

# **COST ACTION E19 – NATIONAL FOREST PROGRAMMES IN A EUROPEAN CONTEXT**

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## **Minutes of the 3.rd Working Group 2**

### **Meeting in Aberdeen - Scotland, 29-31 March 2001**

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**Place:** University of Aberdeen, King's College

#### **Participants**

- Austria: Peter Meyer, Peter Glueck
- Finland: Olli Saastamoinen, Pekka Ollonqvist
- France: Guenaelle Courdec
- Germany: Felix Reining
- Great Britain: David Humphreys
- Greece: Alexandra Vakrou, Kostas Papageorgiou
- Hungary: Kàroly Mèszàros
- Italy: Lorenzo Venzi
- Lithuania: Diana Mizaraite
- Norway: Berit Aasen, Erling Berge
- Portugal: Américo M. S. Carvalho Mendes, Inocêncio Seita Coelho
- Spain: Cristina Montiel, Eduardo Rojas-Briales
- Sweden: Marie Appelstrand
- Switzerland: Ueli Mauderli, Willi Zimmerman

#### **Dates and time**

- Thursday, 29 March, 14:00-18:00
- Friday, 30 March, 9:00-13:00
- Saturday, 31 March, 9:00-16:00

**Minutes by:** Cristina Montiel and Américo M. S. Carvalho Mendes

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## Agenda

### **General topic: Significance of the NFP's as compared to other policy means-LEGAL ASPECTS**

#### Thursday, 29 March

1. Opening and adoption of the agenda
2. Election of the new WG2 Chair
3. Nomination of Task Force "Country Reports" delegate
4. Presentation and discussion of a theoretical framework for WG2 consistent with WG1 work programme
5. Reflections on presentations by invited speakers in plenary session
6. Presentation of research papers
  - Willi Zimmerman *"Do NFPs need a new legal framework?"*
  - Others to be announced
7. Discussion and drafting list of propositions

#### Friday, 30 March

8. Presentation of experiences with legal aspects
  - Austria: Johann Voitleithner
  - Finland: Olli Saastamoinen
  - Portugal: Américo Mendes
9. Discussion and continuation of drafting of list of propositions

#### Saturday, 31 March

10. Summary discussion and preparation of final list of propositions
11. Conclusions from country reports (Willi Zimmerman)
12. Products and deliverables of the working group
13. Preparation of the next working group meeting
14. Other topics
15. Close

## **1. Opening and adoption of the agenda**

Peter Glueck acting as Interim-Chairman of WG2 after the resignation of Willi Zimmerman, opened the meeting and welcomed the participants. The proposed agenda was adopted with no major changes.

## **2. Election of the new WG2 Chairperson**

After the resignation of Willi Zimmerman the position of WG2 became vacant. After making sure that this was an irreversible decision of Willi Zimmerman, Peter Glueck looked for a candidate for the job. His search led to the proposal of Américo M. S. Carvalho Mendes. After presenting this proposal to the group members, it was approved by unanimity. The elected chairman accepted the job and thanked the group members for entrusting him in this position.

## **3. Nomination of Task Force "Country Reports" delegate**

The names put forward as WG2 delegates for the Country Reports Task Force chaired by David Humphreys were Américo M. S. Carvalho Mendes and Willi Zimmerman. This proposal was approved by unanimity.

## **4. Presentation and discussion of a theoretical framework for WG2 consistent with WG1 work programme**

The new WG2 Chairman, Américo M. S. Carvalho Mendes presented his proposal for a theoretical framework consistent with WG1 work programme. This proposal could not have been distributed by the author before the meeting, but was sent by e-mail immediately after the meeting (together with the text of Mendes' paper presented at the Madrid meeting) to all the WG2 members and other interested participants in the action. Next is the contents of the chairman's proposal as it was agreed after the discussions and contributions from the other group members.

## I. TWO MAIN TASKS IN WG2 WORK PROGRAMME ACCORDING TO THE MEMORANDUM OF UNDERSTANDING

### Task 1

To evaluate the significance of NFPs in comparison to other policy means

Implications for work programme:

- ⇒ Need to define "significance"
- ⇒ Need to define a typology of policy means for comparative analysis

### Task 2

To assess supporting and impeding factors for the development of substantive NFPs.

Implications for work programme:

- ⇒ Need to define a list of factors
- ⇒ Need to define "substantiveness"

## II. LIST OF POTENTIAL SUPPORTING AND IMPEDING FACTORS

Factors identified in the Freiburg WG2 Meeting:

- legal regulations
- incentives
- political culture
- institutional aspects
- land tenure

To keep up with previous decisions about the work programme, this is the list we should stick to for the time frame of this action.

### III. DEFINITIONAL ISSUE N.º 1: CONCEPT OF "SIGNIFICANCY"

What are "significant" policy means?

The working definition that is around in this action previous proceedings is the one presented in Hogl & Pregerning paper which circulated before the Aberdeen meeting, going as follows:

"Significant" policy means are those which "make a difference".

The operationalisation of this definitions needs data on:

- policy outputs
- policy outcomes which leads to implementation analysis
- baseline situation

Since these data are not available, the group agreed on the following:

- Task 1 cannot be tackled empirically in the time frame of this action
- Task 1 should be tackled theoretically

The next item in this presentation proposes a first theoretical contribution in this direction

### IV. DEFINITIONAL ISSUE N.º 2: CONCEPT OF "SUBSTANTIVENESS"

What is a "substantive" NFP?

