

7 Examination of the influences of global forest governance arrangements at the domestic level

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Abstract: The ultimate goal of many international and transnational attempts to address global problems is to influence domestic policymaking processes rather than simply to constrain or modify the external behaviour of states. This chapter reviews existing scholarship on the impacts that global forest governance arrangements have had on domestic policymaking processes and decisions. We apply a framework that distinguishes 'economic globalisation' – the phenomenon of increasing economic integration – from 'internationalisation', in which international and transnational pressures influence domestic policymaking (Bernstein and Cashore 2000). We review the effects of four distinct pathways of internationalisation in shaping domestic policies: international rules; international norms and discourse; markets; and direct access to domestic policy processes. This framework overcomes longstanding debates about whether globalisation forces a 'ratcheting down' of domestic standards in a 'race to the bottom', or whether increasing economic and political interdependence can create a 'race to the top'. The application of the framework to cases in Southeast Asia, Latin America, Africa, Europe and North America reveals that economic globalisation is not *determinative*. Rather, it interacts with other factors (operating internationally, transnationally and/or domestically) that condition its effects. Key lessons emerge from this review on the conditions under which, and interventions through which, the international forest regime has affected domestic forest policies, as well as on the interventions that might be nurtured to influence and nurture future policy development.

Keywords: globalisation, internationalisation, domestic forest policy, comparative public policy, norms, markets.



7.1 Introduction

The ultimate goal of many international and transnational attempts to address global problems is to influence domestic policymaking processes rather than simply to constrain or modify the external behaviour of states. This is certainly the case for forest governance because, while forest resources lie within state borders, the consequences of their uses or preservation may have global implications. Recognition of this has led recent scholarship to systematically explore how international institutions and processes

influence domestic policies and outcomes, with the aim of identifying the conditions under which they shape desired behaviour.

This chapter reviews existing scholarship on the impacts that global forest governance arrangements have had on domestic policymaking processes and decisions. We organise this material by applying a framework developed by Bernstein and Cashore that distinguishes 'economic globalisation' – the phenomenon of increasing economic integration – from 'internationalisation', in which international and transnational pressures influence domestic

policymaking (Bernstein and Cashore 2000). The framework encompasses four distinct pathways that have unique causal logics in shaping domestic policies: international rules; international norms and discourse; markets; and direct access to domestic policy processes.

The distinction between globalisation and internationalisation overcomes longstanding debates about whether globalisation forces a ‘ratcheting down’ of domestic standards in a ‘race to the bottom’, or whether increasing economic and political interdependence can create a ‘race to the top’. Bernstein and Cashore (2000) argue that while in some cases economic globalisation has acted as a break to improving existing regulations and standards, and/or has encouraged companies to locate in ‘regulatory friendly’ jurisdictions, it is also a prerequisite for successfully traversing some of the four pathways – such as the markets pathway – that could lead to higher domestic policy standards or improved practices. In other words, economic globalisation is not *determinative*. Rather, it interacts with other factors (operating internationally, transnationally and/or domestically) that condition its effects.

We chose the framework of Bernstein and Cashore (2000) over the regime effectiveness literature because of the latter’s preoccupation with “hard law” emanating from formal international conventions over a specific problem or sector. While there are some legally binding agreements that address forest issues, none have forests as their primary focus and none address forest issues comprehensively. Thus, a focus on regime effectiveness is likely to miss other influences worthy of sustained attention. The chosen framework also permits us to draw on recent theoretical developments and questions with an eye to uncovering new relationships and insights. In this chapter we identify important causal trends and identify and assess the full range of impacts of international forest governance arrangements. Section 7.2 presents the framework in greater detail. Sections 7.3 and 7.4 review relevant literature to provide an understanding of whether, when and how one or more of the four pathways have been travelled in the shaping of domestic forest policies. This review draws on experiences in five regions: Southeast Asia, Africa, Latin America, Europe and North America. Section 7.5 contains findings and recommendations.

7.2 The framework: four pathways of international influence on domestic policy change

7.2.1 International rules

The ‘international rules’ pathway highlights the influence of issue-specific treaties (e.g. the Convention on International Trade in Endangered Species of Wild Fauna and Flora – CITES), trade agreements (e.g. the World Trade Organization agreements) and the policy prescriptions of powerful international organisations (e.g. the World Bank), whether perceived as resting on consent or coercion. The logic of this pathway is that rules are binding and create a “pull toward compliance” (Franck 1990: 24) because they came into being by generally accepted rules of right process, regardless of whether they are enforced (domestic factors and politics can influence implementation and compliance, but the obligation exists regardless). Sometimes even non-governmental organisations (NGOs) or institutions that include non-state representation (such as the International Organization for Standardization and forest certification systems) can be authoritative sources of rules to which states or firms commit (Bernstein and Cashore 2007; Clapp 1998; Meidinger 2006). Systems that are not mandated by states or intergovernmental agreements exhibit the logic of the international rules pathway when their standards gain broad recognition and come to be understood as binding by firms or other targeted actors that sign on to them (Vogel 2008).

7.2.2 International norms and discourse

International norms and discourse can both define and regulate appropriate behaviour. Particular norms embodied in institutions or informed by broader practices of global governance can affect domestic policies or lead to policy change. Chapter 4 of this report identifies shifts in international discourses around forests; the goal here is to identify, assess and analyse how and under what conditions discourses around appropriate behaviour and particular norms become institutionalised domestically or lead to policy change. Keck and Sikkink (1998) outline a series of strategies that transnational actors can undertake to encourage states to follow norms – the politics of information, symbolism, leverage and accountability. According to Keck and Sikkink’s model, domestic policymaking structures or networks only matter to the degree they cause a ‘boomerang’ effect that

induces domestic actors to go international to seek allies and bring international scrutiny (ibid.). Global norms can also be mediated by domestic policymaking structures (Risse-Kappen 1995) or, as Acharya (2004) finds, by the ability of local actors to reconstruct international norms to fit with local norms or to reinforce local beliefs or institutions.

