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## National Forest Programmes in Europe: Generating policy-relevant propositions for formulation and implementation

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# Chapter 1

## National Forest Programmes in Europe: Generating policy-relevant propositions for formulation and implementation

David Humphreys<sup>1</sup>

### 1.1 National Forest Programmes as policy vehicles for sustainable forest management

The concept of a National Forest Programme (NFP) is not new. It was first popularised in the 1980s when the Food and Agriculture Organisation, along with the World Bank, United Nations Development Programme and World Resources Institute, launched the Tropical Forests Action Programme (TFAP).<sup>2</sup> There were five action programmes within the TFAP: forestry in land use; forest-based industrial development; fuelwood and energy; conservation of tropical forest ecosystems; and institutions. Over 80 countries launched National Forestry Action Programmes under the auspices of the TFAP. However the TFAP itself encountered a legitimacy crisis in 1990 when two NGO reports and an internal review found that National Forestry Action Programmes had tended to be donor-driven, had prioritised forest development and industry at the expense of conservation, had failed to fully involve the participation of a broad range of affected actors, and had not succeeded in slowing deforestation (Humphreys 1996, pp.42–54).

In 1992 the United Nations Conference on Environment and Development (UNCED) endorsed, albeit with little enthusiasm, the concept of national action forestry programmes. The concept is clearly implicit in parts of the non-legally binding forest principles that the conference agreed:

*National policies and programmes should take into account the relationship, where it exists, between the conservation, management and sustainable development of forests and all aspects related to the production, consumption, recycling and/or final disposal of forest products (United Nations 1992a, principle 6(b)).*

The forests chapter of *Agenda 21*, chapter 11, went slightly further than this in paragraph 11.12(b):

*To prepare and implement, as appropriate, national forestry action programmes and/or plans for the management, conservation and sustainable development of forests. These programmes and/or plans should be integrated with other land uses. In this context, country-driven national forestry action programmes and/or plans under the Tropical Forestry Action Programme are currently being implemented in more than 80 countries, with the support of the international community (United Nations 1992b).*

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<sup>2</sup> Initially called the Tropical Forestry Action Plan.

While the TFAP had established the idea of national programmes on forests in international discourse the UNCED outputs did nothing to progress it, although they did expand the application of the concept to non-tropical forests. However it was clear that the TFAP model was not appropriate for all forest types, indeed its suitability for tropical forests was highly questionable. More needed to be done to provide the idea with firmer conceptual clarity and coherence if it was to attract broad-based social support.

In 1993 at the second Ministerial Conference on the Protection of Forests in Europe (MCPFE) in Helsinki states committed themselves to “preparing, without delay, specific national or regional guidelines and to incorporating them into their forestry plans and programmes” (MCPFE 1993). One year later the Food and Agriculture Organisation attempted to progress the debate with the publication of a briefing note, *Monitoring National Forestry Action Programmes* (FAO 1994), that was intended as a contribution to strengthening the monitoring and evaluation of national level action.

However it was the Intergovernmental Panel on Forests (IPF), a temporary sub-group of the UN Commission on Sustainable Development, that significantly advanced the concept of national forest programmes. The IPF, which reported in 1997, produced proposals for action by governments and international organisations that related to the IPF’s five programme areas. There were some ambiguities in the IPF’s report, which led to some confusion on the precise number of proposals the IPF generated. The figures in Table 1.1 below are from a practitioner’s guide produced by the Six Country Initiative of the IPF’s successor, the Intergovernmental Forum on Forests (IFF). The authors of the practitioner’s guide screened the IPF’s proposals to eliminate duplication and overlap.

Under programme area I.A, “Progress through national forest and land-use programmes”, six discrete proposals for action at the national level can be identified. They have been summarised as follows in the practitioner’s guide:

- Develop and implement a holistic national forest programme which integrates the conservation and sustainable use of forest resources and benefits in a way that is consistent with national, sub-national and local policies and strategies.
- Develop and implement national policy goals and strategies for addressing deforestation and forest degradation in a participatory manner.
- Improve cooperation and coordination systems in support of sustainable forest management within national forest programmes which involve all stakeholders including indigenous people, forest owners and local communities in forest decision making.
- Develop and apply criteria for effectiveness and adequacy of forest programmes.
- Monitor and evaluate implementation and progress of a national forest programme including the use of criteria and indicators for sustainable forest management.
- Develop and promote the concept and practice of partnership agreements between all actors in the implementation of national forest programmes.

(FAO and UNDP 1999, pp.11–13)

There was one proposal for action on national forest and land use programmes requiring action at the international level. This proposal applied principally to forests in developing countries and was addressed to donor country governments, UN organisations and international financing institutions:

- Need for international cooperation, adequate provision of overseas development assistance and new and additional funding from the Global Environment Facility and other innovative sources

(FAO and UNDP 1999, pp.39).

**Table 1.1 The proposals for action of the Intergovernmental Panel on Forests: Summary**

<b>IPF Programme Area</b>	<b>Proposals for action at the national (NFP) level</b>	<b>Proposals for action requiring only action at the international level</b>
<b>I. Implementation of forest-related decisions of the UNCED</b>		
I.a Progress through national forest and land-use programmes	6	1
I.b Underlying causes of deforestation and forest degradation	3	4
I.c Traditional-forest-related knowledge	4	2
I.d Fragile ecosystem affected by desertification and drought	2	1
I.e Impact of airborne pollution on forests	3	1
I.f Needs and requirements of developing and other countries with low forest cover	4	1
<b>II. International cooperation in financial assistance and technology transfer</b>		
II.a Financial assistance	5	5
II.b Technology transfer, capacity building and information	4	3
<b>III. Scientific research, forest assessment and criteria and indicators for Sustainable Forest Management</b>		
III.a Assessment of the multiple benefits of all types of forests	2	4
III.b Forest research	3	3
III.c Methodologies for the proper valuation of the multiple benefits of forests	1	1
III.d Criteria and indicators for sustainable forest management	1	4
<b>IV. Trade and environment in relation to forest products and services</b>	<b>10</b>	<b>3</b>
<b>V. International organisations and multilateral institutions and instruments, including appropriate legal mechanisms</b>	<b>2</b>	<b>3</b>
<b>Totals</b>	<b>50</b>	<b>36</b>

*Source:* FAO and UNDP (1999) *Practitioner's Guide to the Implementation of the IPF Proposals for Action*. Eschborn: Gesellschaft für Technische Zusammenarbeit (GTZ). This table was originally published in Humphreys 2001a.

**Note:** The final report of the IPF has 149 paragraphs, most of which contained proposals for action. These paragraphs, however, vary considerably in terms of content and there is considerable overlap between them. The IFF's Six Country Initiative screened the proposals to yield 86 discrete proposals as shown above.

It can be seen from the national level proposals that the concept of sustainable forest management (SFM) was central to the IPF's proposals. In addition to generating proposals on national forest and land use programmes, many of the IPF's proposals on other programme areas were relevant to NFPs, including addressing the underlying causes of deforestation, the impact of air pollution, scientific research and assessment of the multiple benefits of forests. The IPF's final report also incorporated some basic guiding principles for NFPs that had first been elaborated by the Forestry Advisers Group and then published

by FAO (1996) as a contribution to the work of the IPF.<sup>3</sup> These principles include:

- Integration into wider programmes for sustainable land use
- Appropriate participatory mechanisms to involve all interested parties
- Decentralisation where applicable
- Recognition and respect for customary and traditional rights of, inter alia, indigenous people, local communities, forest dwellers and forest owners
- Secure land tenure arrangements
- Effective coordination mechanisms and conflict-resolution schemes
- Long-term iterative processes
- National sovereignty and country leadership
- Consistency with national policies and international commitments
- Integration with the country’s sustainable development strategies
- Partnership and participation
- Holistic and intersectoral approaches.

(United Nations 1997, paras.8–10)

The IPF concept of a “national forest and land use programme” was thus very different to the TFAP concept of a “national forestry action programme”. The emphasis on land use emphasises the intersectoral and holistic nature of the new type of programmes. (This is worth stressing, as the term “national forest and land use programme” is commonly abbreviated to NFP, which can result in the emphasis on land use policy being neglected.) There are two other semantic differences between the TFAP and IPF concepts. First, the IPF had dropped the superfluous word “action”. Second the IPF used “forest” rather than “forestry”, indicating that NFPs are first and foremost programmes for forests, rather than for foresters. There are other important conceptual differences between the national programmes promoted by the TFAP and the IPF, as summarised by Pülz and Rametsteiner (2002) in Table 1.2 below:

**Table 1.2 Conceptual comparison between National Forestry Action Programmes (TFAP) and National Forest and Land Use Programme (IPF)**

National Forestry Action Programme (TFAP)	National Forest and Land Use Programme (IPF)
<i>Main objective</i>	
Slow the rate of deforestation in developing countries.	Enhance sustainable forest management in all countries
<i>Planning ideas</i>	
Technocratic	Deliberative and consensus-oriented
No iterative long-term planning	Iterative long-term planning
Participatory in implementation only	Participatory in both formulation and implementation
Intersectoral interpreted solely as the agriculture-forestry interface	Intersectoral between all sectors

Source: Pülz and Rametsteiner 2002, p.263 (amended).

<sup>3</sup> As noted in Glück 1999, p.41.

Since the IPF reported the concept of NFPs has been further endorsed and developed by the international community. The Intergovernmental Forum on Forests (IFF) that met from 1997–2000 issued further proposals for action that recommended the use of NFPs in the implementation of the IPF’s proposals for action “in a coordinated manner and with the participation of all interested parties”, and further recommended that “[m]onitoring, assessment and reporting activities should be integrated into national forest programmes” (United Nations 2000, section A). In 1999 the secretariat for the MCPFE process held a workshop on NFPs that concluded that NFPs were relevant for all European countries and that “all specific elements and principles presented by the IPF would be relevant for Europe” (MCPFE 2000, p.55). Within the MCPFE process, the NFP is seen as a policy vehicle that can promote SFM. Finally, the concepts of SFM and NFP appear prominently in the Plan of Action adopted by the United Nations Forum on Forests in 2001:

Countries will develop or strengthen, as appropriate, national forest programmes, as defined in the IPF/IFF proposals for action, or other integrated related to forests, with the aim of achieving an holistic and comprehensive approach to sustainable forest management (United Nations 2001, p.15).

