5. Developing an agreement through dialogue and negotiation

At the start of many forest policy development processes, the lead body organizes a formal launch to mark the political importance of the process and of expected results. The event is used to discuss the aims of the process and how it will unfold. It is also an opportunity to arrive at a mutual understanding and acceptance of the stakeholders to be involved and to identify possible capacity-building needs. The launch often inaugurates an information campaign to encourage involvement in the process and highlight the importance of forests and the forest sector to society. For example, in Suriname, announcements and invitations to participate in public meetings at the regional and national levels were communicated widely through national newspapers and other channels.

STAKEHOLDER DISCUSSIONS AND CONSULTATION AT THE LOCAL, REGIONAL AND NATIONAL LEVELS

The start of a policy development process usually entails a stakeholder analysis of issues at the local, regional and national levels. Workshops are particularly useful to identify the obstacles that local communities face and to provide an opportunity for stakeholders to suggest ways to overcome them. Such bottom-up participatory processes often lead to a change in attitude, as happened in Angola, where other policy development processes considered using the same approach. In many cases, workshops are preceded or accompanied by training in participatory policy development, as described in the section on planning, capacity building and communication.

A bottom-up participatory process using multi-stakeholder workshops is a powerful way to develop policy that works in practice.

Issue analysis can be conducted through in-person, telephone or written interviews or surveys. Face-to-face communication, if possible in small groups, allows meaningful discussion and interaction and is thus considerably more effective for identifying and prioritizing concerns. National and regional workshops have proved particularly useful in this regard. A number of countries have set up thematic multi-stakeholder task forces or working groups, often with participants from different sectors, to discuss particular topics in a series of meetings. As noted above, call-in radio, television and consultation via the Internet are other ways to reach those who cannot participate in deliberations in person. Frequently, participatory assessments or discussions in stratified focus groups are organized in villages, in the local language, before workshops. They

also sometimes take place afterwards to consult on outcomes. For instance, in Timor-Leste, trained field staff convened meetings with groups living in remote areas to collect feedback on a simplified initial draft of the national forest policy which was translated into Tetun (local pidgin).

When experts ask for input into the policy process and expect it to be freely given, they must also be prepared to report the results of deliberations back to contributors, along with explanations if suggestions were not taken on board. Failing to do so can leave stakeholders feeling alienated and disempowered, unaware of what happened to the insights and information they willingly shared.

The objective of all stakeholder workshops, regardless of the level at which they take place, is to identify and consult on issues, objectives, constraints and opportunities for conserving and managing forests. A discussion of issues in the context of the current forest policy can focus on the extent to which its scope, aim, objectives and implementation modalities are still appropriate by using, for example, participatory local assessments (as has been done in Turkey) and SWOT (strengths, weaknesses, opportunities and threats) analysis (applied in El Salvador and Latvia). It is important, however, to discuss not only past and present issues, but also possible future scenarios. Identifying, mapping and understanding the range of stakeholder views on forest issues, including those concerning forest use and management, is crucial to policy development because such deliberations help to focus attention on what matters. In the process, the coordinator needs to ensure that issues are discussed from the perspective of the various stakeholders. Otherwise, the views of more vocal participants, such as university lecturers or researchers, could dominate those of farmers or others who might be more reluctant to engage.

Explicit efforts are needed to bring future perspectives and broader national development goals into the policy discussion.

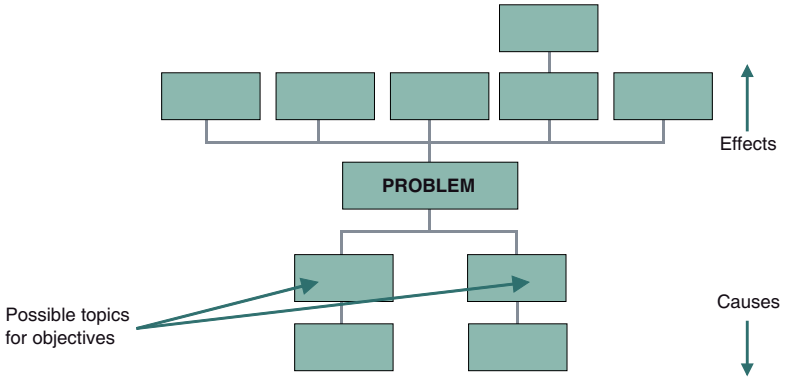
Stakeholder workshops should not only identify the main problems, but also propose solutions and policy objectives to deal with them. Problem tree analysis (Figure 7) is a tool to derive policy objectives from each of the most important issues raised. When participants identify the sources or causes of each problem, the correction they advance is often the appropriate policy objective. Many toolkits, particularly from development agencies and for project development, refer to this approach (e.g. ITTO, 2009). When the discussion starts with problems, the related objectives are usually more attainable and the solutions more grounded in reality. Another approach – one that is more suited to countries that want to develop a long-term vision and more ambitious policy goals – is to ask stakeholders to identify possible future opportunities and find ways to "bridge back to the present" (Box 10).