7.2.3 Markets

The markets pathway encompasses processes or tactics that attempt to manipulate, work with or leverage markets to create domestic policy change. It includes boycott campaigns that target foreign export markets to put pressure on exporters, certification systems that attempt to regulate or socially and environmentally embed markets directly without state mediation, and the use of market mechanisms in general. This pathway, therefore, includes both direct action – where transnational actors exert market pressure to change domestic behaviour – and indirect action. In indirect action, certification systems with pre-established standards (for example) may use carrots, such as the provision of market access, firm recognition and price premiums, as well as sticks, such as the conferring of negative attention on non-joiners, to influence behaviour.

7.2.4 Direct access to domestic policymaking processes

Domestic policies may be influenced along the direct access pathway through direct funding, education, training, assistance and capacity building, and possibly even by attempts at co-governance through partnerships between domestic and international public and private actors and authorities. Any attempts at influence along this pathway must navigate concerns about sovereignty and risk being viewed as foreign or international interference. To be successful, non-domestic actors must avoid the perception that they challenge state autonomy by focusing on altering the balance of power among existing domestic organised interests and their participation in policy networks. Transnational actors may accomplish their mission by sharing resources, ideas, knowledge and expertise with existing groups, or by facilitating the creation of new groups or coalitions.

7.2.5 The role of economic globalisation

Bernstein and Cashore (2000) hypothesise that the role of economic globalisation differs according to the pathway along which influence over domestic policies is pursued. The degree to which economic globalisation creates dependence on foreign markets is a determinant of the effectiveness of the markets pathway and is often important for the international rules pathway because many international rules result from attempts to manage economic interdependence. Economic globalisation is not, however, a precondition for the international norms and discourse or direct access pathways.

7.3 Economic globalisation of the forest sector

The forest sector is highly globalised. Prices and demand for wood products are affected by global structural changes such as the shift of wood production and manufacturing from developed to developing countries (Yasmi et al. 2010). The shift in production, especially to China (which in turn imports from tropical developing countries in Southeast Asia and Africa), has resulted in the consolidation of sawmill industries in many developed countries. It has also led to a reduction in employment in the pulp and paper industry in developed countries, including the United States (Ince et al. 2007).

Increasing consumption in developed countries accounts for some of these trends. For example, the United States now imports 25 billion board feet of softwood lumber, up from 12.1 billion board feet 20 years ago, and sales of wood furniture produced in China has expanded from 20% to 50% of the total market (White et al. 2006). European demand has followed a similar trend, with imports from China tripling between 1997 and 2006 (ibid.). The increasing role of previously unexploited timber from Russia has also shaped forest products markets and supply. The African timber industry is highly dependent on both Asian and European markets (ibid.), the latter of which, as we discuss below, has been the source of significant NGO pressure on timber procurement policies.

The drivers of economic globalisation can be traced, in part, to domestic and international policies that create tax breaks, liberalise export fees, increase free-trade zones and ease restrictions on immigration to further reduce labour costs (Essmann et al. 2007). Another factor is changing technology, which both drives globalisation and offers significant potential for shifting the global forest industry towards sustainability (Auld et al. forthcoming; Essmann et al. 2007).

7.4 The four pathways

7.4.1 International rules

Context

Despite the absence of a comprehensive forest treaty, forest-related international agreements and institutions have emerged that influence domestic rules and standards. For example, the International Tropical Timber Organization (ITTO), created by the International Tropical Timber Agreement, has played a major role in the development of criteria and indicator (C&I) for sustainable forest management (SFM). Unlike hard law, however, C&I processes aim to define and assess rather than mandate SFM; the hope is that such processes will help states to develop internal standards, such as when an Indonesian ministerial decree adopted C&I for sustainable management of production forests. Although changes in domestic policy do not necessarily mean changes in on-the-ground behaviour, both their influence on policy development and the question of whether and when governments can meet their own domestic commitments (Chrystanto and Justianto 2003) are important.

Processes (IPF/IFF/UNFF) initiated in the wake of the United Nations Conference on Environment and Development (UNCED) in 1992, as well as other international fora such as the Food and Agriculture Organization of the United Nations (FAO) Committee on Forestry, have promoted high-level commitment to the monitoring, reporting and assessment of SFM. In 1995 the Intergovernmental Panel on Forests issued more than 270 ‘proposals for action’. Processes to develop and implement C&I for SFM at the regional level were also initiated (Humphreys 2006; McDermott et al. 2007; Wijewardana 2008); currently there are nine such processes, encompassing 150 countries and nearly 90% of the world’s forests.

Arguably, the ‘soft pull’ of the non-binding statement of forest principles negotiated at UNCED facilitated the development of national forest programmes (NFPs) through Agenda 21, which was also agreed at UNCED. Sepp and Mansur (2006) have identified NFPs as important tools for the implementation of Agenda 21’s proposals for action. They also provide a framework within which countries can “implement international commitments to enhance sustainable forest management following deliberative and participatory approaches at the national level” (Pülzl and Rametsteiner 2002:1), while also allowing them to develop their own forest management priorities (McDermott et al. 2007).

