism, biodiversity protection, non-wood forest products, animal husbandry, agroforestry and environmental services such as water supply, erosion control, climate regulation and carbon sequestration. A review of current national forest policy statements identifies the following frequent elements:

- protecting and enhancing the extent and quality of the resource for the benefit of citizens and future generations, including productive capacity, health and vitality;
- ensuring that extraction of all products from the forest is sustainable and in accordance with laws and regulations or codes of practice, whether formal/written or informal/traditional;
- maintaining or enhancing the ecosystem services provided by forests;
- managing forest resources to produce the range and mix of goods and services demanded by society, contributing directly to national development.

Overall, the most frequently addressed issues are components of the seven thematic elements of sustainable forest management, as acknowledged by the United Nations Forum on Forests (UN, 2008): extent of forest resources; forest biological diversity; forest health and vitality; productive functions of forest resources; protective functions of forest resources; socio-economic functions of forests; and legal, policy and institutional framework. However, as this framework is broad in scope, countries often focus on more specific topics, such as land tenure, land use, climate change, employment, community forestry and forest industry.

National forest policy statements often provide guidance on how to implement the vision and objectives. They can also identify the centre of responsibility for each action stipulated. In some instances, statements will consider what resources and authority the stakeholders require to achieve what is expected of them. Historically, many forest policies were prescriptive and assigned the task of implementation to government agencies. More recently, however, the focus has shifted to a

collaborative approach involving government and non-governmental organizations alike. As a result, policies tend not to prescribe how goals should be reached, but instead specify expected results – a change that better allows stakeholders to contribute according to their respective means and to adapt the means over time, taking into account experiences and changing contexts.

Good forest policies incorporate society's needs and wider development goals. They balance different stakeholder interests and are short and easily understandable by all.

Formal national forest policy declarations generally span 10 to 20 years and must be adapted to changing circumstances to remain relevant. A number of national statements explicitly build in periodic reviews to ensure they are revised to meet new challenges and opportunities (Australia, Austria and Canada, for example).

HOW DOES A FOREST POLICY RELATE TO FOREST LAWS, NATIONAL FOREST PROGRAMMES, STRATEGIES AND ACTION PLANS?

A forest policy sets out a broad vision or goal and a long-term direction about forests and their use but does not usually specify in detail the instruments or practices to implement it. One key instrument for implementing the forest policy is the forest legislation. Some countries do not have a forest policy statement and consider the legislation to contain or express the policy, providing the main framework that guides government action. However, the primary purpose of legislation is the distribution and enforcement of rights and responsibilities related to forests, not to lay down an agreed vision, goal or strategy.

Forest policy and forest law are complementary tools: the policy provides direction, and law establishes rights and responsibilities.

Does a policy have to be within the legislation or must the legislation be within the policy? Obviously, any government policy needs to be consistent with the constitution and other laws of a country. However, all laws, including those pertaining to forests, are made with certain policies in mind. Thus, a policy, i.e. an agreement on strategic direction, needs to be developed before any aspect of it can be made legally binding. After all, translating the rights and duties contained in policy into law is a technical procedure, not a political one. Thus, experts in formulating legislation will say “give me the policy and I will draft the law”. In practice, wherever no such policy statement is available, revising forest legislation is a more or less explicit process of policy development and formulation. In cases where a forest policy statement has been agreed, forest legislation can be amended accordingly to implement the policy.

Legislation is usually considered a key instrument for implementing a forest policy, setting out rights and obligations and institutionalizing the rules through primary legislation (parliamentary-level) and secondary legislation (regulations, decrees, ordinances and by-laws, for example). Legislation prohibits certain conduct, provides for sanctions and offers a solid foundation for action in the face of political changes in government. However, using forest laws as the basis for policy guidance has some undesired consequences. Not all policy aspects can

be covered in sufficient detail in the legislation, and specifications in legal acts are subject to legal procedures. Thus, resorting to the judiciary is a way of delaying, if not stopping, a specific action. Moreover, legal instruments are usually inadequate

Forest legislation can be drafted after policy decisions are made, not vice versa.

in terms of providing guidance or the flexibility to address emerging issues. Neither are they easily accessible or understandable

to all. Nonetheless, in the face of conflict and in the absence of other mechanisms to settle disputes, law takes precedence over policy. Only the former can be challenged through the courts for a judgment based on legislation, not policy. For these reasons, legal advisers often recommend putting no more than core rights and responsibilities into forest legislation.