A starting point for developing a long-term vision or goal is to ask questions such as:

- how will society evolve and what will it look like in 10 to 15 years?
- what do different groups want forests to provide 10 to 15 years from now?
- what does the national development policy or strategy want to achieve in the long term?

The discussion of different perspectives and scenarios helps to generate a common view on what groups are likely to expect and need from the nation's

FIGURE 7
Problem tree analysis



BOX 10
Questions to identify visions and goals of forest policy

- Who owns, manages or uses our forests – today and in the longer term? Addressing forest tenure and land use planning, this question covers issues such as: Is there a balance between the rights of different users of the forest? Do stakeholders have adequate rights to meet their needs? What are main conflicts and where do these occur? Is it clear who has control over the forest and where?
- How should we use our forests now and in the future? Addressing forest management, this question might embrace the following others: How do forest companies use the forest and is this acceptable? How do local people use the forest and is this acceptable? Does one group use the forest to the detriment of another group? If so, who is affected and how? Do we have the skills and knowledge to use the forest without harming other interests?
- How can we get more from the forest? This question would broadly relate to the social, environmental and economic benefit themes of the policy. Is forestry profitable, and if not, why not? Do forests benefit the poorest people in society? Is the environment adequately protected or are additional measures needed? What opportunities exist to increase the outputs or benefits from forests to the nation?
- How can we work together better? This aspect broadly corresponds to the institutional framework theme of the policy and might include the following questions: Do the different stakeholders talk to each other enough? Is the balance of power between the different stakeholders appropriate? Who feels that their views are not heard? Is coordination between different parts of government adequate? On which issues are we most likely and least likely to reach agreement? Do we have the mechanisms to build consensus when people have different ideas about how to use the forest?

forests. It should also help to link forest issues with those of broader development – land use management, biodiversity conservation, environmental accounting and poverty alleviation – and to focus on future developments where the forest policy needs to provide guidance (Box 11). Several tools are available to map and visualize the implications of various scenarios for use during stakeholder workshops where discussions can generate new alternatives and innovative thinking. Another way to establish a strong link with national development goals is to invite the responsible office to discuss how better to align forest and national development policies.

DEVELOPING AN AGREEMENT ON GOALS, OBJECTIVES AND THEIR IMPLEMENTATION

Participants that have joined the forest policy development process share the belief that they are better off entering into discussions and negotiation with other groups than attempting to work unilaterally. Starting from this joint interest, the process needs to be managed to strike a balance between issues that are undisputed or abstract and issues that are so contentious as to break off discussions or spark serious conflicts or violence. Negotiators often come to the table with narrow assumptions, the conviction that their priorities are the most realistic, and a readiness to fight. Moderators have the key role of creating the openness required

Forest policy development involves stakeholders reconciling their conflicting views and interests and working out mutually acceptable solutions.

BOX 11

India's long-term vision on forest and tree cover

The National Forest Policy of India (1988) envisages one-third of the land area under forest or tree cover, and the target rises to two-thirds in the hills and in mountainous regions. Given that forest and tree cover has hovered around 23.7 percent in each of the biennial assessments since 1997, the goal is considered extraordinary because it means adding another 31.5 million hectares. Most of the proposed increase has to come from outside the area officially recorded as forest, where competing demands to use the land for expansion of farms and infrastructure are already high. Despite such odds, the 1988 goal was reiterated in the National Environment Policy of 2006, and a host of new programmes and policy reforms have been initiated to pursue it. The major steps include involving local government (village Panchayat) in afforestation, making tree planting a priority under the National Rural Employment Guarantee Programme (one of the largest employment programmes globally) and announcing a Green India Mission under the National Action Plan for Climate Change to afforest 6 million hectares of degraded land. The 1988 goal was visionary and has helped planners to undertake highly ambitious initiatives in the forestry sector.

Source: Sanjay Kumar, personal communication.

to find win-win solutions and steering discussions to practical matters of what to do and how. Moderators also must ensure that the interests of affected but powerless groups are recognized. When excluded as unimportant, unrepresentative or ill-informed, such groups have sometimes found a way to subvert the consultative process, challenge its legitimacy or ignore the agreements reached in their absence.

