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Forest Policy and Economics

Towards a European forest policy — Conflicting courses ☆

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ABSTRACT

Over the past several years, at least three different forest policy processes have emerged in the European sphere, two of which are legally binding agreements — one under the auspices of Forest Europe, attempting to negotiate a legally binding agreement; and two, the possibility of a legally binding agreement within the European Union (EU). We aim to identify, reconstruct and classify the major conflicts in both the Commission Green Paper on forest protection and information in the EU: preparing forests for climate change and Forest Europe initiated LBA process. The theoretical framework of this study uses an adapted conflict regulation approach based on the conflict triangle model. Empirically four dimensions are analysed to reconstruct and classify the conflicts: substance, procedure, relationship and discourses around the conflict. Empirical data has been gathered by qualitative document analysis and expert interviews with stakeholders at the national and EU level. The results of the empirical analysis identify three major conflicting interests: a) the subsidiarity principle, b) forest management and c) the responsibility for conducting the negotiations. Classifying these three conflicts into substance and procedural dimensions highlights the major role of the latter within the recent European forest policy processes.

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1. Introduction

Ever since the 1992 United Nations Commission on Environment and Development (UNCED) meeting in Rio, a number of nations have been attempting to create an international legal framework for forests. In 1992 many of the 'developed' countries pushed for legally binding forest principles, however no agreement could be reached (Humphreys, 2008). Later efforts by Canada, among other countries, to develop a legally binding framework through the United Nations Forum on Forests (UNFF) were also unsuccessful (Humphreys, 2003). It has been suggested that the development of a legally binding forest framework in Europe is an attempt to show the global community that it can work (start regionally and slowly grow to encompass the global) (Personal communication 2011/09/12).

In Europe, the responsibility for forests and forest management rest solely with each nation state. Consequently, there has been no legally binding common forest policy (whether in the European Union (EU) or in a greater pan-European sense). However, several voluntary initiatives are in place, namely the Ministerial Conference on the Protection of Forests in Europe (MCPFE) or Forest Europe and the EU's Forest Strategy and Forest Action Plan. Additionally, there is no one agency responsible for forests at the European level, and even between nations, forest competencies may be found variously in Ministries of Environment, Agriculture and Rural Development.

Compounding the issue of no common European forest policy has been the steady encroachment of other sectors and their sectoral policies on forestry. Examples of this include Natura 2000, biodiversity, bio-energy, climate mitigation and adaptation and rural development. This has left the forest sector in a difficult position, attempting to deal with a variety of conflicting demands placed on it by other sectors. In order to strengthen European forest sector policy, it was officially decided and publically announced at the 2007 Forest Europe Ministerial Conference that the signatories would investigate the possibility of a Legally Binding Agreement on forestry as a way forward. During this investigative phase, the European Commission additionally launched a Green Paper on Forest Protection and Information in the European Union (hereafter referred to simply as the 'Green Paper'). Though Europe is entering a period where legally binding forestry agreements are making an appearance, to date, none of the processes have accomplished this task. The adoption of a common European policy comes with additional conflicts. Identifying these conflicts and their drivers is a first step towards conflict management (Mola-Yudego & Gritten, 2010), not only in the ongoing processes but also in future forest policies at the European level.

Seen as two 'competing' *legally binding processes*, we aim to identify, reconstruct and categorise the more pronounced conflicts and their drivers in both the Green Paper and Forest Europe initiated LBA process. The dimensions of the conflict management triangle are used to classify the identified conflicts and their drivers (Walker & Daniels, 1997). Additionally, the discourses giving meaning to the identified conflicts will be reconstructed. First, we set out some of the highlights of both the Forest Europe process and that of the

European Commission with some of the official drivers behind them, followed by a brief description of theoretical considerations regarding conflicts. We then go on to provide a methodological framework for this study, followed by an analysis that identifies three more pronounced conflicts and their drivers in these processes.

2. Background

The EU does not have an explicit mandate for forest policy (c.f. Jokela, 2006; Andersson, 2007). Instead, several policy developments in Europe have had an impact on forest policy in the last decades. In particular environmental policies like Natura 2000 and rural development policies and their demands have a great impact on forest policies in the EU Member States. So far, forest sector policies have been limited to non-binding governance agreements, such as National Forest Programmes (Hogl, 2002) or the EU Forest Strategy. These policies are, according to Krott (2008: 24), an example of "weak" governance which is not able to protect the forest sector from the demands of related policies. The chances for a common European policy have been estimated as being small as "[…] the reality of Europe shows that the forest is divided into more than 40 national policies based on sovereign states." (Krott, 2008: 14). However, in the last five years two processes have confronted these concerns.