As shown in Chapter 3, international rules that affect forests, resources within them, or forest products

can also be found in a number of non-forest-specific agreements, such as the Convention on Biological Diversity, CITES and, although perhaps less directly, the World Trade Organization and regional trade agreements. In addition, recent initiatives to build regional Forest Law Enforcement and Governance (FLEG) agreements and international commitments on forests within the climate-change regime can be understood as attempts to travel the international rules pathway. For example, the ‘reducing emissions from deforestation and degradation’ (REDD) concept is likely to lead, eventually, to one of the first sets of rules in international forest governance to have a binding impact on domestic practices such as land-use change and logging.

Forest certification is also showing signs of affecting policy along an international rules pathway, in two ways. First, some systems are seeking recognition for their standards with a status equal to other international standards recognised under international trade law (Bernstein and Hannah 2008). Second, there are signs that support for forest certification may not just be a result of market pressure such as boycotts; it may also be based on the perception that certification systems themselves are a legitimate authority through which to develop appropriate standards (Bernstein and Cashore 2007; Cashore 2002).

Impacts on domestic policymaking

Impact of international forest soft law on national policy priorities: Much of the impact of international soft law has been expressed in the development of NFPs. Due to space limitations, we provide illustrations of these impacts from just one region, Latin America. In Guatemala, domestic policymakers explicitly justified the introduction and content of an NFP by showing that it drew on internationally agreed concepts “within the international dialogue on forests, particularly the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF)” (Hurtarte et al. 2006: 35). Such concepts included consensual formulation and approval; the identification, design and application of new forest policy instruments (such as the National Forest Incentives Program); and monitoring and a multi-stakeholder approach (which included the introduction of forest policy round-tables in the country’s nine forest regions) (ibid.).

Like Guatemala, Brazil followed international norms by developing a national forest plan that included extensive stakeholder and cross-sectoral consultations and led to important legislative reforms. New financing instruments were promoted for encouraging responsible forest management. The Ministry of Environment was charged with de-

veloping an NFP action plan and the Coordinating Commission with supporting and evaluating compliance (Alba 2008), which served to meet Brazil's international obligations for improved monitoring and evaluation.

In 1997, following agreements made at and after UNCED, the Lepaterique process was initiated to develop C&I for SFM in Central America, with support from FAO; this process has had a measurable policy influence in each of the seven Central American countries (Blas Zapata 2005). The Lepaterique process includes both regional and national-level elements.

In Honduras, the Directive Counsel to the President recognises that the Lepaterique C&I process provides the conceptual framework for the formulation and evaluation of forest laws and policies as a means to meeting the country's international NFP commitments (Barahona and Eguigurems 2004). These regional and global processes have had an influence at the forest management unit level, where the government's technical norms for forest management have been adapted to the new C&I. Similarly, Costa Rica's 1996 forest law and accompanying regulations require that forest management plans comply with the standards of the National Commission for Forest Certification, which were set according to norms developed by global C&I processes (Espinoza Camacho 2005).*

The Convention on International Trade in Endangered Species of Wild Fauna and Flora: CITES monitors and restricts the trade of species facing extinction by, among other things, identifying and listing species banned from international trade (Appendix I) or that require a CITES export permit for international trade (Appendix II). The impacts of CITES are often region-specific on the basis of the location of the protected species. In Latin America, for example, several important timber species, including bigleaf mahogany (which was listed in Appendix II in 2003**), have been listed following concerns over illegal harvesting and after scientific research by international scientific and conservation bodies (Grogan and Barreto 2005). Such listings have led many producer countries to establish national CITES management authorities, often by adapting legislation (Tomaselli and Hirakuri 2009). For example,

Peru, the largest exporter of bigleaf mahogany, has made significant changes in forest law, regulation and trade control with the aim of reducing the impact of international trade on the conservation of the species.

Trade agreements: While trade agreements are certainly aimed at nurturing economic globalisation, the 2009 United States–Peru Trade Promotion Agreement* demonstrates how negotiators are inserting language to address concerns that trade liberalisation could come at the expense of forest stewardship. The Agreement is accompanied by a carefully worded annex (Annex 18.3.4**) that requires Peru to put into force the following regulatory and control measures: increasing its administrative, monitoring and enforcement staff; implementing specific measures to reduce corruption; providing criminal and civil liability for a range of activities that undermine the sustainable management of Peru's forest resources; implementing provisions to combat illegal logging; adopting and implementing specific policies to protect tree species listed in CITES appendices; promoting capacity building; and ensuring that the views of indigenous groups and other stakeholders are considered in decision-making. Annex 18.3.4 also includes a series of measures for compliance, joint monitoring and enforcement, including third-party audits of producers to ensure compliance with laws, regulations and verification procedures. Non-compliance could lead to the banning of exports, and the entire annex is subject to dispute resolution. The United States–Peru Trade Promotion Agreement has already “been a driving force to change the Peruvian Forest Law, as well as to introduce other changes that are generally in line with CITES requirements” (Tomaselli and Hirakuri 2009:13). There are worries, however, that the Agreement is worded in such a way that it ignores the possibility of trans-shipments of illegal timber through third countries such as Mexico and China (McClanahan 2010).

Most other trade agreements stop short of explicitly referencing the forest sector. Some include a reference to environmental concern modelled on a side-agreement to the North American Free Trade Agreement (NAFTA), the North American Agreement on Environmental Cooperation, which created the Commission for Environmental Cooperation. Like the NAFTA model, however, most bilateral agreements mandate monitoring and promote the

* See the Costa Rica National Standard for Sustainable Forest Management, first published in 1998 (updated in 2001 and 2009).

** Timber species listed in Appendix I include Brazilian rosewood (*Dalbergia nigra*), Guatemala fir (*Abies guatemalensis*). Timber species listed in Appendix II include Pacific coast mahogany (*Swietenia humilis*), Caribbean mahogany (*S. mahogoni*) and bigleaf mahogany (*S. macrophylla*).