Priority interests and issues that emerge from discussions need to be summarized to be useful. In this regard, tables and graphs have proved to be effective means for establishing a common understanding of participants' views and interests. They reveal the interests and issues of main importance to various stakeholders, where they might clash and where consensus can be built among a few or all stakeholder groups involved. Joint exploration and negotiation of options also require that groups have an opportunity to discuss possible solutions and resolve outstanding disagreements until a sufficient basis for developing a policy emerges.

Given that participants are prepared to compromise in some areas if they gain in others that are more important to them, "negotiable" issues can be discussed to find compromise solutions and related objectives and strategies that accommodate different interests. There may also be highly contentious issues with incompatible interests which give rise to conflicts. These are often best dealt with by identifying them at the outset and excluding them explicitly from discussion, with a general understanding that they can be taken up at a later stage if all involved agree. Addressing different stakeholder interests in a constructive way and developing mutually accommodating solutions takes time. Moreover, consensus only holds in practice when participants perceive that they have gained in the process, despite compromises they probably had to make.

Developing policy agreements is necessarily a messy, iterative and potentially conflictual process.

The extent to which stakeholders become and remain involved in the process evidently depends on how they perceive its relevance. Thus, while some groups might find the process has enough merit to send high-level representatives regularly, others might be present only occasionally, through a substitute or not at all. Different approaches will be needed to bring about meaningful dialogue and to elicit policy guidance at key points in the process – ranging from dedicated workshops or meetings to bilateral consultations with those who are not willing or able to participate through established channels. In this regard, countries have used different means such as task forces (e.g. Cambodia), working groups that include other ministries (Democratic Republic of the Congo, Uganda) and workshops focused on specific issues or groups. What is important is that sustained efforts be made to reach consensus among key stakeholders, as it is they who have to ensure coherence with their respective policies.

During the development of a forest policy, stakeholders often conduct reviews to assess the consistency of different options with related policies, legal provisions, international commitments and institutional frameworks. Financing and budgetary implications are also examined. If appropriate instruments and budgets for implementing policies are lacking, efforts to formulate each word carefully are pointless.

In setting visions and determining goals, it is important not only to be

ambitious and strategic, but also to be realistic with regard to what can be achieved in the short and medium terms. Doing so requires building political will and commitment to achieve the vision and goals while at the same time securing support for immediate implementation. Initial steps involve reaching agreement on the approach and strategies and on the distribution of responsibilities. In the past many forest policies were highly prescriptive and focused on government agencies for their implementation. With changing contexts and more bodies involved in policy development and implementation, many forest policies have shifted to focus on the intended results but to allow flexibility in the methods to be used in implementation – allowing adaptation to changing circumstances and uptake of experiences. While the forest administration might be expected to deliver the policy, the role of government has changed. Instead of working alone, authorities now need to promote and facilitate implementation, in accordance with the responsibilities assigned to the different parties.

An agreement on forest policy should not only cover visions and goals, but also the approach to implementation and related responsibilities.

The determination of objectives and the means to achieve them is, in practice, not a linear step-by-step procedure but an iterative process of discussion and negotiation. A mix of policy instruments is normally used to reach objectives, and it is often necessary to adjust the objectives to maximize the effectiveness of the instruments (Box 12). While the latter need to be coherent and mutually reinforcing, the choice of which to use will affect different groups to different degrees. For example, tax exemptions for establishing plantations would not be an incentive for people who do not pay taxes. Thus, the calculation of costs and benefits by a stakeholder group will influence its support for a specific policy objective and its implementation.

To reach certain policy objectives, a mix of measures is often devised, including regulations, economic incentives and disincentives, and persuasion.

The conventional reliance on regulations, control and policing is often incompatible with practical realities or the desire to involve stakeholders, such as smallholder tree growers or NGOs, in policy implementation. Wherever the capacity to enforce regulations is limited, this approach alone is ineffective, e.g. in protecting areas of high conservation values. Thus, in many cases, measures that go beyond command-and-control practices and that involve the private sector are devised.

Adequate financing is crucial for translating the intentions and ambitions of forest policy goals into actions. Stakeholders must thus consider budget or financing implications from the onset as they assess the merits of various proposals and options. A search for new or additional financing options is often proposed in order not to discount good suggestions and to avoid conflicts over the redistribution of existing budgets. This requires involvement of related experts from both the public and private sectors who are familiar with the conditions and implications of drawing on different new funding sources. The formulation of forest financing strategies often takes place outside the process of developing a forest policy, even though many decisions associated with one

BOX 12

Matching aims and means

When the Government of Costa Rica decided to encourage private landholders to engage more in stewardship of forest for delivery of environmental services (especially catchment protection), it did so through incentives because it recognized that the objective would not be achieved by using a command-and-control approach.