The NFP concept has thus been broadly legitimised internationally since the IPF concluded its work in 1997. But it was the IPF proposals for action that provided the initial springboard for the research that led to this book.

## **1.2 The conceptual approach of this book**

The IPF’s proposals for action helped firmly to establish the concept of NFPs in the international forest policy dialogue and provided some indication of the principles that should be promoted by a NFP. However, they did not provide a clear and unambiguous operational definition of “NFP”, nor did they provide policy makers with any clear advice or propositions on how to formulate NFPs.

It was with the aim of repairing these omissions that in 1999 COST Action E19 on “National Forest Programmes in a European Context”<sup>4</sup> was established. The Action ran until 2003 and brought together more than 70 researchers from 20 European countries and the USA. Scholars from Canada, China and Japan also participated.

The main objective of the Action was to “to provide policy makers in Europe with improved means for formulating and implementing national forest programmes”. This task was interpreted to include the generation of policy-relevant propositions from which decision-makers could work when generating or considering policy proposals. Policy-relevant propositions were derived from two main sources:

- Theoretically-grounded research propositions
- Experience reports.

This chapter will present some policy-relevant propositions that emerge from the country and regional case studies included in this volume. These propositions represent the second set of propositions generated by the Action. 79 propositions are contained in the final report of the Action (Glück, Nendes and Neven 2003). It is emphasised that the propositions are not

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<sup>4</sup> COST is the acronym for “European Co-operation in the Field of Scientific and Technical Research”, or “Coopération européenne dans le domaine de la recherche scientifique et technique”, an organisation that has 28 member states from across Europe. COST Action E19 was originally an initiative of the Institute of Forest Sector Policy and Economics at the University of Natural Resources and Applied Life Sciences, Vienna. The Action was chaired by Professor Peter Glück and ran for four years from October 1999 to September 2003.

hard prescriptions. Rather they are suggestive generalisations that have emerged inductively from the case studies presented in this volume and which are intended to stimulate thinking on the policy options available within countries. As such they should be seen as a type of decision support tool that should be subjected to further scrutiny and empirical testing.<sup>5</sup>

From its inception the work of COST Action E19 faced a conceptual challenge. With no firm and commonly accepted definition of a NFP, and with some countries in the Action having neither a formal NFP nor any immediate likelihood of launching such a process, the challenge was to agree a theoretically sound conceptual framework that could apply to all countries. The solution agreed was to proceed on the assumption that a NFP shared, and was based upon, the main characteristics of modern *policy planning*. In Table 1.3 Glück presents the main tenets of the general paradigm of policy planning, and how they relate to the principles of a NFP as elaborated by the IPF and other actors (section 1.1 above).

**Table 1.3 The general paradigm of modern policy planning and the main principles of a NFP**

<b>Objectives</b>	<b>General paradigm</b>	<b>National Forest Programme</b>
Enhancing the rationality of policies	<ul style="list-style-type: none"> <li>• Policy networks and bargaining systems</li> <li>• Participation of all relevant actors</li> </ul>	<ul style="list-style-type: none"> <li>• Participatory mechanisms</li> <li>• Decentralisation</li> <li>• Empowerment of regional and local governments</li> <li>• Respect for local communities</li> </ul>
Ensuring long-term orientation	<ul style="list-style-type: none"> <li>• Fragmentation of the long-term strategy into an iterative planning process</li> <li>• Review and assessment of the achieved goals</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term iterative process</li> </ul>
Improving coordination of political actors	<ul style="list-style-type: none"> <li>• Consensus building processes via information and persuasion strategies</li> <li>• Intra-bureaucratic intermediation processes and capacity building</li> </ul>	<ul style="list-style-type: none"> <li>• Consistency with national policies and international commitments</li> <li>• Integration with the country's sustainable development strategies</li> <li>• Holistic and intersectoral</li> </ul>

*Sources:* Glück 1999, p.42; Glück, Mendes and Neven 2003, p.3.

Subsequent discussions in COST Action E19 led to agreement to concentrate on four core variables of a NFP:

- Participation
- Collaboration
- Intersectoral cooperation
- Long-term iterative adaptive approach

<sup>5</sup> The propositions form just one output from COST Action E19. A special issue of the journal *Forest Policy and Economics* was produced (Glück and Humphreys 2002). A full list of the published outputs of the Action can be found on pages 48–53 of Glück, Mendes and Neven (2003).

Defining a NFP in this way has the advantage of escaping the tautology of accepting that a country has a NFP if its national forest policy makers say it has. It also enables analysis of the national forest policy of a country with no declared formal NFP process. A country may declare a formal NFP process, but this process may be purely *symbolic* in terms of the four core variables (symbolic participation, symbolic collaboration, and so on). Similarly, a country with no formal NFP process may, analytically and conceptually, have a *substantive* NFP process (substantive participation, substantive collaboration, and so on). The distinction between symbolic and substantive NFPs recurred throughout the work of COST Action E19. A substantive NFP is one that strives for meaningful policy change, while a symbolic NFP merely maintains the status quo.<sup>6</sup>

In addition to examining the four core variables that are internal to a NFP, the research also explored those factors in the external policy environment that affect the formation of a substantive NFP. A *supporting factor* is one that contributes to the substantive development of the core variables of a NFP, while an *impeding factor* is one that inhibits or constrains the substantive development of these core variables. It is, of course, possible that a particular factor may serve as a supporting factor in some countries, yet be an impeding factor in other countries. It should also be borne in mind that the concept of NFP is based upon the idea of forestry as a multifaceted welfare-oriented sector, with forests providing a broad range of goods and services. Given that there are so many dimensions to a NFP, what may be a supporting factor for one dimension of a NFP (such as participation) might be an impeding factor for another dimension (such as intersectoral coordination). Notwithstanding these points, the COST Action E19 framework had the advantage of allowing for inductive analysis across case studies of countries with NFPs in different stages of formation, including countries with no NFP at all. Amongst the supporting and impeding factors examined on COST Action E19 were political culture, legal aspects, financial incentives, advocacy coalitions, institutional aspects, multilevel governance and land tenure.

The framework is summarised in diagrammatic form in Figure 1.1 below. As the figure indicates, a NFP or alternative policy means will generate a particular *policy output*, such as a declaration, plan, programme or set of desired actions. When implemented this policy output will result in a specific *policy outcome*, namely impacts in the forest. In the case of a NFP the intended policy outcome should include the realisation of SFM.

### 1.3 Methodological framework

The conceptual approach illustrated in Figure 1.1 was adopted as the guiding framework for the country and regional case studies in this volume, although three points should be noted. First, it was agreed to concentrate upon a particular dimension of collaboration, namely negotiation and conflict resolution. Given the broad approach to participation that the IPF proposals for action have promoted, it is clear that a substantive NFP could result in increased conflicts between stakeholders at varying levels of the policy making process. The negotiation and resolution of such conflicts is thus a crucial aspect of the NFP concept. Second, whereas Figure 1.1 states “iterative adaptive approach”, the equivalent heading in this volume is “long-term iterative planning”. Third, five specific supporting and impeding factors were selected for analysis, namely land tenure, law and regulations, financial incentives, political culture and institutional aspects.

With respect to supporting and impeding factor, each factor may be divided into two sub-categories:

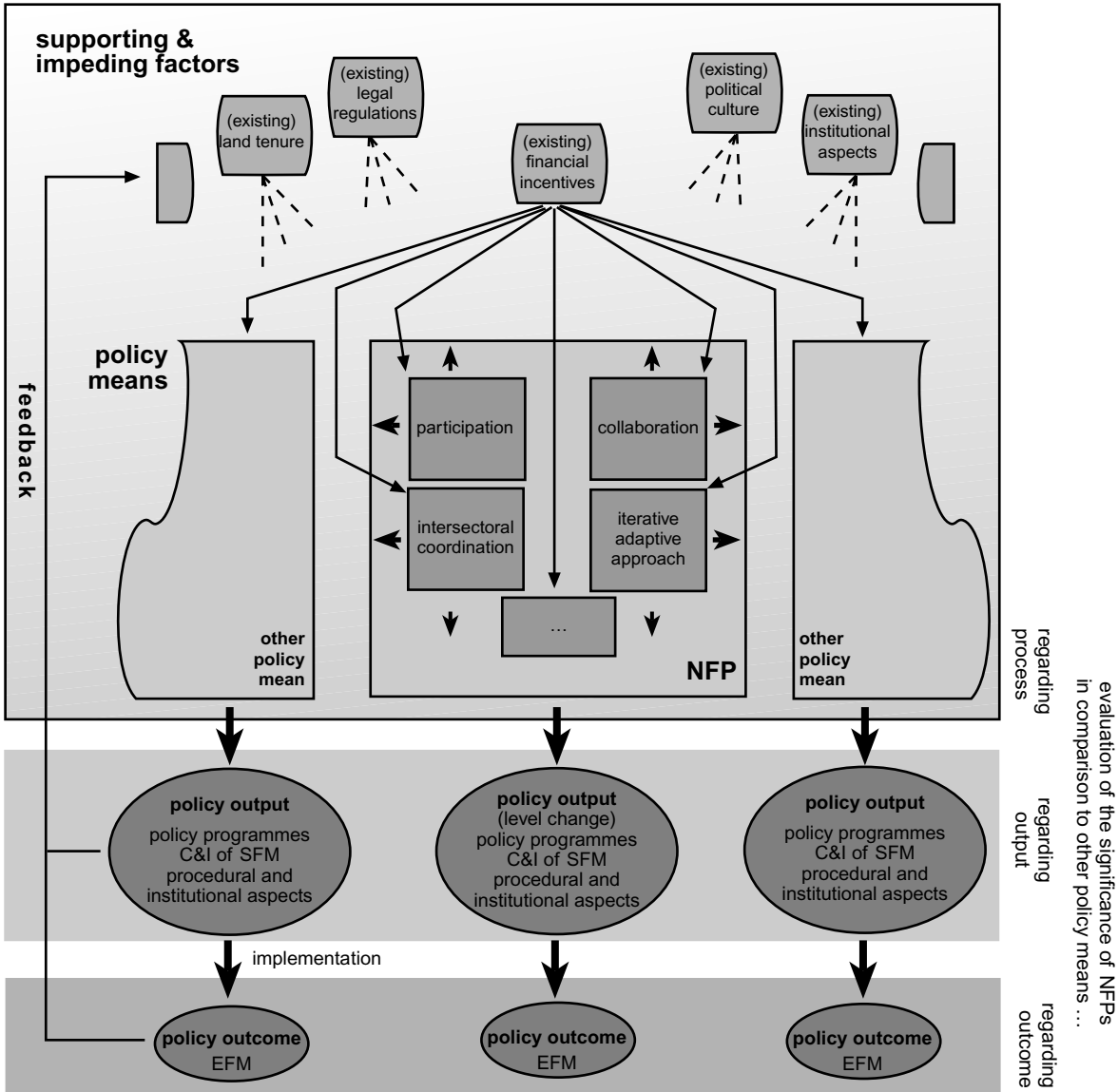
- those that directly affect forest use, and
- broader factors that may indirectly affect forest use.