The answer to this question should take into account the different stages of the policy cycle, since for each of them there is a different concept of substantiveness which will be defined and named as follows:

### Substantiveness N.º 1

- Concept relevant for the policy formulation stage
- This definition of substantiveness should include the procedural elements

The group agreed that the procedural elements to be considered here should be those that have been politically agreed in the international fora on forests and picked for the work programme of WG1. In the terminology adopted by WG1 they are called "essentials" and they are the following:

- participation and collaboration
- intersectoral coordination
- adaptiveness
- conflict resolution

Other procedural elements might be integrated in the discussions during the time frame of this action, if there are good reasons to consider them as relevant, but they will not be dealt as a mandatory component of our work programme. The main element of this type that already came up in several of the discussions in this WG can be put under the umbrella of SUSIDIARITY with two variations:

- decentralisation (proposed by Peter Glueck)
- delegation, in the sense of reliance on the private sector for implementation of the NFP (proposed by Américo Mendes)

### Substantiveness N. 2

- Concept relevant for the policy formulation and policy output stages
- This definition of substantiveness includes the procedural and content elements of NFPs as discussed in the Freiburg meeting

### Substantiveness N.º 3

- Concept relevant for the policy formulation, policy output and policy outcomes stages
- This definition of substantiveness includes the procedural, content and implementability elements of NFPs
- A first theoretical contribution about the implementability elements of NFPs was given in Mendes's paper presented at the Madrid meeting

Because "IMPLEMENTABILITY" is a less familiar concept in the NFP world, we leave here a brief summary of the ideas on this topic drawn from Mendes's paper, as they were presented to the WG2 meeting in Aberdeen by the author:

- NFPs can be seen as an effort to implement a new social choice function embodying the concept of "sustainable forest management";
- successful implementation of the targets (SFM, etc.) set out in the NFPs depends on their "environment", that is, on the structure of the forest sector in the country, among other "external factors";
- successful implementation of the NFPs also depends on the strategic behaviours of the main stakeholders and on the institutional rules translating these behaviours into outcomes;
- so for a NFP to be successful in reaching the targets it was set out to reach it should be meet to types of constraints:
  - individual rationality constraints: the policy instruments included in the NFP should lead to voluntary participation in the NFP process by the main stakeholders;
  - incentive compatibility constraints: the policy instruments included in the NFP should be such that the strategic behaviours of the main stakeholders are compatible with the implementation of the NFP targets;
- the analysis if the actual implementation of a NFP ("implementation analysis") can on be done ex post, but by looking at the features of the policy formulation process and its policy output we can make an ex ante analysis about the likelihood of a NFP to be successful in reaching its targets and this is what is called an "implementability analysis".

The proposed implications of this conceptual analysis for the work programme are the following:

a) Take the concept of "significance" as equivalent to substantiveness N.º 3.

Significance = Substantiveness N.º 3

b) Don't put one definition against the others, since we will need all of them as data will become available on the different stages of the policy cycle

c) With current data empirical operationalisation of "Substantiveness N.º 1" is feasible

d) In some countries with more advanced NFP processes, empirical operationalisation of "Substantiveness n.º 2" starts to be feasible also

e) In all participating countries empirical operationalisation of "Substantiveness N.º 3" is not feasible yet. So an "implementation analysis" cannot be done at this stage. However, an "implementability analysis" could be attempted wherever "Substantiveness N.º 1 and 2" can be successfully operationalised.

f) For the time being, we should concentrate on the operationalisation of "Substantiveness n.º 1" and "Substantiveness n.º 2".

## V. OPERATIONALISATION OF THE PROCEDURAL ELEMENTS OF NFPS FOR "SUBSTANTIVENESS N.º 1"

Two possibilities for empirical operationalisation:

- on a **grading scale** (e. g. high/moderate/low): for example, for elements such as participation, intersectoral coordination, capacity for conflict resolution, decentralisation, etc.;

- on terms of a **typology**: e.g. types of iterative planning (rolling, inward spiral, outward spiral, etc.)

The operationalisation of these elements is mostly a task for WG1, with the help of "background papers" and side meeting discussions especially convened by the Chairman of the action, Peter Glueck. This kind of work got started in Aberdeen with the collaboration of members of both WG who volunteered for the job in small side meeting discussions. These discussions consisted in attempting to operationalise each of the procedural elements either on a grading scale, or in terms of a typology.

Since it is important to keep good record of these useful contributions, even though they are only starting points for a deeper investigation that should be done in this matter involving the two WGs, we report here the content of those that were put in written form by their authors during the Aberdeen meetings. We think this

can be useful to improve the necessary coordination between the two WGs. The existence of these contributions and a summary of their contents was presented to WG2. Here are those concerning the "essential" procedural elements.

Contributions for the operationalisation of  
"PARTICIPATION" on a grading scale  
-conditions favouring a HIGH degree of participation-  
(contributed by Marie Appelstrand)

Initial conditions (before the process starts)

- a) Political commitment to use the outcome
- b) Sufficient financial resources to support participation
- c) Cross-sectoral representation
- d) Independent moderator / facilitator
- e) Mutual agreement to basic information
- f) Procedures in place to monitor and evaluate the process
- g) Recognition that it is a long term adaptive and iterative process

Procedural conditions (while the process goes on)

- a) Early participation, when all options are open
- b) True opportunity to take part in the process
- c) Broad understanding of who may act to protect the public interests
- d) Access to all relevant information (each part must inform the public concerned)
- e) The requirements for participation are institutionalised and normally expected
- f) The process has a "code of conduct", i. e., procedures dealing with minority viewpoints, conflict resolution schemes and so on.