2.1. Forest Europe

Forest Europe, encompassing 46 member countries and numerous observers, is a voluntary pan-European policy process started in 1990 to work towards the sustainable management of Europe's forests (Forest Europe, 2009a; Personal Communication, 2011/11/07). For close to two decades, Forest Europe was able to achieve a number of successes in sustainable forest management (SFM) through voluntary political commitments. In 2007, an initiative to look at the possibilities of a Legally Binding Agreement (LBA) on forests in Europe was proposed. A legal basis in forestry was seen by some countries as important to get increased political attention on forests, both in Europe and internationally. Two separate working groups were formed, the first between 2008 and 2009 to explore the *potential added value of and possible options for a legally binding agreement on forests in the pan-European region and the second in 2010 to prepare options for a decision on a possible legally binding agreement on forests in Europe* (Forest Europe, 2009b). One aspect in particular is of interest – in the Forest Europe initiated LBA process, a number of different possibilities for conducting negotiations were advanced – negotiating under United Nations (UN) rules, internationally accepted rules, a Council of Europe framework or within the Forest Europe framework (Forest Europe, 2010). The major contenders for how the process would be conducted were under UN rules or an independent process, following international best practice. *The process followed by these two working groups, Forest Europe and the International Negotiating Committee (INC) to achieve a mandate to start negotiating an LBA on forests in Europe is the subject of this analysis.*

2.2. European Commission Green Paper

A number of authors (Birot et al., 2002) have noted how the European forest sector and the EU have a lot to offer in shaping horizontal forest policy globally. In 1998 the EU developed a voluntary EU Forest Strategy, followed with a further voluntary Forest Action Plan (FAP) in 2005. In March 2010, as the Forest Strategy and FAP were coming to the end of their 'lifespan', the European Commission publically released a discussion paper entitled "The Green Paper on Forest Protection and Information in Europe" (European Commission, 2010a). This paper was the culmination of approximately one and a half years of discussion between the Commission and the Member States and generally emerged within the framework of the EU FAP and the White Paper "Adapting to Climate Change: Towards a European Framework for Action" (European Commission, 2010a).

As in standard policy processes, the Green Paper was designed to launch a debate on options for an EU approach to forestry, followed by probable revision into a White Paper and then eventually turned into an EU Directive or Regulation. This interest in forest policy at the EU level came about through several interconnected avenues — a need to revitalise the approach to forestry as there was realisation that current voluntary EU forestry measures had ended or were soon ending, the myriad of other EU sectoral policies that had, sometimes contradictory, impacts on forests and a greater political interest in forests (European Commission, 2010b; Personal Communication, 2011/11/07). An 'open' process for citizen and stakeholder consultation was opened for three months to solicit views and feedback, particularly in relation to several broad questions posed by the Commission (European Commission, 2010c). While stakeholder consultation was held after the release of the Green Paper, it is unclear as to how much stakeholder input was initially solicited and included.

3. Theoretical approach

Social science has neither developed a unified theoretical approach to conflicts nor is there an agreed commonly used definition of conflicts. Instead there exists a wide variety of conflict theories in social science belonging to the different theoretical schools and traditions (Giegel, 1998; Bonacker, 2002). The conceptualisation ranges from conflicts as a positive phenomenon inevitable for achieving social change to conflicts as destructive and thus needing to be suppressed. Depending on the theoretical background used, the conceptualisation of conflicts highlights different perspectives. In contrast, approaches of conflict regulation deal with a typology of conflicts enabling a classification due to the different reasons which later demand specific management.

Conflicts are central in the tradition of forest policy analysis (Krott, 2005). The studies on forest conflict vary considerably in which aspects of conflicts are observed (Hellström, 2001). A substantial study has been outlined by Hellström (2001) comparing different conflicts in Europe and the USA. Besides the empirical work she provides an applicable theoretical framework that has been proven fruitful by other scholars (c.f. Niemelä et al., 2005).

Inspired by the theoretical framework of Hellström, this paper uses the conflict regulation approach, incorporating the conflict management triangle, from Walker & Daniels (1997) as it has been proven to be useful for reconstructing conflicts (Niemelä et al., 2005; Vuletic et al., 2010). According to the triangle, conflicts can be characterised by three interrelated dimensions — substance, procedure and relationship that can be found in any conflict situation. These three dimensions can be expected to overlap and affect one another. Using this approach we adapt it in a way enabling us to answer our research question on the conflicts in the European forest policy processes.

The substance dimension of a conflict highlights the issues about which the disputants negotiate (Walker & Daniels, 1997). A well-known example for the substance dimension of a conflict in the forest area is the one between environmental interests aiming for forest protection and forestry interests aiming for utilisation of timber (Krott, 2005). This conflict has been the subject of many policy studies in the last decades, mainly concentrated on the local or national setting (Kleinschmit et al., 2011). Other examples in the substance dimension of conflicts include forestry versus wood processing industry, forestry versus water management, forestry versus recreation and tourism or forestry versus hunting (Niemelä et al., 2005; Vuletic et al., 2010).

The second dimension we use is the procedural dimension. This dimension describes those elements that concern the ways in which conflicts are managed and decisions made. Rules that the