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<sup>6</sup> On the distinction between symbolic and substantive NFPs see Schanz 1999.



Figure 1.1 The COST Action E19 conceptual approach to National Forest Programmes



Source: Hogl and Pregernig 2000, p.8

The distinction is shown in Table 1.4.

Many of the factors in the second column will form part of the NFP, broadly defined. They may be seen as “internal” impeding and supporting factors. Those in the third column are unlikely to form part of the NFP in most countries, and may thus be seen as “external” impeding and supporting factors. The “success” of a NFP depends in part upon, first, the extent to which external impeding factors are addressed and negated and, second, the extent to which external supporting factors are harnessed in the pursuit of SFM.

The proposed section headings that authors were asked to work to are shown in Box 1.1 below. This framework was designed to apply both to countries that have launched a formal NFP process, as well as to those that have not. The full guiding framework is available on the Internet (Humphreys 2001b). Country authors were urged to adhere to the framework as far as possible in order to ensure the consistency necessary to enable comparative analysis across case studies.

**Table 1.4 Supporting and impeding factors**

<b>Supporting and impeding factors</b>	<b>Directly affects forest use</b>	<b>May indirectly affect forest use</b>
Land tenure	Land tenure patterns in forests	Land tenure in areas surrounding forests e.g. the agriculture-forestry interface, urban areas.
Legal regulations	Legal regulations designed exclusively or principally for forests.	Legal regulations on national sustainable development policy and agriculture. Other legal arrangements that may affect forest use.
Financial incentives	Grants and tax breaks directed at forest owners and users.	The broader national tax/revenue structure. The national budget and financial plans.
Political culture	The culture of national and regional forest authorities.	The national political culture.
Institutional aspects	Institutions with an exclusive or predominantly forest mandate.	Institutions with other mandates, including (i) those that include an indirect forest-related mandate, and (ii) those with no forest-related mandate but which may affect forest use.

**Box 1.1 Proposed headings for country authors**

- 1 Introduction
- 2 Supporting and impeding factors
  - Land tenure
  - Law and regulations
  - Financial incentives
  - Political culture
  - Institutional aspects
- 3 Participatory mechanisms
- 4 Negotiation and conflict resolution
- 5 Intersectoral approaches
- 6 Long-term iterative planning
- 7 [Optional section: Other NFP elements, other aspects of the NFP]
- 8 Conclusions

However methodological consistency can have a price. It was recognised that an overprescriptive framework would not only constrain the authorial voice of contributors, but could also squeeze out the uniqueness of individual country experiences. Hence authors were given the opportunity of opting out of parts of the framework if this was necessary in order to relate an innovative aspect of their country's experiences that has broader relevance to other countries, but which would not be captured by strict adherence to the framework.

It was felt that this “semi-structured” approach would both enable comparative analysis yielding findings of general applicability, while also encouraging expression of the strengths and innovations of individual countries. This approach was felt to be a distinctive one of value in its own right that would allow researchers to meet the main objectives of the Action – “to provide policy makers in Europe with improved means for formulating and implementing national forest programmes” – using the full range of approaches and empirical material available.

## 1.4 Contributions to this volume

In chapter 2 Jeremy Raynor and Michael Howlett provide an analysis of NFPs in Europe based on surveys carried out for COST Action E19, national reports to the United Nations Forum on Forests, chapters in this volume and other source material. They view NFPs as “next generation” policy instruments. Next generation instruments can be viewed as part of a broader effort to restore the balance between public and private sector capabilities. They are experimental forms of governance that aim explicitly to involve private sector actors in national policy processes following the roll back of the state from many areas of public policy making. Raynor and Howlett present four ideal-type regulatory regimes that can emerge from the new mix of private and public sector governance (Figure 2.1) before going on to present a schema of four types of NFP depending on whether the programme is substantive or symbolic, and formal or informal (Figure 2.2). This schema is then applied to the status of NFPs in Europe in 2003. The latter part of chapter 2 analyses the Canadian National Forest Sector Strategy in terms of the components of what can be viewed analytically as an informal NFP.

The bulk of this book comprises 17 national level case studies from across east and west Europe.<sup>7</sup> These countries include some that at present have no formal NFP process (such as France, Sweden and the Netherlands). The majority of countries are in the process of actively formulating a NFP (such as Austria and Switzerland). Some have finished the formulation of their NFP (such as Germany). At the time of writing (May 2004) only one country has commenced implementation and evaluation of its NFP, namely Finland.

The structure of NFPs varies greatly across countries, especially where there are major sub-national power centres. For example, in the United Kingdom the situation has been complicated by devolution from London to Scotland, Wales and Northern Ireland (although at present the Northern Ireland assembly has been dissolved). Some countries, such as Germany, Switzerland and Spain, have federal political systems and as well as a NFP also have regional forest programmes (RFPs) at the sub-national level. Chapter 20 presents a case study of a German RFP, that of Bavaria, while chapter 21 examines the case of the Flanders RFP in Belgium. The two RFPs are very different. The Bavarian case is an example of a RFP that has been designed under the overarching framework of a NFP; the German NFP. However the Flanders RFP is in effect “freestanding”: there is no Belgian NFP, neither as yet is there a RFP for the Walloon region of Belgium.

The final case study presents an example of national forest policy making from a North American country, Canada. Whereas the latter sections of chapter 2 examine the Canadian experience in terms of the component parts of what can be seen as an informal NFP, chapter 22 explains the national forest policy direction of Canada using the methodological framework used in the other case studies.

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<sup>7</sup> Only one of these countries is not now a member of the European Union, namely Norway. Three others joined the EU in 2004 after COST Action E19 had ended, namely Hungary, Lithuania and Poland.

Boxes 1.2 to 1.12 below present the main policy-relevant propositions that emerge from a comparative analysis of chapters 3 through to 22. The credit for these propositions belongs to all members of the Action. Most of these propositions have been derived inductively from across the case studies. In some cases the propositions contain language used in one or more chapters. Some propositions generated in working groups at the final meeting of the Action at Vienna in 2003, and which were not published in the final report of the Action, are reproduced here.

## **1.5 Supporting and impeding factors: Land tenure**

Land tenure refers to the pattern of the ownership structure, that is “the degree to which the ownership of forest areas is fragmented over different types of ownership and size classes”.<sup>8</sup> One conclusion that emerges from the country studies in this volume is that where private forest ownership is highly fragmented, and where private forest owners are poorly organised, then this will impede the participation of forest owners in a NFP.

Under conditions of fragmented forest ownership, participation can only be achieved where there is a mechanism that can harness and synthesise the various viewpoints of forest owners, such as a national level umbrella organisation. Such mechanisms are absent in some European countries, with Lithuania being one example. Fragmented ownership is also reported in other countries, including Austria, Italy and Finland. In Norway, for example, 88 per cent of the forest is under private ownership and there are over 120,000 non-industrial forest owners with different motives and objectives.

Public sector ownership is not necessarily a supporting factor. As the Greek report makes clear, “[s]tate ownership has empowered the well-intentioned forest authorities to make decisions for the greatest collective good of society, but provided limited opportunities for building an efficient collaborative dialogue between the state authority and various users”.<sup>9</sup> In this respect the land tenure arrangements in Greece serve as an impeding factor, as they block the meaningful participation of other stakeholders. Once again the relationship between land tenure and participation becomes clear, although it is stressed that this relationship is not clear and unambiguous across countries. It varies according to the socio-political context.

The roll back of the state in many European countries has led to a reduced role for the public sector in national forest ownership. For example, in the Netherlands the state traditionally had a leading role in forest ownership for most of the twentieth century. Until the 1970s the Dutch Forest Service (SBB) would usually take over private forests being sold by their owners. Since then the SBB plays a less prominent role in this area. Forests are increasingly bought by nature conservation groups, although this is often with financial support from the government, while the SBB has been semi-privatised.<sup>10</sup>

## **1.6 Supporting and impeding factors: Legal regulations**

To a greater or lesser degree the constitution of a country, national legislation on forests and other important legal documents will affect the shape of a NFP, its objectives and the likelihood that it will achieve these objectives.