Substantive conditions (relating to the outcome)

- a) The public should be allowed to take part in developing the decision
- b) Each party shall ensure that in its decision due account is taken of the outcome of the public participation and that this is clearly shown
- c) The public shall have the right to legal review and the right to appeal

d) The follow-up monitoring of implementation measures should be transparent and open

e) The public has a decisional and not just a consultative role

Contributions for the operationalisation of  
"INTERSECTORAL COORDINATION" on a grading scale  
 -conditions favouring a HIGH degree of intersectoral coordination-  
 (contributed by Peter Glueck)

a) Institutionalised positive coordination of activities affected by forest management

b) Institutionalised positive coordination of activities affecting forest management

Contributions for the operationalisation of  
"ADAPTIVENESS (ITERATIVE PLANNING)" in terms of a typology  
 (contributed by Johan Barstad)

Criteria	Types of	processes	
	Rolling	Inward spiral	Outward spiral
Degree of precision in problem formulation	High	High / medium	Medium / low
Final goals	Predefined	Defining goals through the process	Developing through process
Intermediate goals	High degree of measurability	Tendency for optimum	
Time scale	Definite, divided into periods		
Participants			
Information gathering			Allow for high degree of uncertainty
Action-Implementation			
Evaluation (defined or developing; rules for action based on evaluation; goal and process evaluation; ...)			

Contributions for the operationalisation of  
"CONFLICT RESOLUTION" in terms of a grading scale  
- conditions favouring a HIGH capacity of consensus building-  
(based on notes taken by Margaret Shannon and Américo Mendes  
from Tim Richardson's keynote presentation)

- a) Explicit process, open and with clear procedures
- b) Commit to abide by the outcome of discussion
- c) Inclusiveness (all who should be involved are at the table)
- d) Shared responsibility to make the process a success
- e) Build openness, honesty and trust throughout the process
- f) Develop a common information base
- g) Capacity building
- h) Multiple options are identified
- i) Recognize power relations around the table
- j) Identify limits and boundaries of the outcome based on the power relations
- k) Integrate decision-making and implementation
- l) Identify possible levels of consensus and agreement

There were also contributions for the operationalisation of two other procedural elements whose contents is not reported here because they are not part of the "essentials": decentralisation (by Peter Glueck) and delegation (by Américo Mendes).

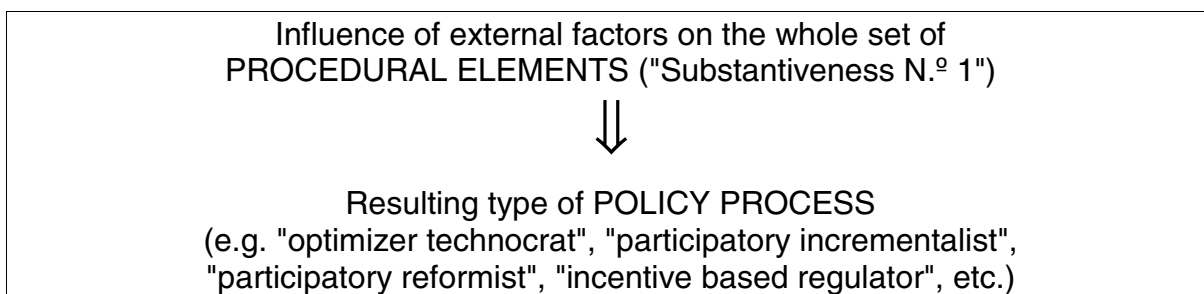
**VI. FIRST RESEARCH QUESTION ABOUT "SUBSTANTIVENESS N.º1 & 2"**

What is the influence of "external factor i" (legal regulations, incentives, etc.) on the NFPs procedural elements tentatively operationalised as follows:

- a) PARTICIPATION: High/Moderate/Low
- b) INTERSECTORAL COORDINATION: High/Moderate/Low
- c) ADAPTIVENESS: High/Moderate/Low
- d) CONFLICT RESOLUTION: High/Moderate/Low
- e) SUBSIDIARITY: High/Moderate/Low
  - Within the Public Administration: DECENTRALISATION
  - Between the Public Administration and the Private Sector: DELEGATION (reliance on the private sector for implementation)

Subsidiarity is mentioned not as an element that should necessarily be tackled during the time frame of the action, since it was not discussed and agreed in the previous proceedings and is not part of the politically agreed elements discussed in the international fora on forests. It is mentioned here to be faithful to proposal made during the discussions by Peter Glueck (decentralisation) and Américo Mendes (delegation).

One possible way to give structure to the answer to this type of research question is to frame that answer in terms of TYPES OF POLICY PROCESSES, taking these as weberian "ideal types". Mendes's paper presented at the Madrid meeting provides a contribution for this typology but others are welcome.



Sketchy application of this framework for tackling research question n.º 1

PROCEDURAL ELEMENTS	TYPES OF POLICY PROCESSES*			
	Optimizer technocrat	Participatory incrementalist	Participatory reformist	Incentive based regulator
<b>Participation</b>	Low	Moderate	High	High
<b>Intersectoral coordination</b>	Low	Moderate	High	High
<b>Adaptiveness**</b>	Low	High	High	High
<b>Conflict resolution</b>	Low	Moderate	High	High
<b>Decentralisation</b>	Low	Moderate	High	High
<b>Delegation</b>	Low	Moderate	Moderate	High

\*Typology taken from Mendes, Américo. "National Forest Programmes and policy planning: An Economic Outlook of the Normative Approaches", Paper presented at the COST E19 Seminar "National Forest Programmes. Social and Political Context", Madrid, 18-21 October 2000.