* Available at: <http://www.ustr.gov/countries-regions/americas/peru>, [Cited 4 Jun 2010].

** http://www.ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset_upload_file953_9541.pdf. [Cited 2 Dec 2010].

effective enforcement of national laws rather than create formal international obligations. As a result, the Dominican Republic–Central America–United States Free Trade Agreement includes an Environment Chapter which states that “each Party shall ensure that its domestic laws and policies provide for and encourage high levels of environmental protection” (Office of the United States Trade Representative 2010).

Trade rules may also have indirect effects when they delineate acceptable international standards. For example, certification standards could be subject to trade disputes if, when adopted by a country, they are perceived to have been developed in a way that is inconsistent with requirements for legitimate international standards under the Technical Barriers to Trade Agreement (and its annexes) of the World Trade Organization (Bernstein and Hannah 2008). Trade law and jurisprudence have not been explicitly tested in this area, however.

Complicating the picture further, other bodies have arisen to define acceptable social and environmental standards, most notably the International Social and Environmental Accreditation and Labelling (ISEAL) Alliance, an umbrella organisation of some certification systems (including the Forest Stewardship Council – FSC). The ISEAL Alliance was created to develop agreement on best practices for its members and to gain credibility and legitimacy for its members’ standards. Its detailed code of good practices references the Technical Barriers to Trade Agreement but goes beyond it by augmenting requirements for the participation of developing countries and an emphasis on production process standards in addition to the usual focus on performance or product standards.

Meanwhile, the way in which the exceptions for environmental protection written into many international trade agreements are interpreted can determine which domestic practices or regulations are accepted as legitimate and which are subject to dispute. A full discussion of relevant rules and controversies is beyond the scope of this chapter; we note, however, that debates around whether production processes – both product-related and non-product-related – and product characteristics can be considered in limiting imports could have an impact on forest practices in exporting countries. Developing countries in particular have raised concerns over the implications of such rules, which they fear will create barriers to market access for their forest products; such concerns have led to the development of strategies to limit linkages between trade and environment law. At the same time, the lack of such linkages or hard forest law has created an opening for voluntary eco-labelling and certification because they are potentially consistent with international trade rules (Bernstein and Hannah 2008; Joshi 2004).

A final potential impact involves the way in which trade rules might evolve to address climate change. There is enormous uncertainty in this area, but similar issues could arise if, for example, an economically important country decides to introduce a border tax on forest products imported from countries with low or no carbon emission standards (Hufbauer et al. 2009).

Regional forest agreements and initiatives: In the absence of a comprehensive and universal forest convention, an emerging trend among international aid agencies, the World Bank and NGOs is to address forest management and policy through regional processes. Many of these have been developed under the auspices of FLEG processes.* Co-hosted by producer and consumer countries and the World Bank, early FLEG outputs included an East Asian FLEG Ministerial Declaration (Bali, 2001) and ministerial-level declarations in Africa (Yaoundé, 2003), and Europe and North Asia (St Petersburg, 2005). Initial talks were also held in Latin America. As a result of these declarations, a number of projects and initiatives were created to promote FLEG at various scales and in various regions (Brown et al. 2008; Kaimowitz 2003; Magrath et al. 2007; Perkins and Magrath 2005; World Bank 2005, 2006, 2007a).

In the Association of Southeast Asian Nations (ASEAN) countries, a regional FLEG process opened the door for new initiatives and experiments within and across countries (BBC 2007; Brack 2005; Brown et al. 2008; Cashore et al. 2006; Ching 2007), with varying levels of involvement of civil-society and forest-sector stakeholders (Thang 2008).

Many of the FLEG processes focused much of their effort on building greater capacity for the enforcement of existing laws (Tacconi 2007), reducing contradictory legal regimes, enlisting NGOs to monitor on-the-ground activities, and reducing high levels of illegal logging through labelling and market access (Brown et al. 2008; FAO and ITTO 2005; FLEG News 2007).

While a thorough review of these regional efforts is beyond the scope of this chapter, we note that they, too, rely on soft agreements to promote good forest governance (Byron 2006). For example, the Bali Ministerial Declaration committed participating (ASEAN) countries to, among other things, “take immediate action to intensify national efforts, and to strengthen bilateral, regional and multilateral collaboration to address violations of forest law and forest crime, in particular illegal logging, associated illegal trade and corruption, and their negative effects on the rule of law”. Tacconi et al. (2004:15) note that “The conference established a regional task force to

* The following three paragraphs draw on wording from Cashore et al. 2010.

‘advance the objectives’ of the Declaration, and an advisory group of NGOs and industry was also formed ... The Indonesian Ministry of Forests and CIFOR volunteered to undertake interim secretariat functions, and it seems possible that a permanent secretariat may ultimately develop, should sufficient funding become available.” A joint statement on FLEG by the governments of Indonesia and the Philippines in 2005 supported increased attention to, and cooperation among, ITTO, G-8, ASEAN and other nations in promoting FLEG (Defensor and Fathoni 2005).

Recognising that the causes of corruption and forest degradation were unlikely to be completely addressed through ASEAN cooperation, a range of international actors spearheaded by the European Union (EU) turned to the markets pathway in an attempt to promote domestic good forest governance. EU FLEGT (Forest Law Enforcement, Governance and Trade) initiatives use access to the lucrative EU markets as an incentive to promote responsible governance in exporting countries. The EU’s main intervention to promote these efforts has been in the form of negotiations with individual exporting countries in Africa and Southeast Asia to create voluntary partnership agreements (VPAs) that, arguably, amount to de facto binding law.