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<sup>8</sup> Glück, Mendes and Neven 2003, p.14.

<sup>9</sup> Chapter 8, “Greece”, section 8.2.

<sup>10</sup> Chapter 12, “Netherlands”, section 12.2.

## Box 1.2 Supporting and impeding factors: Land tenure

### *Propositions*

Fragmented private ownership can impede participation and national forest planning, although the effective national level organisation of collective bodies representing private owners can act as a mitigating factor.

A strong clientelist or corporatist tradition can impede genuine participation from other stakeholders.

Where private sector organisational weaknesses prevent collective action the state must have the capacity and willingness to act as a political entrepreneur in order to promote a substantive NFP. However, the risk in such circumstances is that a NFP will tend to be driven by central government agencies, with low participation and intersectoral coordination.

Even when private actors have sophisticated organisational capacities, as in private self-regulation, for example, they nonetheless require certain kinds of state assistance in the form of procedural or financial steering instruments.

Private ownership may be a supporting factor where competition between owners promotes the efficient and rational utilisation of resources.

Where forest ownership is fragmented, either between a large number of owners or between many different islands of forests, then there may not necessarily be a single dominant type of private forest management. Rather there may be different types of private management regime, and in such circumstances a NFP will need to be sensitive to the different discourses and management styles within a country.

The constitution of a country often establishes the legal parameters within which a national programme such as a NFP can be set. For example, in Germany the constitution of the federal state restricts many of the legislative and most of the executive competencies to the Laender rather than the federal level.<sup>11</sup> This vertical distribution of political power shaped the potential scope and limits of the federal NFP. In Switzerland the federal constitution is seen as a supporting factor; the principle of *Vernehmlassungsverfahren*, or consultation, applies at all administrative levels of the Swiss political-administrative system.<sup>12</sup> This principle has supported the development of participatory practices in Switzerland, which have taken root in fertile soil compared to countries that have only recently emerged from more authoritative political traditions, such as Lithuania.

Because there are many different dimensions to a NFP, the national legal framework may be supportive in some areas, yet impeding in others. This is the Greek experience, where the national legal framework serves as a supporting factor with respect to proposed land use changes that might affect the integrity of the forest resource, yet is an impeding factor with respect to intersectoral coordination and participation, with limited provisions for public involvement.<sup>13</sup>

In Portugal the Forest Policy Law of 1996 is seen as a “major precondition” for a substantive NFP, with the law laying out many of the core principles of a NFP as established by the IPF and other international organisations. These principles include SFM, participation, intersectoral coordination and conflict resolution.<sup>14</sup> In contrast, in Poland the formulation of the NFP commenced on the assumption that the existing legislation already enabled a balanced forest

<sup>11</sup> Chapter 7, “Germany”, section 7.2.

<sup>12</sup> Chapter 18, “Switzerland”, section 18.2.

<sup>13</sup> Chapter 8, “Greece”, section 8.2.

<sup>14</sup> Chapter 15, “Portugal”, section 15.2.

economy and did not require further elaboration or revision.<sup>15</sup> The situation in the United Kingdom is similar to that of Poland, where no Forest Act has been passed since 1967. Successive British governments have preferred instead to rely on forms of regulation other than the law, such as consensus and voluntary principles.<sup>16</sup>

The effectiveness of legislation depends in large measure on how thoroughly it was drafted. But even well drafted forest legislation can be ineffective when it conflicts with other bodies of national law. For example, in Hungary three separate acts were passed by parliament in 1996 on forestry, nature conservation, and hunting and game management. However there is a “lack of basic harmonisation” between these acts and other forest-related legislation, such as that on land and water management. The result is that different ministries have tended to pursue different objectives, with cooperation being “the exception rather than the rule”.<sup>17</sup>

### **Box 1.3 Supporting and impeding factors: Legal regulations**

#### ***Propositions***

The constitution of a country might predetermine the shape of a NFP by, for example, specifying those functions that should be allocated to the national level and those that should be allocated to other administrative levels.

Forest law should not solely reflect forest economic values, such as timber production. An important supporting factor is forest law that explicitly codifies the values of SFM, which may include targets for afforestation and protected areas.

When fully implemented (as opposed to merely being adopted in symbolic form) international law, such as the Convention on Biological Diversity and the outputs of the Ministerial Conference on the Protection of Forests in Europe, will support the design and evolution of a NFP.

The established legal traditions of a country may impede the efforts of a NFP with respect to, for example, participation and procedural transparency. In such cases a substantive NFP may emerge only when fundamental changes have been made to established legal codes.

A process of legislative reform can serve as a catalyst to a NFP, providing the reform process embodies the core principles and values of a NFP.

Merely legislating against certain types of behaviour will not necessarily prevent such behaviour where long-term conflicts remain unresolved. In such cases legislation may need to be supported by participatory-driven solutions, conflict resolution and financial incentives.

National law can be an important supporting factor for sectoral policies, including the forest sector, but is less effective in supporting intersectoral policy

## **1.7 Supporting and impeding factors: Financial incentives**

Few issues illustrate the importance of an intersectoral approach to NFPs as much as financial incentives. Decisions outside the traditional domain of forestry can have profound impacts upon forests and forest policy. Financial incentives, including subsidies, grants, taxation and tax breaks, are ultimately the responsibility of the national finance ministry or treasury.

<sup>15</sup> Chapter 14, “Poland”, section 14.4.

<sup>16</sup> Chapter 19, “United Kingdom”, section 19.3.

<sup>17</sup> Chapter 9, “Hungary”, section 9.3.

The case studies in this volume reveal that financial instruments play a powerful role in affecting actor behaviour. How they are designed and deployed can significantly support or impede SFM. For example, in Flanders high inheritance taxes have acted as a disincentive for forest conservation, impeding SFM and causing forest owners to lose interest in forest management issues.<sup>18</sup> But financial incentives can act as a supporting factor. For example, in the United Kingdom grant aid is available for almost all woodland creation.<sup>19</sup> The Lithuanian report illustrates how financial incentives may be a “double-edged sword”: on the one hand income received from Lithuanian state forest enterprises is allocated towards reforestation and forest maintenance; but on the other hand no subsidies and grants are available for ecological functions.<sup>20</sup>

The Greek report draws out an important point on the role of external finance in setting national policy objectives. In Greece funds from the EU have promoted local forest actions “which do not necessarily represent priority areas in the national forest policy”.<sup>21</sup> The authors of the case study conclude that “EU funds are selective and of limited objectives and applicability and thus unable to promote a comprehensive forest policy in the long run”.<sup>22</sup> This recalls a criticism that was levelled at the TFAP, namely that NFAPs tended to be “donor-driven”; they reflected the priorities of external actors rather than those at the national and local levels.

The social and environmental benefits of forests – the positive externalities – do not have a market value. Forests are thus undervalued in the market economy. Many reports, particularly that on Spain, consider that NFPs should have a central role in compensating forest owners for the positive externalities of their forests if SFM is to be realised.<sup>23</sup> This is something that national policy makers are increasingly realising. To give just one example, in Switzerland the Forest Law of 1991 allows for compensatory payments to be made to forest owners who carry out tasks that are in the public interest.<sup>24</sup>

## **1.8 Supporting and impeding factors: Political culture**

Like a supertanker at sea, the “direction” of a political culture shifts only very slowly. A dominant political culture will become embedded in many different organisations and institutions in a country, and will change only gradually. So, for example, in Lithuania the introduction of private ownership and market forces has taken place while old political leftovers linger, such as the prevalence of state ownership of forestry.<sup>25</sup> In this respect Lithuania and other countries in the former Soviet bloc can be seen as “political cultures in transition”. The Portuguese report suggests that such transitions can take decades. In Portugal the centralised and authoritarian political culture of half a century of authoritarian rule that preceded the restoration of democracy in 1974 continues to make itself felt in the national consciousness, and this has tended to impede the emergence both of effective intersectoral coordination and of political space where conflicting claims can be resolved.<sup>26</sup>

The French report stresses the dominant role of experts in policy making. The French political tradition emphasises representative rather than participatory democracy. Policy tends to be made on a rationalist-deductive basis, with an important factor being the expertise

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<sup>18</sup> Chapter 21, “Flanders”, section 19.2.

<sup>19</sup> Chapter 19, “United Kingdom”, section 19.4.

<sup>20</sup> Chapter 11, “Lithuania”, section 11.2.

<sup>21</sup> Chapter 8, “Greece”, section 8.2.

<sup>22</sup> Chapter 8, “Greece”, section 8.2.

<sup>23</sup> Chapter 16, “Spain”.

<sup>24</sup> Chapter 18, “Switzerland”, section 18.2.

<sup>25</sup> Chapter 11, “Lithuania”, section 11.2.

<sup>26</sup> Chapter 15, “Portugal”, section 15.2.

## Box 1.4 Supporting and impeding factors: Financial incentives

### *Propositions*

Where financial incentives promote a particular macro-economic policy, the aims of this macro-economic policy will *ceteris paribus* be reflected in the NFP.

The best-intentioned financial incentives for SFM can be rendered nugatory when financial policy outside the forest sector acts contrary to forest values (e.g. incentives for road construction, for industrial activity, for housing development, and so on).

Forests are especially vulnerable and financial incentives are particularly necessary when forest owners are under financial pressure so that they become dependent on non-forest uses for income. In such cases financial incentives must aim to compensate forest owners for the opportunity cost foregone from alternative land uses.

Causality matters when designing financial incentives. Public revenues are most effective when targeted at forest agents who would not have behaved in the desired way without the incentives, and least effective when targeted at agents who would have behaved in the desired way even without the incentives.

Private owners do not constitute a coherent entity. Different forest owners may have different goals, hence different financial incentives may be needed. Financial incentives should thus be targeted in a select and diversified way that reflects the different objectives and interests of owners.