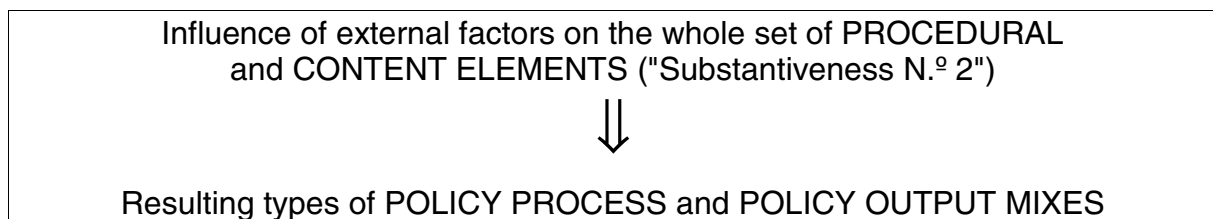
\*\* The type of operationalisation considered here for this element (grading scale) respects what was included in this table when it was first proposed to the group by the chairman. Later discussions in side meetings on the operationalisation of the "essential" procedural elements, namely the contributions by Johan Barstad reported above, showed that it would probably be more appropriate to go for an operationalisation in terms of a typology as the one he proposed.

A similar kind of approach could be followed when we get to "Substantiveness N.º 2" with the following differences:

a) addition of a typology of policy output mixes resulting from the combination of specifications of NFPs content elements:

- targets: fixed / flexible;
- types of priorities set for targets;
- policy instrument mix, according to the inclusion and weight given to the following types of means:
  - legally binding regulations
  - non legally binding regulations
  - voluntary participation mechanisms (incentives, technical advice, training, etc.)
  - monitoring and progress indicators

b) cross tabulated presentation of the conclusions combining the types of policy processes with the types of policy output mixes resulting from the influences of the external factors



## **VII. SECOND RESEARCH QUESTION ABOUT "SUBSTANTIVENESS N.º1 & 2"**

What is the influence of "external factor i" (legal regulations, incentives, etc.) on the NFPs procedural and content elements taking into account the following:

- the DIRECT INFLUENCES of the external factors on those elements analysed as proposed in the previous section;
- the FEED BACK EFFECTS ("lock in" and other dynamic effects) of the procedural and content elements on the external factor;
- the INTERDEPENDENCIES among the external factors.

Sketchy application of this framework for tackling research question 2  
in the case of LEGAL REGULATIONS as an "external" factor of NFP

a) Examples of INTERDEPENDENCIES among external factors:

- legal regulations depend and are part of the "political culture and institutional framework of the country ("liberal corporatism", "pluralism", etc.);
- legal regulations are triggered by demands from "interest groups" and influence their behaviour;
- these interdependencies lead to a certain configuration of "driving forces" behind the legal regulations (e.g. "central agency driven regulations", "forest industries driven regulations", "environmentalist driven regulations", etc.)

b) Examples of DIRECT INFLUENCES of legal regulations on the POLICY PROCESS:

- legal regulations can be viewed as creating or changing some rights and duties of the main stakeholders in the policy process;
- some legal regulations (e.g. constitutional law) are slower to change than others and therefore lead to policy processes of different degrees of difficulty and speed;
- these rights or duties change the "intensity" (high/moderate/low) or type of one or more of the NFP procedural elements (participation, intersectoral coordination, etc.);
- the combination of these influences on the whole set of procedural elements configures a certain type of policy process ("optimizer bureaucrat", "participatory incrementalist", etc.)

c) Examples of INFLUENCES of legal regulations on the POLICY OUTPUT mix:

- right conferring regulations tend to lead to policy outputs generating benefits for the stakeholders who get those rights;
- the opposite tend to happen with duty imposing regulations;
- the type of policy process influences the mix of these two kinds of regulations (e.g. an "optimizer bureaucrat" process tends to put more weight on command and control instruments than on incentives)

d) Examples of FEED BACK effects determining whether legal regulations are impeding or supporting factors:

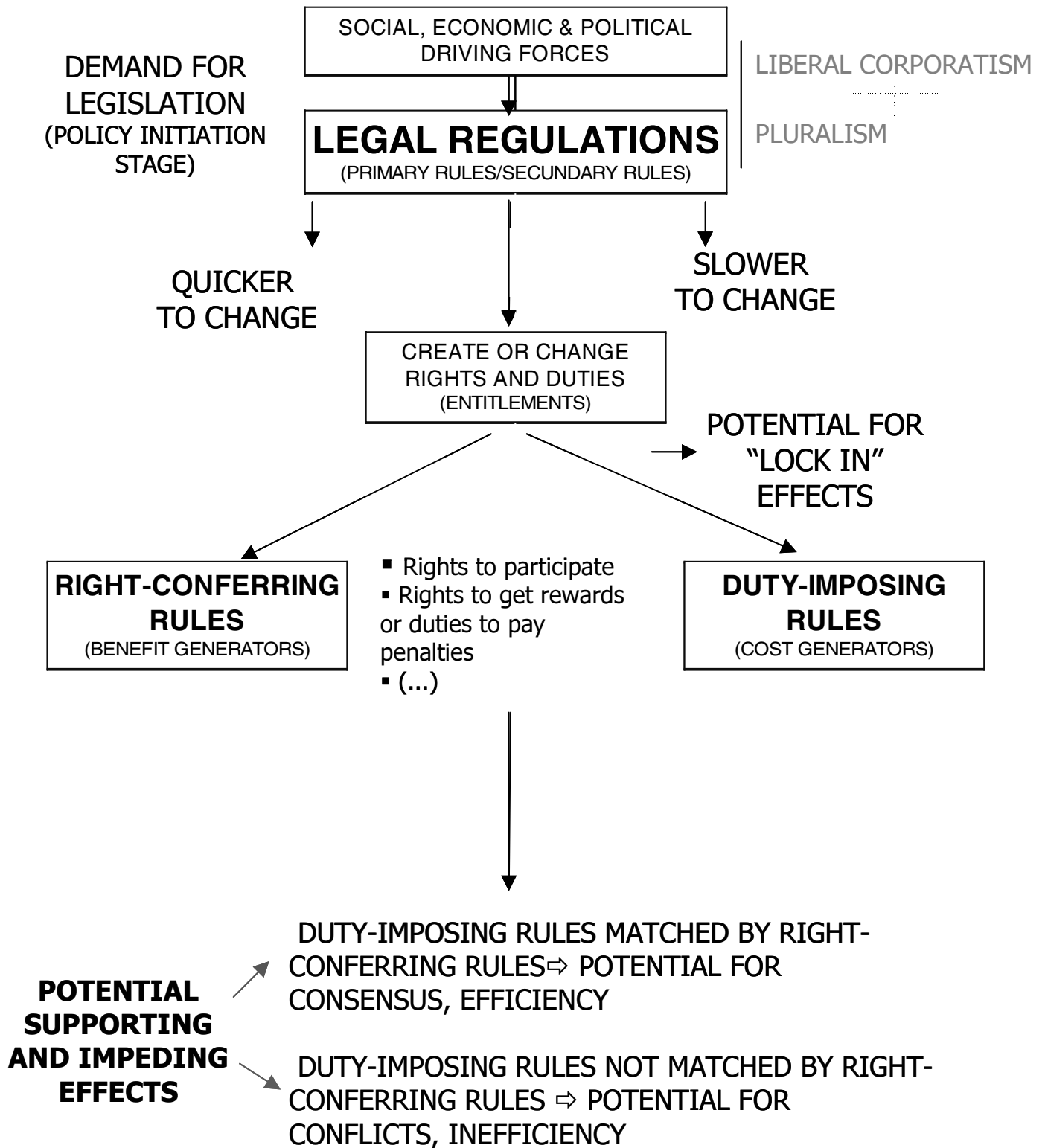
- feed back from the policy output mix to the procedural elements (conflict resolution schemes, participation): the mix of right conferring regulations with duty imposing regulations is crucial for the likelihood of conflict or consensus in NFP implementation (this is an example of the "implementability analysis" kind of reasoning);

- feed back from the policy output mix to the procedural elements and the "external factors" (Institutional factors, political culture, socio-economic structure of the forest sector):

- the right conferring and duty imposing regulations create entitlements which are often "resistant" to change (lock in effects) once they are awarded;

- NFPs with a great weight on command and control instruments compared to incentives and other voluntary participation instruments are not likely to succeed "substantive" changes in the socio-economic structure of a forest sector very dominantly private (this is another example of an "implementability analysis" kind of reasoning)

This reasoning is summarised in the following charts.



Example where the driving forces (policy initiators, political culture, etc.)  
lead to "central agency driven regulations"  
(based on Mendes's presentation of the Portuguese case)

**CENTRAL AGENCY DRIVEN  
LEGAL REGULATIONS**

INFLUENCE OF  
INSTITUTIONS  
AND POLITICAL  
CULTURE

MODERATE PARTICIPATION

MODERATE INTERSECTORIAL COORDINATION

MODERATE CONFLICT RESOLUTION

MODERATE DESCENTRALISATION

MODERATE RELIANCE ON PRIVATE  
SECTOR FOR IMPLEMENTATION  
(STRONG PREDOMINANCE OF  
COMMAND AND CONTROL POLICY MEANS)

"LOCK IN"  
EFFECTS

**PARTICIPATORY INCREMENTALIST  
POLICY PROCESS  
("SYMBOLIC" NFP)**

## **5. Reflections on presentations by invited speakers in plenary session**

From the presentations given by invited speakers at the plenary session two seemed to have been especially useful in operationalising the analytical framework presented in agenda item 4:

- Marie Appelstrand on "*The Notion of Public Participation in Forest Decision-making Processes*" very relevant for the operationalisation of the concept of a HIGH degree of PARTICIPATION;

- Tim Richardson on "*National Forest Programmes: Locating Consensus*" very relevant for the operationalisation of the concept of a HIGH degree of CAPACITY FOR BUILDING CONSENSUS.

WG2 members were very happy to count on the active participation of Marie in our WG meetings whose contributions and on the effort she made to write down the essential conclusions of her presentation, as they have been reported in these minutes in item 4 of the agenda.

The contributions drawn from Tim's have already been included in these minutes in item 4 of the agenda.

## **6 & 8. Presentation of research papers & Presentation of experiences with legal aspects**

The group heard and discussed the following presentations:

a) Willi Zimmerman: "*Do NFPs need a new legal framework?*"

b) Johannes Voitleithner: "*Experiences with Legal Regulations in Austria as supporting and impeding factors of a National Forest Programme*"

c) Olli Sastamoinen: "*Legal and political aspects of forest programmes in Finland*"

d) Pekka Ollonqvist: "*National Forest Programme Implementation in Finland: Past experience and future challenges*"

e) Américo M. S. Carvalho Mendes: "*Experiences with Legal Regulations in Austria as supporting and impeding factors of a National Forest Programme*"

These are the conclusions drawn from these presentations, as taken from written materials provided by the authors:

## Willi Zimmerman

### *Conclusion 1*

If an NFP should consist of a legally binding programme which was

- a) developed as a part of democratic participative process,
- b) passed by a responsible authority,
- c) co-ordinated with other sectoral policies and national sustainability strategies,
- d) implemented, monitored and evaluated by a competent administration
- e) intended to improve the sustainable use of forests

it will be difficult to avoid the formal adaptation of the legal framework in many countries.