The approach of the United States has been to promote domestic good forest governance in exporting countries by strengthening the implementation of its own international obligations regarding trade in illegal products. To do so it amended domestic legislation known as the Lacey Act – a longstanding act prohibiting the trade of wildlife, fish and plants that have been illegally taken, transported or sold – to include timber products harvested illegally in any country. The EU has followed suit, developing its own similar legislation.* The combination of these

two domestic pieces of legislation, which were developed to meet existing international commitments, are among the starkest examples of how hard law can indeed shape domestic forest policy. What is important about these efforts is that developing countries such as Indonesia are fairly hospitable to them because they are aimed at ensuring that products produced in any particular country conforms to that country’s domestic requirements. On the other hand, an international legal obligation would challenge, rather than reinforce, the sovereignty of producer countries.

ASEAN has also been active in coordinating and expanding commitments to promote SFM. For example, member countries committed, in 2007, to promoting C&I for SFM at the regional and national levels, and to ensuring legality. These processes are the basis for region-wide reporting on SFM at the national level, overseen by the ASEAN Secretariat, and they also provide for benchmarking. ASEAN member states share good practices in forest policy, including through the exchange of experiences on NFPs (Goehler et al. 2009). In 2009, ASEAN nations committed to a six-year plan to promote the Multi-Sectoral Framework on Climate Change: Agriculture and Forestry Towards Food Security, which promotes coordination and cooperation in the region.

Regional agreements in Latin America have followed similar dynamics. The 1978 Amazon Cooperation Treaty promotes “economic, social and environmental cooperation” among the Amazon countries. Through the Amazon Cooperation Treaty Organization (ACTO) it attempts to coordinate economic development and environmental protection across the entire Amazon Basin (McDermott et al. 2007). Progress has been described in terms of the “gradual joint definition of approaches and policies for the Amazon” (Elias 2004:24); ACTO has not led to many concrete outputs as far as binding agreements and related cooperation and coordination on the region’s forests (ibid.).

In contrast, The Central American Regional Convention for the Management and Conservation of Natural Forest Ecosystems and the Development of Forest Plantations (‘Central American Forest Convention’) is “the only legally binding, regional instrument focused exclusively on forests [and] establishes a relatively comprehensive legal, policy and institutional framework for the forests of Central America” (McDermott et al. 2007; Tarasofsky 1999). The Convention encourages the coordination of national-level forest policies and requires parties to establish mechanisms to control the illegal trade of flora, fauna, timber and other forest products. Among other things it led Central American countries to take a common position within CITES in support of the inclusion of bigleaf mahogany in Appendix II (McDermott et al. 2007; Tarasofsky 1999).

* The United States approach through the 2008 Lacey Act amendments, which prohibit the importation of illegally sourced wood, is more bluntly unilateral, although the detailed provisions may involve collaboration with exporting countries. Under the amendments, importers are required to declare the species and origin of harvest of all plants. Penalties for violations include the forfeiture of goods and vessels and imprisonment. The approach has the advantage of putting the responsibility for legality on importers, which eliminates the ‘transshipment’ problem of the forest annex approach and the need to target individual exporters. The European Commission has since developed a proposal for trade legislation – the due diligence regulation (DDR) – with a similar goal of preventing the import of illegal wood into the EU from all sources. Unlike the United States approach, however, the DDR requires only “reasonable assurance” that wood products are legally produced (Baumüller et al. 2009). Australia, Japan, and New Zealand have all signalled interest in pursuing similar legislation (McClanahan 2010).

Taken together, these initiatives make inroads into the international trade of illegally logged timber, but fall short of a comprehensive multilateral prohibition (Lawson and MacFaul 2010).

Climate: The advent of REDD and REDD+ policies* is increasingly seen as the most significant contemporary opportunity to entice developed countries to commit the resources and technical assistance needed for on-the-ground implementation of international forest policies. In particular, the evolution towards REDD+ in international negotiations on climate change signals a move towards the consideration of a broader forest agenda. In addition to the inclusion of a range of approaches to forest management, REDD+ envisages the use of the REDD mechanism to improve access by marginalised communities to forest resources and to promote indigenous rights.

In anticipation of a future agreement, the 2009 Copenhagen Accord, negotiated at the 15th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, established a Green Climate Fund to support REDD+ activities (Appleton et al. 2009). As part of these efforts, developing countries were formally requested to identify drivers of deforestation; establish national forest management systems; develop guidance for the engagement of indigenous peoples and local communities in monitoring and reporting; and develop forest reference emission levels that take into account historical data and adjust for national circumstances (Cashore et al. 2010).

Cambodia, Indonesia, Lao PDR, Malaysia and Vietnam are among the countries actively engaged in climate-change schemes through United Nations-led initiatives or bilateral and multilateral agreements related to forests. The rules have yet to be fully defined, but influence is already being felt. For example, Indonesia has, through its communication to the Copenhagen Accord, committed to reducing its greenhouse gas emissions by 26% against business-as-usual projections by 2020 (although this would amount to a 22% increase over 1990 emissions) mainly through REDD. Questions of implementation remain, however (Maryudi 2009). In advance of a formal agreement on REDD (or REDD+), a number of specific forest carbon offset projects have been financed, including through the World Bank's Bio-Carbon Fund (Carbon Finance Unit no date). Some such projects are at a significant scale: for example, two forest carbon offset project in Moldova represent approximately 30 000 ha or half of the country's total

afforestation effort from 2002–2008 (Galupa et al. 2008). However, while there is interest in generating a supply of forest credits through such initiatives, there are worries about demand, especially because current interest is driven by upfront financing (e.g. from the World Bank) and not financial returns from investors. Indeed, afforestation credits issued under the Clean Development Mechanism (CDM) are not tradable on the EU-ETS nor Canadian compliance markets. However, questions remain as to whether the compliance market for forest carbon credits will survive and negotiations regarding REDD+ could prove crucial in this regard.