At present EU funds are selective, aiming at limited objectives. Over-reliance on such funds will not promote a comprehensive and balanced NFP with the capacity to fulfil all dimensions of national forest policy over the long run.

A NFP requires credible long-term commitments from the public authorities to meet the increased costs that forest owners will incur to meet the targets stated in a NFP.

A NFP will be in a strong position to maintain all forest values when it can integrate the positive externalities of forests and arrange for appropriate compensation to forest owners for the values of these externalities. Such provision will require legislation.

High inheritance taxes may act as a disincentive for forest conservation.

of civil servants.<sup>27</sup> Senior public officials and experts play a leading role in national policy processes, with forestry being no exception. A not dissimilar situation exists in Greece where the “political culture is characterised by an instrumental rationalist decision making process where the public authority is the sole entity in charge of making choices in the interest of the ‘common good’.”<sup>28</sup> The political cultures of France and Greece can be seen as contrary to the NFP principles of participation and transparency. Other political cultures, however, are more supportive of direct public participation, such as that of Switzerland (section 1.6 above).

The Finland case study reports a factor that doubtless applies to other countries, namely the political ideology of neoliberalism.<sup>29</sup> Neoliberalism emphasises the declining role of the state in public policy, income tax cuts and pressures to reduce public spending, including

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<sup>27</sup> Chapter 6, “France”, section 6.1.

<sup>28</sup> Chapter 8, “Greece”, section 8.2.

<sup>29</sup> Chapter 5, “Finland”, section 5.2.



grants and financial subsidies for forestry. In this respect neoliberalism can be seen as a global political culture that serves to impede substantive NFP formation: the role of central government is weakened, which can thwart intersectoral coordination; and a lower level of public finance is available for public goods in general and the positive externalities of forests in particular. However a contrary view should be noted: neoliberalism also stresses an enhanced role in politics for other actors, such as business, NGOs and local community groups, and this can contribute to enhanced participation.

### **Box 1.5 Supporting and impeding factors: Political culture**

#### ***Propositions***

Political cultures can prove resilient. Attempts to execute sudden cultural shifts in forestry practice will only be partially successful when an old political culture lingers.

Political values are constantly changing, but core political values change most slowly of all. Whether the political culture supports or impedes a NFP depends on what these political values are.

Where the political culture emphasises a declining role for the state then NFPs will tend to promote private self-regulation and loose governance arrangements, such as market-driven certification schemes and voluntary agreements. Conversely, where the traditional political culture emphasises a strong role for the state then interventionist policy initiatives are more likely.

A traditional technocratic political culture will tend to support economic interests. In such a political culture a NFP should expressly aim to ensure that non-economic interests, such as recreation and nature reserves, are represented lest they be marginalised in the policy process.

A political culture tends to shape itself so as to preserve existing power relations, and this is likely to impede the emergence of a genuinely participative NFP.

With EU political culture emphasising the principle of subsidiarity, NFP lead agencies need explicitly to demonstrate the value of *National Forest Programmes* if all stakeholders are to be convinced that there is added value from such a process.

The international politico-economic culture of neoliberalism will tend to narrow the scope of feasible policy options by supporting certain policy responses, such as “partnerships” and voluntary regulation, and will act as an impeding factor against others, such as interventionist regulation and increased public spending.

The existence of different organisational cultures in society can result in ineffective communication in participatory processes, which can thwart intersectoral coordination. Consequently participation and intersectoral coordination are most easily achieved when different groups and actors in a country share similar cultural assumptions or a common communicative base. When this is not the case, a basic restructuring of communication flows between actors may be necessary.

A political culture characterised by instrumental rationalist decision making will favour established policy networks comprising a narrow circle of experts, and this will tend to impede transparent and participatory decision making.

A political culture that emphasises public values and collective interests over and above self-interests is one where the public goods value of forests is likely to be emphasised more strongly than private forest values. Such a culture will tend to support the emergence of a substantive NFP.

## 1.9 Supporting and impeding factors: Institutional aspects

The case studies reveal a number of policy-relevant propositions on institutions. In particular a Swedish policy principle is worth highlighting. Translated into English it reads “The forest owner shall not need to communicate with more than one government authority concerning the management of his/her forests”. A key advantage of such a principle is that it can minimise bureaucratic overlap and duplication, and avoid double or multiple policy signals being sent to the forest owner. The Swedish report stresses that “full application of the principle is probably not realistic, as no single forest administration can provide all the different kinds of expertise that are needed”.<sup>30</sup> Even so, it appears to be a desirable goal to reach for.

An important driver of institutional change in the United Kingdom has been devolution to newly-created assemblies in Scotland and Wales. Devolution, which is likely to result in enhanced participation at the regional level, was an important factor in determining the formulation of the UK’s NFP, which was built from the forestry policies and processes of each constituent country.<sup>31</sup>

Non-state institutions have a clear role to play in NFPs. It was noted above (section 1.5) that fragmented forest ownership can impede NFP formation, but that successful institution building at the national level, for example through the creation of an umbrella organisation, can help overcome this constraint. Collective organisation of the private sector has proceeded slowly in many European countries, including Lithuania, Portugal and Netherlands. However in Finland the Finnish Forest Association (SMY) has acted as a mediator between forestry and other actors. It has succeeded in “establishing and managing a top-level discussion forum for decision-makers, which can be seen as a supporting factor for the NFP.”<sup>32</sup>

The Finnish case study also illustrates the advantages of regional forest centres, with thirteen such centres established in the country. Created before the initiation of the Finnish NFP, the regional centres have played a useful role in the formulation of the NFP, by hosting public forums, in implementing the NFP and through conflict resolution at the district level.

## 1.10 Supporting and impeding factors: Others

The case studies have generated conflicting evidence on the role that cataclysmic events can play with respect to national forest policy. For example, in France the severe storms of December 1999 led decision makers to focus on short term damage limitation at the expense of the long-term planning required for a NFP.<sup>33</sup> But while the December storms acted as an impeding factor in France they did not do so in Denmark.<sup>34</sup> Meanwhile in Portugal the severe forest fires of the summer of 2003 led to increased government interest in the national forest policy arena.<sup>35</sup> In short, no clear proposition emerges from the case studies on the role that cataclysmic events and disasters can play in national forest policy.

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<sup>30</sup> Chapter 17, “Sweden”, section 17.2.

<sup>31</sup> Chapter 19, “United Kingdom”, section 19.2.

<sup>32</sup> Chapter 5, “Finland”, section 5.2.

<sup>33</sup> Chapter 6, “France”, section 6.2.

<sup>34</sup> Chapter 4, “Denmark”.

<sup>35</sup> Chapter 15, “Portugal”, section 15.9.

## **Box 1.6 Supporting and impeding factors: Institutional aspects**

### ***Propositions***

Duplicate or multiple policy signals to forest owners can be avoided when state institutions adopt the principle that the forest owner shall not need to communicate with more than one government authority concerning the management of his/her forests.

A NFP requires a high level of political and institutional support if it is to be successful.

A successful NFP requires that existing institutions be open to new ideas, new actors and new policy instruments. However neo-corporatist forest policy networks can impede the inclusion of actors from outside this network, especially environmental NGOs.

New institutional arrangements and transnational linkages can promote NFPs by introducing new ideas through policy learning.

The establishment of regional forest centres can contribute to coherent regional land use planning, promote participation and strengthen regional commitment to a NFP. Such centres can act as two-way channels between the national and local levels and can counterbalance dominant top-down structures.

The national level organisation of foresters can serve as a top-level discussion forum for policy makers and can mediate between foresters and the rest of society.

Institutions involved in a NFP need to strike a balance between necessary flexibility and responsiveness to changing circumstances on the one hand, and avoiding introducing unnecessary policy discontinuities on the other hand.

Central to the Danish experience is the concept of “near-to-nature forest management”. This concept, which can be seen as rather diffuse, is described as “a management type that mimics and imitates naturally occurring ecological processes, for example by using locally adapted, indigenous species and single tree harvesting, eventually allowing a multi-layered, multi-species forest to develop”.<sup>36</sup> In Denmark there is limited knowledge and experience of this management type, which has acted as an impeding factor. Near-to-nature forest management has attracted support elsewhere, notably among the NGOs involved in the Hungarian NFP,<sup>37</sup> while the Swiss Forest Law stipulates an explicit obligation to carry out “close to nature silviculture”.<sup>38</sup>

## **1.11 Participatory mechanisms**

Public participation in forestry has been defined by an international team of specialists as various forms of direct public involvement where people, individually or through organised groups, can exchange information, express opinions and articulate interests, and have the potential to influence decisions or the outcome of specific forestry issues (Joint FAO/ECE/ILO Committee on Forest Technology, Management and Training 2000, p.xi).

This definition lays particular emphasis on the opportunity to influence decisions or outcomes. Where no such opportunity exists then participation is merely formulaic rather than substantive.

<sup>36</sup> Chapter 4, “Denmark”, section 4.2.

<sup>37</sup> Chapter 9, “Hungary”, section 9.7.

<sup>38</sup> Chapter 18, “Switzerland”, section 18.2.

## **Box 1.7 Supporting and impeding factors: Others**

### ***Propositions***

Industry is likely to try to resist or evade regulation that is seen as “coercive” or “interfering”.

Where an objective of national forest policy is to implement a new and unproven forest management type, the NFP should provide for corrective measures to address any knowledge or experience gaps that may exist.

Unresolved policy uncertainties on certification can significantly impede national level policy dialogue on other forest-related issues.

When a country simultaneously encounters several problems requiring urgent short solution, this may contribute negatively to long-term planning unless the efficacy and advantages of such planning can be clearly demonstrated.

Participation requires engagement and commitment from those communities that have a stake in forest use. The UK report makes a useful distinction here. Communities may be defined territorially, that is according to where they live, or they can be defined in terms of shared interests or identity.<sup>39</sup> In the UK experience the former type of community is well represented in forest policy, whereas the latter type has yet to attain the same level of opportunity.