When India's forest policy was reformed to encourage and facilitate farm forestry (in recognition of the likelihood that timber supply from government forests would not satisfy surging demand and imports would be prohibitively expensive), the incentives and disincentives for farmers who might consider growing trees were extensively reviewed. A mix of educational and advisory efforts, financial incentives and removal of disincentives led to an explosion of farm forestry in many states, not because farmers were compelled to undertake this activity, but because explicit messages encouraged them to do so, and because the opportunity was created to generate higher incomes through the marketplace.

affect the other. For example, a move to decentralize or to devolve power to local communities raises the question of how forest governance and related capacity building will be financed at that level. Likewise, financing strategies overlap with policy decisions and would benefit from or require changes in legislation or in institutional arrangements. For example, the decision to establish a national forest fund, payment schemes for environmental services or new financing mechanisms to reduce deforestation and forest degradation triggers a series of policy, legal and institutional issues. For these reasons, it is useful to develop a financing strategy or an outline of intended arrangements within the forest policy development process itself. The forest policy statement should indicate the financing mechanisms or alternatives for financing foreseen to implement the various objectives.

The formulation of a forest financing strategy should be an integral part of the forest policy development process.

Negotiation of policy objectives and means for achieving them involves discussion of concrete actions, expected results, distribution of responsibilities and costs – elements that form an integral part of implementation strategies, programmes or action plans. When stakeholders are consulted in the design of these documents, they are more likely to accept to participate in implementation. Stakeholder involvement also promotes an appropriate allocation of responsibilities and limits the opportunity for any party to serve its own interests alone. To avoid confusion, the assignment of responsibilities must be clear, and overlaps and conflicts of interests avoided. Distinctions also need to be made between actions requiring attention in the short term (for which resources and expertise are available) and those that are more strategic (Box 13).

DRAFTING A FOREST POLICY STATEMENT

The process coordinator and management team usually compile a synthesis of stakeholder discussions and negotiations, which forms the basis of a first draft of the forest policy. They need to identify the most widely accepted viewpoints and to organize the suggestions and tentative agreements on visions, principles, goals and implementation approaches into the initial structure of the document. The identified key topics and priority issues can also provide a coherent structure. Suggested objectives and implementation approaches are grouped by key topic, with more specific issues addressed in sub-objectives. This format will also reveal differences in opinion about the focus and direction of a new forest policy or parts of it. These divergent views can be outlined as additional policy options for further consideration. Often it is useful to outline the issues, content and structure of the forest policy, along with options, soon after the first round of meetings.

To be useful, a forest policy statement must be short, be free from ambiguity, capture policy accurately and be easy for a wide range of stakeholders to understand and apply. Bulky policy documents, whatever their quality, tend to be shelved and forgotten. The language should avoid technical jargon and be worded in a way that other policy-makers and the general public will find relevant. For example, visions and objectives can be formulated to stress the benefits to society: the number of jobs created rather than of hectares afforested; a clean and safe water supply as opposed to the area of watershed managed; and the number of households receiving fuelwood and food, rather than data expressed in terms of cubic metres.

Keep it short! Good forest policy statements are clear and simple so that they can be understood by and meaningful to as many people as possible.

While it is essential for drafters to reflect the substance of consultations in the

BOX 13

Balance long-term vision with what is possible to achieve

Common mistakes in formulating a national forest policy include relying on defective data and taking on overly ambitious goals – for example, on sustainable yield, plantation areas established or plantation growth rates – without first securing the political will to achieve them. The tendency for the forest agency to develop grand plans and targets in isolation, without regard to its capacity to deliver or the prospects for securing additional funds, is also problematic. Therefore, it is important that expectations about funding (whether from administrative budgets, from foreign sources or from new mechanisms such as markets for ecosystem services) be realistic. It is equally important to share and be clear about implementation responsibilities. Too many policies continue to focus on government action when much can be undertaken by the private sector, including local communities and households.