7.4.2 International norms and discourse

Key developments

In academic debates on environmental, natural-resource and forest governance a virtual consensus has emerged that three procedural principles are fundamental to good governance. They are inclusiveness (e.g. Belsky 2003; Contreras-Hermosilla et al. 2008; Esty 2006; Ribot 1995; Tacconi et al. 2008; World Resources Institute 2009), transparency (e.g. Esty 2006; World Bank 2006) and accountability (e.g. Balboa 2009; Keohane and Nye 2003; Koppell 2003, 2005). These principles reflect broader demands for the reform and improved accountability of international institutions (e.g. Held and Koenig-Archibugi 2005; Payne and Samhat 2004) as well as 'stakeholder democracy' that includes 'collaboration' and true 'deliberation' among states, business and civil society (Bäckstrand 2006; Vallejo and Hauselmann 2004). Such normative pressure reflects more general trends in international environmental institutions, treaties and declaratory law, which, since the 1972 Conference on the Human Environment in Stockholm, have been promoting increased public participation and transparency at all levels of governance (Bernstein 2005; Mori 2004).

Equity is also emerging as a substantive global norm with respect to resource governance (Aldy et al. 1999) and forest governance (Asch 1997; Corbera et al. 2007; Meller et al. 1996; Nhira et al. 1998; Sarin 1995). Put simply, this norm demands consideration of whether "the costs and benefits of the proposed policy fall disproportionately on limited groups" (Tacconi et al. 2008). In the case of forests, a closely related phenomenon is a rising norm of granting greater access to forest resources to indigenous and forest-dependent communities.

Collectively, this wider group of norms can provide benchmarks to evaluate international proposals, or provide arguments in support or in opposition to

* REDD+ is an expanded concept of REDD that also encompasses the carbon-sequestration roles of conservation, the sustainable management of forests and the enhancement of forest carbon stocks in developing countries.

them. For example, both Kaimowitz (2003, 2005) and Seymour (2008) argue that inattention to indigenous and impoverished forest-dependent communities in efforts to promote FLEG and REDD could unintentionally favour large corporations and powerful elites at the expense of poverty alleviation and community development. Concerns that this could induce political instability have led to wide-ranging support for the procedural principles of inclusiveness, transparency and accountability and the norms of equity and access in transnational corporations and conservation groups alike (The Forests Dialogue 2008).

Arguably, the combination of these procedural and substantive norms is one reason for the recent emergence of the principle of subsidiarity, in which decentralisation is the default mechanism for promoting the fair and just allocation of forest rights and resources to forest-dependent communities and indigenous peoples (Agrawal and Ribot 1999; Oram and Doane 2005; Ribot 2008). Finally we note a normative trend, at least since UNCED, towards a view that environmental protection should be compatible with the liberal economic agendas promoted by many governments, international organisations and market players. This favours market-based policies and instruments, public–private partnerships, privatisation, open markets and free trade (Bernstein 2001; Humphreys 2008).

With respect to forest management in particular, the dominant discourse is the promotion of SFM (see Chapter 4; Singer 2008). Wang (2004: 211) refers to SFM as a concept with “one hundred faces” because of the many conflicting interests involved in forest management (Schanz 2004). Nevertheless SFM can be characterised as the suite of practices aimed at ensuring that the goods and services derived from forests to meet present-day needs while at the same time securing their continued availability and contribution to long-term development. In its broadest sense, the concept encompasses the administrative, legal, technical, economic, social and environmental aspects of the conservation and use of forests. It implies varying degrees of deliberate human intervention, ranging from actions aimed at safeguarding and maintaining forest ecosystems and their functions to those that favour specific socially or economically valuable species or groups of species for the improved production of goods and services.

Impacts on domestic policymaking

Existing scholarship has shown that international norms have played a role in mobilising certain domestic interests over others and shaping problem definition and agenda setting (Keck and Sikkink 1998). Less work has been done on the exact mechanisms through which norm diffusion occurs.

The most prominent example of norm diffusion is SFM, which is now supported in virtually every country in which forests play a key role. Most countries also now have official goals addressing indigenous rights and resources in forest governance. In Canada, for example, international norms reinforce support to expand the role of indigenous peoples in forest management. Implementing these norms remains a challenge, however. As one Canadian study finds, “Aboriginal people generally perceive that forest management is meeting their expectations related to Environmental Values and SFM better than it is meeting their expectations related to Aboriginal and Treaty Rights, Participatory Decision-Making, and Economic Opportunities and Development” (Kant and Brubacher 2008: 389).

Domestic and global policy agendas now also reflect the strengthening norm against illegal logging. Environmental NGOs and international organisations such as the World Bank (World Bank 2006) have been especially active in promoting efforts against illegal logging, as a reaction to the lack of success of other strategies aimed at encouraging SFM.

Tenure reforms and community involvement in forest management and governance pursued through various schemes (e.g. forest land allocation, joint forest management, co-management, community/social forestry and regional forest agreements) reflect the procedural norms noted above. Households and community groups are also being provided with greater access to forest resources. For example, Lao PDR and Viet Nam are in the process of allocating forest lands to local communities and households (Hodgdon 2008). In Viet Nam, communities are recognised as legal entities eligible to participate in forest land allocation on the basis of the 2003 land law, which also marked the expansion of community participation in forestry in the country (Nguyen et al. 2008a, 2008b). In Thailand, the Community Forestry Bill was finally passed in 2007 after years of prevarication in parliament (Ongprasert 2008). This bill defines the areas in which communities can be located and the types of forest-management activities allowed.