Actors who are less than fully committed can derail a participatory process. For example, in Germany some NGOs failed to visibly participate in the activities of a working group for more than a year. When they did turn up it was at the end of the process when they rejected the draft of the working group. The result was the temporary paralysis of the NFP process.<sup>40</sup>

Heavy reliance on experts tends to restrict genuine public involvement. But if one risk of policy making is that it can be dominated entirely by specialists at the expense of the public, an equal and opposite risk exists. If all decisions are taken in bottom up participatory processes, taken to its extreme this would dispense completely with the role of the trained and specialist expert. This highlights an important question: what is the optimal balance between expertise on the one hand, and public participation on the other hand. There is no ready formula for the “right mix” between expertise and participation, which will depend on the issue under consideration, the level at which policy is being made and the length of time before a decision is needed.

In Hungary both experts and public discussion contributed to the formulation of the NFP. The process began with an expert level meeting that generated proposals that were recorded in what became known as the *White Book*. Altogether there were seven phases to the NFP. The objective of the first six phases (four expert level phases and two public phases) was to amend and update the *White Book* in the light of the latest discussions. The seventh phase of the Hungarian NFP is implementation.<sup>41</sup>

Where a participatory process attracts a large number of participants, the sheer weight of numbers can render the process unwieldy. For example, handling a large number of written comments in a transparent manner may prove impossible. At public meetings not everyone may be able to speak, or say everything they want. A participatory process must therefore be managed. However the very notion of “managing participation” can be seen as interventionist,

<sup>39</sup> Chapter 19, “United Kingdom”, section 19.5.

<sup>40</sup> Chapter 7, “Germany”, section 7.3.

<sup>41</sup> Chapter 9, “Hungary”, section 9.4.

elitist and contrary to the spirit of genuine participation. This can engender problems if the management of a participation process (e.g. who speaks and for how long; who initiates the first drafts of working documents; and who is invited to working group meetings) is seen to favour some actors rather than others. The management of participation needs therefore to take place according to the principles of procedural fairness, openness and transparency if negative perceptions are to be avoided.

Indeed one clear conclusion that emerges from the case studies is the need for fair and impartial procedures for participation. As the United Kingdom chapter emphasises, inarticulate or minority interest groups can be overlooked or dominated by articulate minorities. This implies “greater use of process and more formality in forestry dialogue”.<sup>42</sup> A further important factor that affects influence is the power capabilities available to actors. As the report on Norway emphasises, the “resources available to stakeholders may not reflect the legitimacy of their claims”.<sup>43</sup> The Norwegian experience has found that participation works best for conflict resolution rather than for technical issues.

We can distinguish between two models of participation: participation as a means; and participation as an end (Shannon 2003). When participation is used as a means, decision-making authority continues to reside with experts and civil servants, who set the questions that the participatory process should address. The main advantage of participation according to this model is that it can improve the quality and nature of the information that is considered by policy makers. Participation according to this model can also legitimise outcomes. Participation as a means is thus an elitist form of policy making.

However the second model – participation as a goal – rejects elitist and technocratic decision making. Instead “the core assumption is that dialogue is essential to understanding since knowledge is socially produced” (Shannon 2003, p.4). According to this model the participatory process does not solely address pre-set questions: it can also generate and construct public questions through discussion. The assumption is that actors are partaking in an iterative policy dialogue aimed at defining the problem, identifying possible solutions and evaluating the merits of different strategies. The NFP notion of participation is very much in line with this second model of participation.

### **Box 1.8 Participatory mechanisms**

#### ***Propositions***

In countries where a major traditional influence on the policy making process is the expertise of civil servants participatory structures may encounter establishment resistance and emerge only gradually.

An optimal balance needs to be struck between the effective administration and management of participation on the one hand, and fairness, openness and transparency on the other hand.

In policy environments where there are no opportunities for participation actors may deliberately create conflict and dysfunctions in order to ensure their views are heard. In such circumstances the costs of conflict resolution may be more expensive than would have been the case had such conflicts been articulated earlier in a more transparent and participatory policy environment.

Early decisions by dominant elites will tend to create path dependencies and “lock in”. This may impede meaningful participation from other actors at a later stage.

<sup>42</sup> Chapter 19, “United Kingdom”, section 19.4.

<sup>43</sup> Chapter 13, “Norway”, section 13.4

### **Box 1.8 Participatory mechanisms (continued)**

Fragmented forest ownership will impede information collation and participation unless national level mechanisms are created in which the voices of small forest owners can be heard.

“One shot” participation tends to be symbolic and does not enable meaningful participation by all stakeholders.

Participation can help to fill knowledge gaps where an innovative and unproven forest management regime is adopted on which there is limited information and experience.

An absence of clear procedural rules has the advantage of promoting informality, but can lead to the dominance of classic forestry institutions, thus undermining the credibility of the process. Clear and fair procedural rules that favour no institution or sector are thus advisable.

Participation will yield most added value when the aspirations and goals of the NFP are clearly articulated. Without this, much of the organisational energy of participating groups will be dissipated.

The working group approach to preparing drafts can be a useful means for dividing up work in a participatory process. However the approach carries with it certain risks, including the complication of issue linkages and the jeopardising of overall coherence.

When a participatory process adopts a working group approach there should be clear open channels between groups to enable easy discussion and negotiation. An obvious solution is to hold working group meetings in parallel.

Working group chairs/moderators should aim to be neutral. Where the neutrality of chairs/moderators is questionable then the level of conflict within a working group may rise, and such conflict may offset the gains from participation.

A high level of effort and commitment from actors is necessary if a participatory process is to succeed. When a large number of actors enter a participatory process with the primary intention of promoting short-term self-interested behaviour rather than of cooperating actively with other stakeholders, then the result might tend to a low level consensus that few actors support.

Similarly, genuine progress is less likely to emerge from a participatory process when a large number of actors enter the process determined to guard traditional competencies and functions, so that “turf wars” ensue.

It is possible to have “participation overkill”. For example, several participatory-driven but mutually inconsistent proposals can paralyse a NFP.

Advisory groups have a role to play in participatory processes. Such groups can build confidence between stakeholders, broaden discussion and analysis, consider new and innovative ideas and facilitate efficient policy implementation.

Actors will be reluctant to participate in a NFP when they consider that the process is more likely to be time consuming than to lead to meaningful action.

Experts, technical specialists and civil servants will continue to have an input in national forest policy. The crucial question therefore is, what is the optimal balance between expert-driven inputs to a NFP (which will tend to be based on science) and participatory-driven inputs (which will tend to be based on political demands and compromise).

Participation is more relevant to some issues (such as spatial planning and conflict management) than others (such as technical forest management). A participatory process thus needs to be directed so that the energies and skills of participants are directed at those issues where they can yield the most added value.

## 1.12 Negotiation and conflict resolution

European countries have a patchy record in forest-related conflict resolution. Effective conflict resolution mechanisms need to encompass the full range of affected stakeholders. Where such mechanisms exclude some actors, it is inevitable that many conflicts will remain latent and unresolved. For example, in Austria and Finland conflict resolution has traditionally been restricted to influential organised groups within the corporatist political system. The result in Austria has been that conflicts that involve actors outside the dominant policy network tend either to be sidelined or ignored.<sup>44</sup> A similar situation existed in Finland until the mid-1990s, although the creation in 1995 of the Forest Forum for Decision-Makers has promoted the identification and resolution of a range of forest conflicts.<sup>45</sup>

The Netherlands case study indicates that when an organisation representing a broad range of actors enters a conflict resolution process, the agreement of its membership to comply with any outcome is usually necessary if the process is to succeed. However in the Netherlands the binding force of membership compliance is often absent due to the large number of forest owners and the heterogeneity of their interests. Consequently agreements reached might not be accepted by all members and may subsequently need to be adapted.<sup>46</sup>

Conflicts are less likely to appear where property rights are unambiguous and clearly defined. In Greece an incomplete forest cadastre has complicated forest ownership questions. The authors of the Greece case study conclude that “most attempts at conflict resolution have been highly inefficient so far”.<sup>47</sup> In Italy there are no specific strategies for conflict resolution; instead compromises have tended to be negotiated only after lengthy arbitration.<sup>48</sup> In Germany the current texts on the NFP are “rather vague” on negotiation and conflict resolution schemes.<sup>49</sup> The German experience suggests that compromise need not necessarily be an effective conflict resolution tactic. Attempts to reach consensus can fail where actors believe that compromises have gone too far and violated core values or principles. One example here is the Bavarian Regional Forest Programme; some key actors left a cooperative effort called the Environmental Pact after the formulation of compromises.<sup>50</sup>

The Aarhus Convention<sup>51</sup> of 1998 furthers the aims of forest conflict resolution. As well as promoting public participation in environmental decision-making, the convention also upholds the rights of the public to environmental information and to access to the courts to resolve conflicts (Appelstrand 2002). An example of how the convention may relate to forest conflict resolution is provided in the Denmark case study. Since the convention was agreed Denmark has broadened the range of actors who may appeal against environmental decisions to encompass any individual or local association with a significant personal interest in the case, as well as national nature and environmental organisations that aim to represent affected recreational interests.<sup>52</sup>

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<sup>44</sup> Chapter 3, “Austria”, section 3.4.

<sup>45</sup> Chapter 5, “Finland”, section 5.4.

<sup>46</sup> Chapter 12, “Netherlands”, section 12.5.

<sup>47</sup> Chapter 8, “Greece”, section 8.4.

<sup>48</sup> Chapter 10, “Italy”, section 10.5.

<sup>49</sup> Chapter 7, “Germany”, section 7.3.

<sup>50</sup> Chapter 20, “Bavaria”, section 20.2.

