

Minutes of the 7th Working Group 2 Meeting in Vienna, Austria

16 September 2003, 8:30 – 15:30

POLITICAL CULTURE AND LEGAL ASPECTS as supporting and impeding factors of NFPs

1. Presentations:

- Erling Berge (Norway)
Political culture and the implementation of National Forest Programmes
- Pekka Ollonqvist (Finland)
Political culture and Forest Programmes in Finland
- Willi Zimmerman (Switzerland)
National Forest Programmes and the principle of Rule of Law
- Kostas Papageorgiou (Greece)
Political culture and legal aspects of NFPs in Greece
- Attila Lengyel (Hungary)
The role of the law in the context of NFPs - Examples from different countries: Case study of Hungary

From these presentations and the subsequent discussions the following propositions were drawn:

2. Propositions - Theoretical Hypotheses:

- If central politicians and bureaucrats **believe a particular NFP principle is important**, they probably will do something to strengthen it:
 - If bureaucrats and politicians control an instrument believed to institute a form of the principle fitting into the existing bureaucratic procedures they are likely to do it
 - If bureaucrats and politicians believe the principle is well instituted they are likely to signal support by a symbolical act
 - If bureaucrats and politicians **do not have any means** to institute a form of the principle fitting into the existing bureaucratic procedures they probably will not do it
- If central politicians and bureaucrats believe a particular NFP principle may **threaten the growth of** resources and competences of **the bureaucracy** they are likely to shape their proposal in ways minimising the probability of this outcome.
- If central politicians and bureaucrats believe a particular NFP principle will be **difficult to defend in public discourse** they will try either to frame or reformulate it to fit the prevailing world view of significant opinion makers, or to argue that it already is well taken care of and not in need of any action now.

Propositions – Empirical Experiences:

- Civil society and private actors have been more important in economies in transition and centralised political systems and can act as a supporting factor to a participative NFP
- Political cultures are constantly changing, but core political values change more slowly. Whether the political culture supports or impedes a NFP depends on what these political values are.
- Political cultures tend to shape themselves so as to preserve existing power relations. This can impede the emergence of a NFP.
- Changes in potential culture lead to the recognition of new actors, which can support a NFP.
- A political culture that emphasises the grass roots can support a NFP.
- A political culture dominated by forest owners that seek to control the policy process can impede the emergence of a participative NFP.
- Political cultures tend to shape themselves so as to preserve existing power relations. This can impede the emergence of a NFP.
- The rule of law plays an important role in NFPs, and may act as a supporting or impeding factor. *Supporting*: where principles such as sustainability or participation are anchored in the constitution and legal mandates. *Impeding*: where such binding constitutional safeguards and legal mandates are missing.
- Clear, secure and enforceable property rights are an essential element in a NFP. These rights should be codified in a comprehensive national cadastre.
- A political culture that places emphasis on the common utility/public goods value of forests, as opposed merely to private utilities, is more likely to support the emergence of a substantive NFP.
- A NFP can be impeded where forest owners are disorganised. Economies of scale can be realised through co-operation and common management plans.
- Legally supported financial incentives for forests in the European Union would support substantive NFP formation.
- International environmental law, including soft law, is a supporting factor for launching NFPs in Europe.
- Environmental law can support environmental sector policy, but is less effective in supporting cross-sectoral policy.
- Effective implementation of national forest policy will depend strongly on (i) the strength of the forest civil society in the NFP and (ii) the degree of participation in the NFP.

Participants

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