Community forestry attracted national attention in Indonesia when the Ministry of Forestry launched its Hutan Kemasyarakatan (‘Community Forestry’) programme in 2007. The aim of this programme was to give local communities greater access to forests and to provide them with long-term rights; as of October 2010 these efforts had led to increased community management but not ownership rights. Community forestry has also advanced in the Philippines over the last 40 years, although recent changes towards larger-scale forestry reveals the fragility of this effort (Oberndorf 2008).

In Africa, Eba’a Atyi et al. (2008: 24) found that “all of the Central African countries have embarked

on a revision of their forest laws in order to make them compatible with the needs of sustainable forest resources management". Cameroon led the current wave of forest law revisions when it adopted a new forest law early in 1994 and enacted implementation decrees in 1995 and 1996; this initiative "inspired" the whole sub-region (Karsenty 2006). Equatorial Guinea reformed its forest law in 1997, the Republic of the Congo in 2000, Gabon in 2001, the Democratic Republic of the Congo in 2002 and the Central African Republic in 2008. These reforms introduced new obligations (Eba'a Atyi et al. 2008), the most important of which are: the requirement to manage production forests based on (sustainable) forest management plans; the need for the greater participation of local people in forest resource management, decentralisation and benefit-sharing; specific conservation objectives to be achieved across national territories; and the requirement to reduce the negative impacts of resource extraction on forest ecosystems through the implementation of regulations and guidelines. In all Central African countries the reforms related to the participation of local people, decentralisation and benefit-sharing involve the inclusion of the concepts of community forests, decentralised communal forests, municipal forests and forest revenue distribution to local government entities. In addition to legislation specific to the management of forest and wildlife resources, most countries in Central Africa have adopted laws on broader environmental protection.

The raising of awareness and reporting of corruption in the sub-region by international NGOs such as Transparency International, Global Witness and Resource Extraction Monitoring have also been key drivers. Governments in the sub-region wanting to improve their reputations at the international level are working with NGOs on initiatives such as independent forest monitoring. The results, in practice, are muted, however, because such initiatives focus mainly on the formal forest industry, which is usually the smallest part of the sector. Moreover, the influence of international normative discourse may be limited in countries where there is widespread poverty. In such cases, short-term measures to ensure subsistence may demand a higher priority on both ethical and sustainability grounds. Caution is therefore warranted in attributing too much power to norms and discourse. The pressure of economic need remains an important determinant of policy.

International normative discourse on forests has been influential in Latin America. In Costa Rica, for example, the 1996 forest law (Law No. 7575) "emphasized a market-friendly approach to forestry with a heavy dose of measures drawn from the international conservation paradigm" (Silva et al. 2002). In Peru, the 2003 forest law introduced radical changes that signalled the government's interest in

long-term intensified timber production; it corrected many of the deficiencies of the old regime by drawing on insights obtained from international debates and from the Bolivian experience (Smith et al. 2006). In Brazil, the dramatic increase in international interest in the Amazon and the growing influence of the international environmental movement, which began in the 1990s, played a significant role in the country's environmental and forest policy reforms (Banarjee et al. 2009; Bauch et al. 2009).

The normative pull from UNCED that – despite no binding agreement – urged the establishment of NFPs helps explain post-UNCED developments in many European countries. In Norway, for example, UNCED, and especially the Convention on Biological Diversity, laid the normative groundwork for increased awareness and concern over the protection of old-growth forests and biodiversity (Gulbrandsen 2003).

There is also evidence that global norms may shape the regulatory practices of developing countries. In a review of forest practices regulations in 24 countries, McDermott et al. (2009) find that identical rules for riparian buffer zone protection have been developed in a host of countries with widely varied ecological systems (e.g. tropical, temperate and boreal) and management requirements. They hypothesise that "mimetic isomorphism" – in which international norms find their way into precise and specific policy regulations – may explain such convergence.

Arguably, norms of subsidiarity and greater local control also account for the growing acceptance of small and medium-sized forest enterprises (SMFEs), which are currently being upheld by civil society as potential instruments of social change and equity. In particular, SMFEs and community forest enterprises are seen as appropriate vehicles for lifting forest-dependent communities in developing economies out of poverty because they provide meaningful employment and serve growing domestic markets with value-added goods, and they do so in an ecologically sustainable manner (Molnar et al. 2010). This is particularly true in countries where forest lands are held publicly and where the socio-economic benefits of the dominant mode of business practice – large-scale, concession-based forestry – is increasingly being called into question (Kozak 2009). NGOs are responding by crafting interventions such as capacity-building in business management and market promotion that help to provide the enabling conditions in which smaller-scale enterprises will thrive. However, there remains a paucity of data surrounding the extent of employment and wealth generated by SMFEs and further work is needed, especially in developing regions where informal forest-based economies are commonplace (Kozak 2007).

7.4.3 Markets

Key developments

Four key trends demark efforts along the markets pathway over the last 30 years. First, a range of environmental NGOs, largely located in developed countries, championed boycotts and/or targeting campaigns that engaged the purchasers of timber products originating in tropical (and, in the case of Canada, temperate) timber-producing countries. Second, international agencies such as the World Bank have used a ‘carrot’ approach to convince governments to adopt domestic policy reforms ranging from the removal of protectionist policies (designed to promote employment in the domestic forest sector) to efforts to eliminate corruption. Third, coalitions of environmental NGOs, social activists and the private sector have created market-driven certification systems with which to promote responsible business practices, effectively bypassing domestic regulatory and land-use policies. Fourth, even larger coalitions of companies, activists, governments and aid agencies have coalesced around market incentives to promote baseline ‘legality verification’ as a means for reinforcing domestic sovereignty.