Table 1 summarizes the main differences between forest policy and legislation.

Sometimes legislation needs to be repealed or revised because it is out of step with the new policies, vision and goals. However, amendments may not be required to implement a revised forest policy if non-governmental entities such as forest industries undertake the major functions and if their practices are already regulated by broader laws such as those that govern planning or protect the environment.

NFPs are a comprehensive framework for a country's forest policy. NFP processes and platforms are used to develop or revise forest policy, strategies and programmes and facilitate their implementation.

The term “forest policy” is also sometimes confused with “national forest programme” (NFP). A term agreed by countries in the international dialogue on forests, NFP denotes a comprehensive forest policy framework built on a number of specific principles, which can be loosely clustered in three groups: national sovereignty and country leadership; consistency within and integration beyond the forest sector, and participation and partnership (FAO, 2001). This framework builds on the iterative process of developing/revising and implementing national forest policies and of translating international commitments

TABLE 1
Main differences between forest policy and forest law

Forest policy	Forest law
Can be adopted and amended through different procedures and by different bodies, according to each specific situation	Adopted and amended by Parliament or the Head of State through procedures determined by the Constitution or legislation
Non-legally binding	Legally binding
Provides guidance by specifying visions, goals and how to reach them	Specifies rights and duties based on a policy vision or goals
Can be general so it can be adapted to meet different and changing circumstances	Must be specific to enable judicial dispute settlement and applied universally across jurisdictions
Soft mechanisms to deal with non-compliance	Judicial powers to punish non-compliance
Amended by those bodies that adopt the policy, through their respective procedures	Constitutionally or legally determined procedure needed for amendments

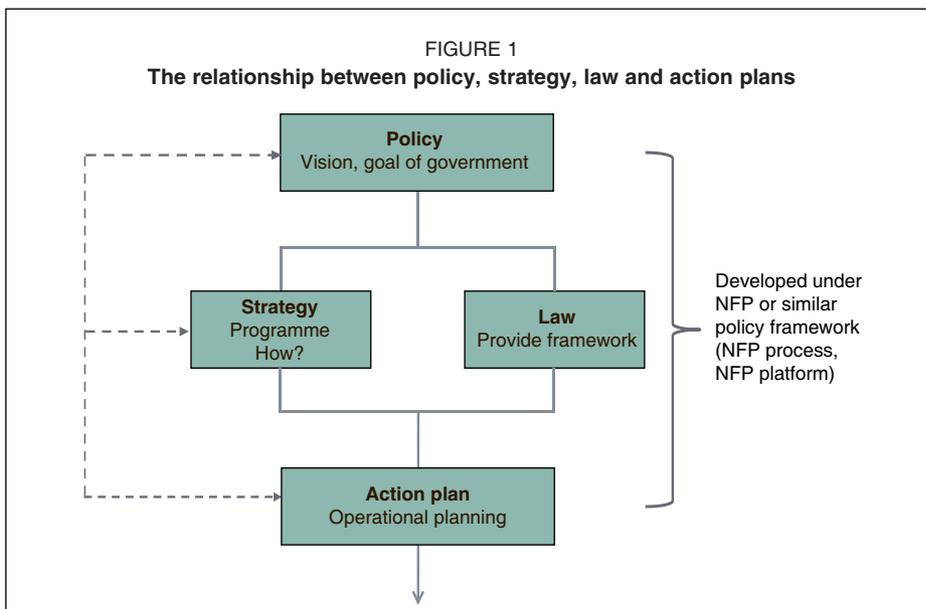
into action on the ground. In this regard, many countries establish platforms, forest forums or similar multi-stakeholder mechanisms as an integral part of the framework. Thus, whenever an NFP refers to a comprehensive forest policy framework, its relationship to the policy is straightforward: the forest policy is developed or revised within the NFP framework and is an outcome of the NFP process.

A written forest policy frequently outlines or specifies how to achieve goals or objectives through strategies, programmes or action plans. The terms “policy” and “strategy” are frequently used interchangeably. Thus, some countries specify their forest policy in a “forest strategy” (e.g. England [United Kingdom], Saudi Arabia, Serbia and Viet Nam). Similarly, a “strategy document” and a “national forest programme document” are often comparable. In some countries (e.g. Cameroon and Finland), the NFP is considered the strategic base of the national forest policy. Thus, the forest policy is laid out in the NFP document. While the terms are used loosely in practice, a strategy usually provides direction on the approach to achieve the goals and objectives set by a policy. A programme is considered more of a long-term master plan to implement the policy or strategy. “Action plans” or “work plans” are usually more specific or short term (Figure 1).