### *Conclusion 2*

Countries with old and new forest legislation could encounter difficulties with the formulation and implementation of an NFP. For countries with a relatively old forest legislation it could prove extremely difficult to promote SFM without inserting adequate objectives and instruments into the relevant legislation. Where in new forest acts SFM objectives and instruments are made statutory the danger exists that superior political institutions may refuse the official political mandate for the initiation of a substantial NFP process.

### *Conclusion 3*

NFPs do not necessarily require a new or adapted legal framework. However the involvement of the legislator may contribute to

- a) a greater democratic legitimisation of the programme,
- b) a better consideration of the principle of the constitutional state by the administration,
- c) more legal certainty for the administration and the NFP target groups
- d) a greater legal force for the NFP and

e) a better intersectoral co-ordination of forest relevant policies.

#### *Conclusion 4*

Generally one can confirm that legal changes connected with NFPs are more likely to be considered as a supporting than an impeding factor.

#### Johannes Voitleithner

Forest relevant legal regulations in Austria are very inconsistent when looking at their effects on a NFP, characterised by its potential elements and its output. Hence, the assessment of legal aspects as supporting or impeding factor of a NFP depends on the considered element or output.

Basically, forest regulations contain very few statements regarding participation, intersectoral co-ordination, decentralisation as well as long term, iterative and adaptive planning.

The content of the Austrian Forest Act and other forest regulations are multi-purpose oriented, but do not refer in particular to the new understanding of sustainable forest management. Various actors, including environmental groups, have called for a *reformulation* of the Austrian *Forest Act* for years. Forest interest groups ( especially the forest land owner organisations) fear that in the case of a fundamental reform, conservationist claims could not be rejected any more and that further regulations restricting the forest land owners' right of free disposal of their property could find its way into the forest law. Thus they are fighting passionately against the opening up of the existing legal framework.

Non-legally binding policy means relevant to forest and forest-related activities are rare at the national and sub-national level in Austria (only the National Environmental Plan can be cited in this respect).

In summary, the main hypotheses are as follows:

*Hypothesis 1:* The present understanding of sustainable forest management in the Austrian Forest Act is an impeding factor for the development of a substantive NFP if forest interest groups fear that a NFP increases the latent pressure for a reformulation of the Austrian Forest Act because of broad participation of different stakeholders.

*Hypothesis 2:* The present understanding of sustainable forest management in the Austrian Forest Act is a supporting factor of a NFP if forest interest groups expect to buffer the claims for opening up the Forest Act within a NFP process.

The *neo-corporatist structure* of the Austrian "social partnership" is reflected in a lot of forest relevant regulations. It is institutionalised conflict resolution, participation and co-ordination, but restricted to interest groups within this system.

*Hypothesis 3:* The neo-corporatist structure in Austria is a supporting factor of a NFP when looking at conflict resolution and intersectoral co-ordination. It is an impeding factor when looking at broad participation (especially public participation).

*Hypothesis 4:* The strict subdivision of the federal administration according to the department principle based on the Austrian constitution is an impeding factor of a NFP when looking at intersectoral co-ordination.

According to the Austrian constitution, forest legislation remains within the competence of the central state, while the execution of these regulations is a matter of the provincial authorities. This system of indirect federal administration leads to a well-developed co-operation between the federal state and the provinces. Basically, the first instance of administration is at the local level.

*Hypothesis 5:* Indirect federal administration of forest legislation by the provinces and the fact that the district authority has responsibility for implementing the Forest Act in the first instance are partially supporting factors of a NFP when looking at decentralisation. Due to the coexistence of national law and provincial law and their application to the same object problems of intersectoral co-ordination exist.

*Hypothesis 6:* The fact that a number of areas directly or indirectly relating to forests or forestry are under the responsibility of the provinces (such as regional planning, agriculture, nature conservation and hunting) is a supporting factor of a NFP when looking at decentralisation. Additionally, this supports especially the formulation of regional forest programmes.

*Hypothesis 7:* The noncommittal nature of forest land-use planning (on the part of forest owners ) and of national land-use planning are impeding factors of a NFP when looking at long term, iterative and adaptive planning processes. The National Environmental Plan without legal basis is another example for a noncommittal planning approach.

*Hypothesis 8:* The lack of a legally binding framework in order to ensure a continuing planning process is an impeding factor of a NFP regarding long term, iterative and adaptive planning.

*Hypothesis 9:* As more committal a forest plan and planning measures are as more vague is their content because of informal interests of the forest authority and forest interest groups. This aspect is another impeding factor of a NFP regarding long term, iterative and adaptive planning.

The success of a NFP may require modifications to the legal framework of a country. For that it is important to ask what type of government action is required to bring about the particular change. It can be accomplished through issuing new regulations or administrative rules by the appropriate Ministry , or it requires the co-operation of another Ministry or the action of the Government or the Parliament.

Finally, legal analysis is not solely a tool for identifying legal changes, but is also a tool for identifying ways in which the concept NFP itself or its interpretation might be better designed in order to accommodate legal reality.