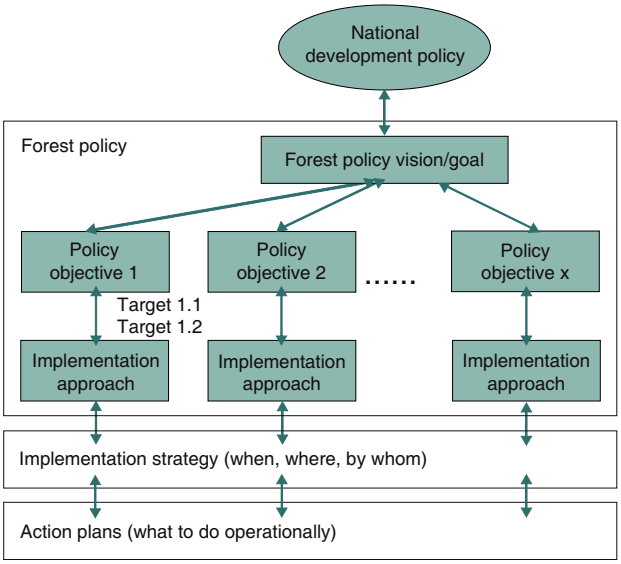
statement, technical inputs and other considerations are also important. Topical issues of the day must be kept in perspective, given that the policy should be valid for more than five or ten years, even though not all issues over this period can be foreseen during the formulation process.

With regard to structure, forest policy statements could comprise the following (Figure 8):

- a background section that describes the context: the value of the country's forests; why they need to be managed sustainably; the threats, constraints and issues that need to be addressed; the rationale for updating the policy; definitions of key terms; and the process of developing and formulating the policy;
- a description of the vision, principles and goals for future development of the sector;
- an elaboration of the thematic areas and related objectives and sub-objectives;
- the approach to implementation in each of the specific thematic areas;
- the distribution of responsibilities between government and other stakeholders.

The next section in a forest policy statement is usually a general description of the future orientation of the sector, based on stakeholder consultations – a short vision or mission statement, or the broad goal or purpose. This is often a single sentence and need not exceed a paragraph (see Annex 2 for examples). The vision or goal should be aligned to contribute to overall national development. It should probably look to a future in which the economic, social, cultural and environmental demands placed on forests are in balance.

FIGURE 8
One possible structure of a forest policy statement



Principles can be included to express general orientations for the policy, such as sustainable development, poverty alleviation, good governance and compliance with international commitments – particularly if no vision statement is elaborated. They can also address the need for coherent forest-related policies across different sections of government and the need to involve stakeholders in implementation.

Objectives are set on a limited number of key topics that directly contribute to the vision or goal. They specify what the country and its society wish to achieve in relation to priority forest topics over a decade or more – where possible, using measurable targets. Some countries have structured their topics and related objectives according to type of forest, location or region, or outputs (e.g. conservation, watershed management, industrial timber, non-wood forest products). Many countries specify concrete objectives for around five to ten topics.

Some countries briefly outline the policy's implementation strategy in the policy statement, including institutional arrangements, measures to be undertaken and distribution of responsibilities. It is also useful to specify main aspects related to legislation, financing, communication, institutional change, capacity building, monitoring and policy review. This information can then form the basis for more elaborated strategies, programmes or action plans. For example, the forest policy statement of the Gambia specifies 12 requirements on less than two pages. Other countries specify more detailed implementation strategies as integral part of their forest policy statement (see Chapter 6).

STAKEHOLDER VALIDATION OF THE DRAFT FOREST POLICY

Depending on how the process was conducted, the draft policy is likely to be validated by a mix of technical experts from within and outside government and other stakeholders, including people who were not fully involved but have influence over its adoption. The validation process might include other sectors, government bodies responsible for the national development strategy, the office of the body foreseen to adopt the policy and politicians or parliamentarians who will be influential in discussing and deciding on subsequent budgets, legislative changes or other key aspects of policy implementation. Stakeholders who are most affected by the policy but have limited capacity or motivation to participate should be consulted as well. Therefore, the draft forest policy statement and implementation strategy are circulated widely for review and discussion. This is also a means to keep stakeholders engaged and to show them that leaders of the process value their involvement.

It is particularly important to validate the draft forest policy with key stakeholders who were not willing or able to follow the process.

Following initial consultations, another round of workshops (at the regional, then national level, if possible) is often conducted to obtain feedback and additional inputs on the draft statement and proposed approach to implementation. If the implementation strategy is developed in a separate exercise after the forest policy, subsequent meetings usually focus on the second document. After further revisions

are made to both the policy and implementation plan, the steering committee conducts a final review and submits the package to the head of the government body leading the process, often the minister responsible for forests, for presentation to the Head of Government, Council of Ministers or other high-level body, as appropriate. If the process is managed well, all members of society should have a clear understanding of how, why and by whom the country's forests are to be managed, even if they do not agree with the policy statement in its entirety.