<sup>51</sup> The full name of the convention, which was agreed on 25 June 1998, is the United Nations Economic Commission for Europe (ECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

<sup>52</sup> Chapter 4, “Denmark”, section 4.4.

## **Box 1.9 Negotiation and conflict resolution**

### ***Propositions***

Mere acceptance of the concept of SFM does not rule out the potential for future forest conflicts. On the contrary, many previously hidden conflicts may become apparent, while new and more and more subtle conflicts may emerge. Conflict resolution is thus likely to be a permanent feature of NFPs.

To be most effective, conflict resolution mechanisms and procedures must be accepted by all parties as fair and impartial.

A prerequisite for effective conflict resolution is an objective account of the current reality that the conflicting interests can accept as accurate and fair. Conflict resolution is more difficult when such an account is absent.

Many conflicts can be solved by consensual procedures, but when consensus does not work actors should be prepared to try alternative procedures.

Consensual decision-making procedures are most likely to be rejected when consensus leads to compromise outcomes in which core values or principles are diluted (the “politics of the lowest common denominator”).

Different actors have different power capabilities, which may be based on membership, resources, and so on. The power capabilities of an actor will not necessarily reflect the legitimacy of their claims. Conflict resolution is most likely to be achieved when conflict is resolved by principled and objective criteria, rather than the power capabilities of actors.

Neo-corporatist arrangements can provide the state with the ability to organise interest mediation involving business interests. However a risk of such arrangements is that other actors may be excluded.

Negotiation and conflict resolution can be hindered where the state or forest authorities continue to favour an established clientele, such as forest land owners and professional foresters, so that conflicts with actors outside traditional policy networks are not regulated satisfactorily.

Some conflicts of interest can be solved through the compensation of actors who might lose, thus engendering a win-win solution.

The existing knowledge on conflict resolution can be used in national level seminars that can enable the identification of future potential conflicts and promote open discussion of potential solutions.

The mechanisms for conflict resolution may vary according to, for example, the issues at stake and the level of policy making.

Clear, secure and enforceable property rights are an essential element in a NFP. These rights should be codified in a comprehensive national cadastre. An incomplete or unfinished national cadastre can heighten conflict between actors.

Where non-public forest owners are poorly organised this will hinder an all encompassing dialogue on forests and will make negotiation and conflict resolution more difficult.

Where agents in a conflict resolution process do not carry a full mandate for negotiation the principle of transparency can be met only formulaically. Furthermore, referrals back to principals can lead to frustration, delays, duplication of work and further conflict.

Where negotiation and conflict resolution fails, the unavoidable task for politicians and/or the courts will be to adjudicate, weighing the various interests at stake against each other. It is thus always preferable if stakeholders can resolve conflicts on their own terms.



### **Box 1.9 Negotiation and conflict resolution (continued)**

A settlement reached amongst a small group of actors may unravel when a larger group of actors is later asked to accept the settlement. Hence the initial settlement needs to encompass the interests of as many actors as possible.

The devil is in the detail: it is relatively easy for a group of actors to agree a vision or broad set of principles. However conflicts may emerge when attempts are made to express fine detail and concrete objectives.

## **1.13 Intersectoral coordination**

Intersectoral coordination can be seen as the problem of how to manage multiple channels and interconnections between different sectors, of which the forest sector is one. But what precisely constitutes the forest sector? This varies from country to country, and has ramifications for how intersectoral coordination is addressed. In the Netherlands, for example, the conventional usage of the term “forest sector” does not incorporate forest industries. Indeed it can be argued that forestry does not constitute a separate sector at all in the Netherlands, and that it is more a sub-sector of nature conservation. This inevitably affects how intersectoral coordination is approached in Dutch forest policy.<sup>53</sup> The approach chosen has been “linkages without coordination”: the forest sector supplies other sectors with information, but does not seek to involve them in decision making.

Intersectoral coordination can provide actors outside the forest sector with a better understanding of how their decisions might affect forests, and to forest policy makers being more aware of the consequences of their decision choices on non-forest actors. It is clear, therefore, that intersectoral coordination is a two-way process that requires permanent consultation and dialogue between stakeholders, so that non-forest sectors integrate sustainable forestry concerns into their policies and national forest policy incorporates other sectors. However with respect to this last point there is an important caveat: forestry should only aim to integrate into its policy domain those policies that support, or at least do not run counter to, the objectives of NFPs and SFM. In many countries forestry is a “poor cousin” compared to other sectors, and the objectives of a NFP can be negated by the policies of more economically powerful sectors. Hungary provides a case in point, where “the major factor jeopardising the Hungarian NFP is its marginalisation among other national level development programmes with stronger political support”.<sup>54</sup>

As the Spanish report notes, without intersectoral coordination statistics tend to be scattered among many organisations and often there are no effective procedures for the pooling and sharing of information.<sup>55</sup> Furthermore, there can be important differences between sectors in the type of data that is collected and how it is stored and presented. Intersectoral coordination can promote the collation and storage of information and data in an homogenous database that suits the requirements of all sectors.

The authors of the Norwegian report neatly summarise the challenges of achieving intersectoral coordination in NFPs: Forestry involves numerous interwoven social, environmental and economic issues, yet it is an issue that attracts limited political attention.

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<sup>53</sup> Chapter 12, “Netherlands”, section 12.7.

<sup>54</sup> Chapter 9, “Hungary”, section 9.5.

<sup>55</sup> Chapter 16, “Spain”, section 16.5.

As a result the potential for large-scale intersectoral initiatives is limited. The Norwegian experience suggests that achieving intersectoral coordination requires a hierarchy of processes.<sup>56</sup>

Several case studies report the formation of institutions geared to addressing intersectoral problems. In the UK an International Forestry Group has been created. This is primarily a government body that aims to secure interministerial coordination on the UK's national and international forest policies.<sup>57</sup> A similar approach has been adopted in Spain, where several ministries partake in the National Forest Council, which held its first meeting in 2002.<sup>58</sup> The verdict in Spain is that there is a need for "better integration of land use policy and forestry".<sup>59</sup> In Portugal the verdict is harsher: the 1996 Forest Policy Law provided for the establishment of an Interministerial Commission for Forest Affairs. However this has met rarely and has been "ineffective" in fulfilling its mandate.<sup>60</sup>

The separation of functions and competencies into different ministries, organisations and sectors is not a problem per se. An intersectoral problem arises only when there are unresolved coordination problems. Coordination problems can arise within ministries and institutions, and not solely between them. The crucial factor, therefore, is how effectively the political culture handles and resolves coordination problems.

Where a country has two or more major land/spatial planning processes these should wherever possible be held in parallel in order to enable effective coordination, convergence and conflict resolution, as well as to realise synergies between them.

## 1.14 Long-term iterative planning

A NFP should not simply be viewed as an end to be attained, but rather as a long-term, open-ended iterative process. As the authors of the Finnish report emphasise, the Finnish NFP is not "a programme hewn in stone" but "a process that will be implemented and revised according to changing demands and feedback."<sup>61</sup> As the Spanish report makes clear, long-term iterative planning "implies the implementation of a continuous policy cycle that involves the planning, monitoring and evaluation of achieved goals, and the revision of objectives and instruments."<sup>62</sup> The National Forest Council is intended to play a role in long-term iterative planning in Spain through, for example, quantitative evaluation and centre-regional bilateral coordination agreements.

Of the four core variables of a NFP examined in COST Action E19, long-term iterative planning is arguably the area where there has been the least progress in Europe. This is explicitly acknowledged in some of the case studies, including Switzerland where the authors state that the NFP is linear and non-iterative:

In Swiss forest policy long-term iterative planning does not yet exist. Forest policy planning is rather characterised by selective or step-by-step modifications of the existing policy framework, thus it represents more an incremental than an iterative policy process.<sup>63</sup>

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<sup>56</sup> Chapter 13, "Norway", section 13.5.

<sup>57</sup> Chapter 19, "United Kingdom", section 19.6.

<sup>58</sup> Chapter 16, "Spain", section 16.3.

<sup>59</sup> Chapter 16, "Spain", section 16.5.

<sup>60</sup> Chapter 15, "Portugal", section 15.

<sup>61</sup> Chapter 5, "Finland", section 5.6.

<sup>62</sup> Chapter 16, "Spain", section 16.6.

<sup>63</sup> Chapter 18, "Switzerland", section 18.2.

## **Box 1.10 Intersectoral coordination**

### ***Propositions***

Intersectoral coordination will work against the interests of forestry where non-forest sectors, such as transport, trade and industry, have a more powerful policy voice.

Intersectoral (horizontal) coordination problems may be compounded by multilevel (vertical) coordination problems. NFPs should thus address both dimensions and strive to achieve intersectoral coordination at all governance levels.

Interministerial committees and working groups can promote intersectoral coordination, although such mechanisms will be impeded when civil servants adhere first and foremost to the interests of their sectoral bureaucracies. To prevent such “sectoralism” intersectoral mechanisms may require an independent chair/moderator.

Ministerial mergers have advantages and weaknesses with respect to forestry. An advantage is that all forest-related concerns, such as biodiversity and public recreation, can be brought under the auspices of one ministry, thus promoting coherence in policy making. A weakness is that as just one issue amongst many, forestry may be sidelined by more powerful constituencies within a “super-ministry”. This could drive forest policy making to lower administrative levels, and weaken the national voice of forestry policy. Much depends, therefore, on forestry’s place in the organisational design of government.

Intersectoral coordination requires that the aims and objectives of a NFP and any supporting regional forest programmes should be incorporated into other national and regional environment and development programmes, and *vice versa*.

Intersectoral coordination at the national level requires that national level forest organisations – such as a foresters council, association of private forest owners, ministerial groups, and so on – engage with their equivalents in other sectoral organisations. This proposition also applies at the regional and local levels.

