

2 Formulation of Provincial Forestry Policy

The Forest Department of the North-West Frontier Province (NWFP), like the departments in other provinces, does not have its own formal provincial forest policy. Although, according to the constitution of the Islamic Republic of Pakistan, forestry is a provincial subject, no attempt has been made to formulate a forest policy specific to the conditions of the province. As a result, the department relies on the policy directives issued from time to time by the Federal Government. In the past, these policy directives neither evolved in consultation with stakeholders, nor were there any mechanisms for ensuring implementation, monitoring, or impact evaluation. The most serious flaw with such policies has been the complete ignorance of even the constituencies most influential in their implementation. It was assumed by the foresters who formulated the policies that approval by the Cabinet of the Government of Pakistan was sufficient to ensure implementation.

When the institutional reform process was initiated in 1995, the vacuum resulting from the lack of a formal provincial forest policy was clearly noted. A policy dialogue was initiated and a draft policy document finalised through a consultative process. This took almost three years. This people-centred forest policy document is now being processed for approval by the provincial government. With the formulation of formal provincial forest policy, the stage has now been set for an institutional reform process in general, and legislative reforms in particular.

2.1 Legislative Reform

The forest laws in Pakistan date back to the 19th century and are a narration of forest offences and the punishments provided for them. These legal instruments were inherited from the British (the colonial masters) and focus on state control over a greater part of the forests and alienation of local people through policing. The policing efforts of the Forest Department have seldom succeeded in protecting the forests - rather they have earned mistrust and confrontation with local communities and defamation for the department staff. At the same time, these laws do not oblige the government to regenerate effectively, and forests have been depleted through cutting in the name of 'sustained yield' forestry.

As a result of these problems, a need was felt to replace the outdated and outmoded legislation with new legislation that has a focus on participatory approaches and empowerment of local communities. Accordingly, as a part of the institutional reform process, a completely new Forest Act has been drafted in line with the principles set out in the new forest policy. The new legislation will allow communities to play their part in joint forest management, reinforcing a trend that reduces governmental control and reinstates participatory mechanisms and rules. The goal of the new legislation is to make participatory and joint forest management an integral part of forest management, replacing the current authoritative approach. While drafting this Act, guidance has also been taken from the new Forest Act of Nepal, 1993.