## Olli Sastamoinen

National planning process leading to national forest programme has a mission of rationality (the forest resource and their multiple uses and protection should be analysed in a scientific sound way), democracy (integrating all user groups and stakeholders and developing a democratic procedure for decisions) and innovation (if rational analysis shows serious new problems or if conflicts arise innovations are needed to go forward).

Some of the conclusions to be drawn are the following:

The role of forest expertise in Finland has no doubt played a visible and decisive role in establishing and maintaining the rationality of intensified forest production in the forest programmes. This does not mean that there were no actions in the practise, understood to be failures.

Their role has been less evident in promoting multiple-uses of forests and nature conservation, although probably better than perceived in the practise.

The "volunteer fire brigades" of forest experts compensated the missing governmental capacity for progressive forest policies, but "the fire brigades" was supported by the corporatistic features of Finnish forestry .

The role of bipolarised corporatism has been decisive in formulating and contributing to the external to budget financing of the national forest programmes until the early eighties.

The national forest policy capacity of the government authority has been rather weak during the periods of forest intensification and has only been purposefully developed in the nineties.

Official political recognition and political support for the forest programmes of the past has been thin and unstable.

The first attempts to make government based (the Forestry Council) national forest programmes were unsuccessful compared to the "corporatism" based programmes, most of which were implemented effectively and by and large with good results.

The capacity of "corporate" based forest programmes, and their implementation, was rather weak in anticipating the new environmental demands.

The citizen participatory tradition has almost been lacking until the processes of formulation and implementation of the current National Forest Programme 2010. All the first experiences of NGO participation have not been encouraging but there are no other ways to go.

As the forest programmes of the past, also the current NFP lacks legal status and binding legal implications. It does not prevent it to be reasonably well implemented as it is politically recognised and supported. The non-legally binding nature of the programme may actually be an asset as it makes it more flexible and more easily accessible.

International support for national forest programmes has actually raised the profile of forest programme and strengthened the institutional and political role of forest programmes.

Pekka Ollongvist

(to be included soon after checking the accuracy of contents with Pekka).

Américo Mendes

This presentation was an attempt to illustrate the analytical framework presented in agenda item 4 for the case of the preparation of the "Plan for the Sustainable Development of the Portuguese Forests" approved by the Portuguese Council of Ministers in 1999. The main conclusion was the characterisation of this case as one of "Central Agency driven regulations". This conclusion has already been summarised in one of the charts included as an example in agenda item 4 in these minutes.

## **7, 9 & 10. Discussion and drafting list of propositions**

The group adopted as propositions for work the analytical framework presented in agenda item N.º 4 together with the complementary contributions drawn from the presentations by the invited speakers and group members as reported in these minutes in agenda items 5, 6, 8 and 11.

## **11. Conclusions from country reports (Willi Zimmerman)**

Willi Zimmerman and Ueli Mauderli presented the results of the quick survey that made to the COST E19 participants with the help of two others collaborators from ETH Zurich (Kissling and Bisang) on the status of the NFP processes in each country involved in the action. To make clear the decisions that were previously taken on this matter as well as the purpose and the contents of the questionnaire, we transcribe here (with very minor editorial changes) for the records the preliminary remarks they wrote about the questionnaire that was sent to the COST E19 delegations.

"At the meeting in Madrid in October 2000, the members of WG 2 decided to survey the status of NFP processes in the relevant countries. W. Zimmerman was requested to complete, send and evaluate the draft questionnaire developed by him and other members of the WG.

Both the literature and the COST project E19 have shown that the NFP concept is neither uniformly defined or clearly delineated. Despite the emergence of certain central elements such as participation, interpolicy dimension, iterative process and international co-ordination, at the moment, the NFP concept can only be described as vague, complex and not very clearly defined. For the purpose of research, and in particular comparative research, it would, therefore, seem rational and essential that a uniform concept in the form of an operational working definition be created and hence the individual scope for interpretation narrowed down somewhat.

The framework distributed in Madrid and the list of terms of reference for the comparative study of NFPs in different countries is based -among other things -on the assumption that NFPs basically consist of two main components:

- a steering process in the area of forests and forest management that is characterised by different actors and institutions (NFP as a process);
- as a result of this, a programme or content which should be implemented and is intended to achieve certain effects (NFP as a programme).

In accordance with this reading, the formulation and implementation process, the content and programme are independent and separable elements which can be relatively well recorded, structured and analysed using policy analysis approaches. This working definition differs from the approach whereby an NFP consists of a single process or even individual procedural elements such as participation, iterative process, co-ordination etc. It also differs from the NFP concept adopted in different countries which varies -sometimes significantly -both in terms of the essential elements and the purpose of the national NF. The basic understanding of NFPs selected here represents an attempt to reduce the complexity of NFPs to a few basic components and to focus the issues on the process, purpose, content and effects of NFPs in different countries.

The starting point of the analysis is a programme, plan, strategy, concept or similar component which has been declared explicitly as an NFP by a national political authority. For reasons of comparability, this survey shall be exclusively limited to **national** forest policy programmes. This quick survey does not intend to record regional programmes which (for example for reasons of competence) have come into being independently of central-state steering. The process should only record activities which are concretely aimed at the development, adoption and implementation of the product NFP. It is particularly important that the participants do not simply list all recent forest policy activities in a country. In summary, the only activities and products which should be recorded are those which have been generated in the context of a programme explicitly declared as an NFP or national programme for the sustainable use of forests.