Intersectoral coordination requires sustained high-level participation from relevant ministries. Where ministries rotate staff or appoint low-level staff with restricted decision-making competencies, intersectoral coordination becomes more difficult and the commitment of the ministry to the NFP is likely to be questioned by other stakeholders.

Intersectoral coordination is desirable in its own right, as it can lead to more effective policy making and efficiency savings through the elimination of bureaucratic overlaps.

The holistic and intersectoral approach of a NFP can ensure that issues with weak institutional homes that might otherwise have been ignored and neglected can be captured in the national planning process.

Intersectoral coordination cannot be achieved by a single process. Rather there will be a hierarchy of processes, and a challenge for NFPs is to ensure consistency and coherence between these processes, while also allowing for the flexibility that long-term iterative planning requires.

Intersectoral coordination is likely to be stronger and more effective when there is an homogenous body of legislation on the protection, maintenance and utilisation of the natural environment.

Long-term iterative planning requires target setting if progress is to be assessed, although sufficient flexibility should be built into a NFP so that the targets themselves can change in response to changing circumstances. Such circumstances may include, for example, new political priorities, a shift in the economic climate, new demands from stakeholders or catastrophic damage from storms (as in France in 1999)<sup>64</sup> or severe fires (as in Portugal, 2003).<sup>65</sup> As well as the monitoring of implementation and the evaluation of targets, a truly iterative process also requires broad representation and inclusiveness plus an array of formal and informal feedback loops between institutions, between sectors and between different layers of multilevel governance.

A NFP should aim to strike a balance between policy certainties and flexibility. If NFPs are to be iterative and adaptive, some degree of institutional fluidity is necessary over the long-term if the NFP is to be capable of reacting flexibly in response to new situations. A dynamic and fluid political bureaucracy that is able to adapt its *modus operandi* in response to unforeseen events will serve as a supporting factor. But while NFPs require some degree of institutional adaptability, frequent institutional changes will prevent policy continuity by introducing uncertainties and discontinuities.

### **Box 1.11 Long-term iterative planning**

#### ***Propositions***

Self-evaluation of performance is one of the most important types of evaluation that can take place in a NFP process.

Where third party evaluation is undertaken, third parties should be entirely neutral and objective.

Iterative planning requires monitoring of implementation, and a prerequisite for monitoring is the development of clear and mutually agreed progress indicators. The absence of such indicators can be interpreted as a lack of commitment to iterative planning and/or an indication that the long-term objectives of a NFP are unclear or insufficiently transparent.

The participatory nature of NFPs constitutes a recognition that expertise and knowledge does not reside solely in establishment actors but is to be found scattered throughout all stakeholders. Given this, no single overall framework can ensure long-term iterative planning. Rather there will be many different iterative feedback loops taking place amongst different actors and at different levels of the policy making process. The challenge of NFPs is to harness as many of these feedback loops as possible.

Effective long-term iterative planning requires openness and a willingness to try original and innovative approaches. In particular, the policy system itself must be willing to change when there is evidence that it is not achieving the desired results, for example when there are conflicts in implementation.

## **1.15 Other NFP elements**

A variety of additional NFP elements feature in the reports in this volume, including political commitment, forest research, education, capacity building, knowledge building and multilevel governance. However two elements feature in several reports.

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<sup>64</sup> Chapter 6, “France”, section 6.2.

<sup>65</sup> Chapter 15, “Portugal”, section 15.9.

The first is *decentralisation*. This was not one of the core variables analysed on COST Action E19, but its presence as an element in many European NFPs is not surprising as it is emphasised in the IPF's final report (section 1.1 above). Indeed in some European countries decentralisation as a feature of national forest policy predates the IPF. For example, in the Netherlands an official policy of all Dutch governments since 1982 has been the decentralisation of tasks from the national level to sub-national levels.<sup>66</sup> Similarly in Sweden the forest service has been gradually decentralised over the last 20 years, with Regional Forestry Boards in charge of sub-national policy implementation.<sup>67</sup> Finland has introduced a strong regional structure. In Switzerland decentralisation is seen as one of the key elements of the Swiss NFP, one that is "crucial for attaining sustainable forest management in the long-term". Decentralisation allows forest policy to be sensitive to local geographies and topographies, and enables less complicated and more effective solutions.<sup>68</sup> Countries that report decentralised regional forest programmes include Spain and Germany.

The second element is *certification*. While policy uncertainties over certification acted as an impeding factor to NFP formation in France,<sup>69</sup> certification as a NFP element features strongly in many other countries. This is particularly so in the United Kingdom where FSC certification is integral to the NFP. All publicly-owned forests have been certified by the UK Woodland Assurance Standard, which is FSC compatible although not linked exclusively to the FSC.<sup>70</sup> Certification – principally ISO 14001 and the Programme for the Endorsement of Forest Certification (PEFC) – also features prominently in Norwegian forest policy. As the authors of the Norwegian report acknowledge, certification can promote participation as the main certification schemes have standards on how forest management should interact with local stakeholders.<sup>71</sup> Other countries that report forest certification schemes are Finland, with 95 per cent of forests certified under the PEFC-approved Finnish Forest Certification System,<sup>72</sup> and Denmark, where a FSC scheme is being established.<sup>73</sup>

Related to the issue of certification is the question of criteria and indicators: Greece has produced a set of national-level criteria and indicators based on the Pan-European Criteria and Indicators. They are presented in the appendix to the Greece country report. With the core objective of NFPs being the promotion of sustainable forest management it seems certain that certification and the use of criteria and indicators will feature more prominently in the NFPs of the future.

## 1.16 Concluding thoughts

The concept of a NFP has its origins in the mid-1980s, but has attracted increasing international attention since the UNCED in 1992. Had states by now agreed a global forests convention then the NFP concept would certainly have continued to evolve, although the whole nature of the concept and the direction of its evolution would have been very different. The NFP concept would by now have a firm legal grounding in hard international law. NFPs would

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<sup>66</sup> Chapter 12, "Netherlands", section 12.3. This is a general government policy in the Netherlands and not one that applies solely to forests.

<sup>67</sup> Chapter 17, "Sweden", section 17.7.

<sup>68</sup> Chapter 18, "Switzerland", section 18.7 and figure 18.3.

<sup>69</sup> Chapter 6, "Netherlands", section 6.2.

<sup>70</sup> Chapter 19, "United Kingdom", section 19.9.

<sup>71</sup> Chapter 13, "Norway", section 13.3. The PEFC was known until December 2003 as the Pan-European Forest Certificate. The change in name indicates the increasingly global aspirations of the scheme.

<sup>72</sup> Chapter 5, "Finland", section 5.2.

<sup>73</sup> Chapter 4, "Denmark", section 4.5.

## **Box 1.12 Other NFP elements**

### ***Propositions***

Voluntary agreements and certification schemes are more likely when there is a threat of more onerous regulation for those who fail to volunteer.

Certification can help to raise forest management standards. However the existence of competing forest certification systems (for example, FSC and PEFC) may engender new conflicts between stakeholders and create a barrier against cooperative policy development.

Decentralisation can have many advantages in a NFP, in particular better participation from the grass roots. However where decentralisation takes place in a political culture with traditional centralist tendencies, some leadership from the central administration is likely to remain necessary.

A sound knowledge base, including homogenous information and data banks which all actors understand and to which all can contribute, will help to realise SFM.

be tasked with implementing internationally agreed commitments and targets, either those agreed during the negotiations for the forest convention, or those subsequently agreed by the conferences of parties to the convention. States would, in principle at least, be accountable to other states for the implementation of their NFPs.

As it is the concept has evolved very differently. It is grounded upon soft international law, namely the outputs from the IPF and IFF. NFPs are not tasked with implementing internationally agreed commitments and targets, but with nationally-agreed measures. No state has any obligation at all to take action that is consistent with the IPF and IFF outputs, which as their name suggests are merely proposals. While states may submit voluntary reports to the United Nations Forum on Forests, no state is formally accountable to other states for what their NFP achieves or fails to achieve.

That said, the NFP concept has been considerably refined and developed over the last decade. If states do agree a forest convention, existing NFPs will be able to adapt to take on the new demands and legal obligations that a forest convention would impose. The NFPs that have so far been created are policy vehicles that can be used to implement any new international forest-related commitments that states may agree. With respect to the means of implementing a global forest convention states would not be starting with a blank sheet in the way that they would have had the elements of the NFP concept not been elaborated in the way that they have.

NFPs are here to stay whether a forest convention is agreed or not. One conclusion that emerges clearly from the contributions to this volume is that NFPs represent a paradigm shift in forestry. The dominant perception of forestry as a production sector in which welfare goods are provided free as positive externalities is yielding slowly to the perception of forestry as a multiple-use sector that embraces sustainability and where the welfare role of forests is central. NFPs are based upon this new shared understanding. The emphases on “multiple use forestry” and “multi-value” forests inevitably leads to the recognition of multiple stakeholders. Hence the emphasis in the new paradigm of participation, conflict resolution and intersectoral coordination, elements that were not emphasised in the old production-oriented forestry.

The work of COST Action E19 suggests that NFPs represent an original type of policy programme in which many different policy tools are nested, such as forest legislation,

regulations and financial incentives. Policy makers are likely to use many of the types of tools, and in some cases the same tools themselves, in a NFP as they did in pre-NFP national forest policy. However the holistic, intersectoral and iterative nature of a NFP, and its stated aim of integrating all the relevant dimensions of forest policy, should lead to the generations of synergies that would not previously have been possible. For example, a particular policy may lead to some adverse consequences. If the NFP represents a genuinely iterative process, these consequences should be noticed and policy connections made, whereas this need not necessarily have happened in the pre-NFP period. Furthermore, the *combination* of particular tools may generate policy innovations. A NFP can therefore be seen as an *original assemblage* of policy tools that may result in new synergies and innovations geared to the attainment of sustainable forest management over the long-term.

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