A national forest strategy or programme usually specifies a course of action to achieve the goals and objectives set in the policy.

HOW DOES A NATIONAL FOREST POLICY LINK TO OTHER POLICIES?

Forest policy-makers have become increasingly aware, especially over the past decade, that forests cannot be managed sustainably if other land and natural resource users do not recognize the importance of these resources. One reason for poor policy implementation and a lack of impact of many beautifully written policies and plans



in the past was that they often were out of touch with the realities around forests and the wider societal developments. For instance, in many countries, the rate of deforestation remained high despite explicit forest policies to reduce deforestation. In other cases, food production, shelter, infrastructure or broader economic development took precedence over ambitious afforestation programmes. Such examples underline the critical need to link forest policies with and to incorporate forest aspects into wider national policies – so as to make forest policies relevant and to enhance society’s recognition of the value and benefits of forests and sustainable forest management. However, all too often, communication and collaboration with and among those responsible for developing and implementing these wider policies are absent.

Forest policy goals need to be clearly linked to national development strategies.

Forests contribute to human well-being more than society usually realizes, for example, in terms of food, employment and income, housing and shelter, energy and environmental security. Often these crucial aspects are not considered sufficiently or taken up explicitly in the development of forest policy. Key issues of importance to society are usually taken up in national development strategies, national economic and sustainability strategies or similar policies and plans. Thus, forest policy needs to be set and expressed in such a way that it contributes to these wider goals. By the same token, it is essential to lobby actively and persistently for the integration of forest-related matters into national development policies and strategies (Box 2).

Many actions that affect forests and trees and their use are guided or covered by policy and legislation in other spheres. Many key issues for society are in fact transversal and cut across sectors: economic and rural development, poverty reduction, food production, climate change, watershed management, energy, tourism, infrastructure development, industry and mining, education and research. It is likely that many stakeholders of sectors

Issues related to forests and trees, including their use, cut across sectors. Ideally, this is fully reflected in participation in the development of the forest policy and its implementation.

whose actions affect forests profoundly have never pondered questions such as “what policy do we have on forests?” or “how much forests should be retained?”. To achieve reasonably well coordinated actions, many countries involve stakeholders from key sectors in revision of the forest policy.

Frequently, government agencies and stakeholders work out solutions on a bilateral basis or coordinate policies in specific key policy areas. Specific parts of bilaterally coordinated policies thus become an integral part of forest policy, for example decisions related to livestock, agroforestry, watershed management, biodiversity protection, biomass for energy, industrial wood supply, ecotourism, deforestation and forest degradation. The interconnectedness of issues playing out on a finite land base provides further incentive for policy-makers to find inclusive and more integrated policy solutions. One approach is to develop wider natural resource or land use policies, as Finland

Policy on specific topics can be developed jointly with one or more other sectors.

BOX 2

Forest policy and the national development agenda

Integrating forest issues in broader policies addressing national sustainable development as well as the challenges associated with changes taking place at the global level may involve some risk (e.g. loss of control) but can open up considerable opportunities. For example, India, the Republic of Korea and the United States of America have linked forests and forest management to wider development agendas by making them part of “Green Deal” programmes, and Costa Rica and the Republic of Korea have made natural resources a central part of their national development strategies. Some countries push the development of innovative products and services as part of efforts to move towards a sustainable bio-based economy to tackle climate change, the economic crisis and oil depletion in a comprehensive, coordinated manner. Sweden and Nepal have coordinated forest and water policies, and Canada and others have integrated or well-coordinated forest and forest industry policies. Efforts are under way in many countries to improve integration of forest and climate change policies as well as forest and energy policies.

and Nova Scotia (Canada) have done. In practice, the implementation of different policies always requires coordination at different levels – whether they were elaborated in a collaborative way or not.

Recognition, coordination and integration of policies is important not only at the national level, but at and across all levels of government, from the local municipal level to the international level, at which a range of commitments are made. In addition to the need for policies to be coherent across sectors, they also must be consistent with constitutional frameworks and with policies set at the subnational level by decentralized structures, as well as with traditional and customary rules.