The questionnaire largely tracks the usual stages in the policy cycle. It also covers the contents, institutional elements and special issues raised by WG 2 (supportive and impeding factors). The addition of these elements made it possible to compensate for the known limitations of the policy cycle approach and to focus the questions on the special research requirements of this WG.

The main objective of the short questionnaire is to obtain the most objective overview possible of the status, purpose and development of programmes in the individual countries which have been declared as NFPs. The objective here is not to carry out an assessment or evaluation but to establish a comparable overview of new national forest policy processes and programmes. The survey is based on the thesis that the individual countries have a very different status with respect to the formulation, implementation and content of NFPs. The situations recorded will probably range from "nothing available yet" at national level to the completion of initial evaluations of programmes and programme elements. In any case, the misuse of the questionnaire for national justification or for the "improvement" of individual processes should be avoided. This should be achieved through the structure of the questionnaire, the way in which the questions are posed, the strict restriction of the questionnaire to national programmes and through an appeal for objective, short and meaningful responses to the questionnaire.

In terms of results, it is expected that the questionnaire will provide an overview of the status of NFP processes and the contents of the resulting programmes in individual countries at the end of the year 2000. The results should make it possible, for example, to identify the explicative variables for the differing procedures that can be expected in the development and implementation of NFPs. It should be possible to answer the question as to whether all of the countries have the same objective in the development of NFPs. Equally, it could be possible to identify and compare explicative variables for different NFP contents (objectives and instruments). The comparison of targets and contents should at least provide initial indications as to whether the programmes are substantial or symbolical. Furthermore, successful examples from individual countries could be analysed and developed for less advanced countries. Given the assumed status of the development of NFPs, it cannot be expected that it will be possible to make substantial statements on the outcomes or effects of NFPs on forests and forest management in the individual countries."

The main results of this quick survey as they were summarised by the authors are as follows:

- a) A high rate of response: 16 out of 18 questionnaires were sent back.
- b) Quite positive acceptance of the chosen approach.
- c) General impression drawn from the responses about the status of the NFP processes: heterogeneity, vagueness of the NFP concept, perplexity and disillusion.
- d) Main triggers of the NFP processes: international commitments.
- e) Most frequent type of leadership for steering the NFP process: Forest Administration.
- f) NFP mainly focused on forestry internal processes.
- g) NFP "core elements": significant gap between participation and the other elements which are weaker or more moderate.

- h) Participation focused on traditional clientele (forestry and timber oriented).
- i) Content only exceptionally legally binding.
- j) SFM is not everywhere an explicit objective of NFPs.
- k) Implementation is still fragmentary.
- l) Monitoring and evaluation are hardly institutionalised.
- m) List of supporting factors is extremely heterogeneous.
- n) List of impeding factors is more compact, but multifaceted.
- o) Low significance of forest policy and resistance of target groups are two relatively common impeding factors.
- p) NFPs are judged rather positive, but unenthusiastic.

Willi Zimmerman said that this were only the first results that his team could draw from the survey. A more elaborated treatment will be carried out in the near future.

## **12. Products and deliverables of the working group**

After taking stock of the contributions and discussions produced during the meeting, the group agreed on the following feasible products and deliverables:

### **1) General guidelines for the analysis of the influence of the external factors on NFPs assessing their supporting or impeding effects**

The current version of these guidelines is the one presented in detail in these minutes, under item 4 of the agenda. This framework will be improved as new complementary contributions will come in written form or through verbal discussions from the group members, WG1 members, invited speakers and other possible contributors. Like in the NFPs, this will be an adaptive and iterative process.

### **2) More specific guidelines for the analysis of the influence of each external factor**

A first start has already been attempted for the analysis of legal regulations as reported in these minutes under item 4 of the agenda. A private communication from Pekka Ollonqvist sent to the WG2 Chairman soon after the meeting as a follow up of his oral presentation, applying those guidelines to Finland's National Forest Programme 2010, shows that they can work.

Presentations to be made to WG2 meetings in Oslo, in October 2001, namely by Américo Mendes, will be the next step towards this specification of the general guidelines.

Again, like in the NFPs, this should be an adaptive and iterative process.

### 3) Publication of the written and revised versions of the presentations made in WG2 meetings in Aberdeen

Willi Zimmerman offered the services of his institute to publish these papers in their working papers series, if the authors agree and they don't want to consider an alternative form of publication. Also it was discussed with Hugh Miller the possibility of the University of Aberdeen to take in charge the publication of the whole proceedings of this meeting. He said that this could be feasible in CD-ROM version.

No clear cut decisions were taken in this matter which was left for later exchange of views between those more directly involved.

## **13. Preparation of the next working group meeting**

Since by the time of the Aberdeen meeting, the preparation of the Oslo meeting by the Norwegian delegation was already well advanced, most of the discussion turned around the issue of the need for a "geographical" rebalancing in the list of invited speakers, giving more room for contributions from southern Europe. So the group accept the proposal of Eduardo Rojas-Briales who volunteered to make a presentation in one of the workshops with the tentative title of "Spanish experiences on financial incentives".

For the WG2 meetings Américo Mendes also volunteered to make a presentation on the public financing of forest programmes in Portugal which could help to steer the discussions in the direction of the improvement and specification of the analytical guidelines about the effects of external factors (financial incentives, in this case) on NPFs.

## **14. Other topics**

No other topics.

## **15. Closing of the meeting**

WG2 Chairman expressed his thanks to the organizers for their hospitality and all the good arrangements they made for the participants. He also thanked the WG2 participants for all the good contributions they made. In conclusion, he expressed his feeling that this was a very intense meeting where very important steps were made by the group to improve upon the analytical framework that is needed to success of the action.