Impacts on domestic policymaking

Boycott/targeting campaigns: Transnational environmental advocacy groups have been successful in creating negative impressions of tropical timber products (Klassen 2003). They appeal to consumers to boycott timber from particular species or places, or that has been harvested in ways deemed unsustainable, as part of a moral responsibility to alleviate forest destruction.

While it is difficult to tease out the effects of boycotts from other market-based approaches or pathways, market pressure from boycotts has coincided with the adoption, by governments, of forest policy responses aimed at safeguarding export-oriented forest industries. Wong (1998), for example, found that ‘no-buy’ pleas helped to reduce timber exports from Indonesia to Japan and subsequently helped account for certain Indonesian domestic forest policy responses. For example, the government reviewed the performance of logging companies and withdrew their concessions if their forest operations were below a certain standard (Dauvergne 1997).

Boycotts have also extended to developed countries with temperate forests, most notably Canada, where boycotts were used in British Columbia in the early 1990s (Bernstein and Cashore 2000) and in boreal forests in the last decade. In British Columbia a coalition of foreign and domestic environmental groups launched a successful boycott campaign,

mostly targeting the clearcutting of old-growth forests, in two of the province’s largest markets, Europe and the United States.* The provincial government responded in two ways: it announced that it was in the process of reforming its rules governing forest practices; and it lobbied European countries to counter transnational criticisms. There is direct evidence that the boycotts had an effect: British Columbia’s Premier Mike Harcourt acknowledged that the loss of markets motivated him to support policy change and mobilised domestic interests for policy change, although it also coincided with his own domestic reform agenda (Bernstein and Cashore 2000). A subsequent market-based campaign that focused on British Columbia’s Great Bear Rainforest resulted in a collaborative agreement between First Nations, forest companies, environmental groups and the provincial government to preserve vast tracts of old-growth forests and to engage in collaborative research into responsible harvesting practices in high-conservation-value forests (Natural Resources Defense Council 2001; Sierra Club of British Columbia 2004).

More recently, boycott and divestment campaigns targeted boreal forest conservation (Scher 2008). Covering 566 million hectares, Canada’s boreal forests account for a quarter of all forest remaining globally and form a unique and productive mosaic of interconnected habitats that include forests, lakes, river valleys, wetlands and peat lands, as well as tundra in its northern reaches. The United States-based Pew Charitable Trusts established the International Boreal Conservation Campaign to serve as an umbrella organisation for the domestic and international environmental NGO constituents of a new boreal coalition (Scher 2008). Two of these organisations – the Canadian Boreal Initiative and the Boreal Songbird Initiative – were also funded by Pew Charitable Trusts. The coalition travelled the markets pathway to bring attention to the plans of the forest, mining and oil industries to conduct commercial activities in much of the boreal forests. Simultaneously, it engaged in coalition-building along the direct access pathway.

A range of domestic policy reforms consistent with the campaign’s objectives have been undertaken since the launch of the campaign. Between 1999 and 2005, 26.5 million hectares of the boreal forests were placed under strict protection and an additional 12.1 million hectares were placed under interim or imminent protection (IBCC 2007). In November of 2007, Prime Minister Stephen Harper announced the protection of a further 10.3 million hectares in the

* The United States accounted for 59% of British Columbia’s forest products export market, the European Union 11% and Japan 21% (Natural Resources Canada 1998)

Northwest Territories. In July 2008, Ontario Premier Dalton McGuinty pledged to protect half of Ontario's northern boreal forest from resource extraction, an area amounting to roughly 26 million hectares, which is larger than the land area of the United Kingdom (Boyle 2008; Pala 2010). Soon thereafter, Quebec Premier Jean Charest also announced that half of Quebec's northern forest would be protected from development and resource extraction. These two recent announcements in Ontario and Quebec constitute two of the largest conservation actions in the history of North America. They push the total area of the boreal forests brought under permanent or interim protection since the inception of the campaign to 23% of the total area (IBCC 2008); an additional 8% of the area was already under protection.

In May 2010 the campaign led to the signing of yet another historic agreement. The Forest Products Association of Canada, a trade association that represents the majority of logging companies in Canada, announced the biggest forest-conservation deal in history. Each of the 21 members of the Association will set aside for protection slightly less than half of the land for which they hold leases across seven provinces; in aggregate, this amounts to more than 30 million hectares of Canadian boreal forest. In addition, Association members have pledged to manage the remainder of their leases to protect ecologically and culturally significant sites and to have their commercial operations certified by the FSC. In return, nine environmental NGOs, including Greenpeace and The Nature Conservancy, have pledged a moratorium on market campaigns against the products of Association members.

Despite these successes, research has shown that, overall, targeting and boycotts, especially when used as the primary source of leverage, have had very uneven success. In the late 1980s and early 1990s, for example, transnational actors attempted to use global markets to force policy responses in Latin America and other tropical forested regions by threatening boycotts of tropical timber. These attempts largely failed, however, due in part to their "limited latitude for action" within the international trade regime and the subsequent threat of trade sanctions from producer countries (Bass and Guéneau 2005: 8). Without direct evidence from political leaders, too, it is difficult to know if boycotts are necessary or sufficient for policy change, since policy change that appears to be in response to a boycott may actually be the result of domestic dynamics or action taken along other pathways, which often coincide with market campaigns. The agreement between the Forest Products Association of Canada and environmental NGOs described above is an example of change via a direct access pathway, with the threat of boycotts (the markets pathway) providing considerable

Single-agency efforts: Our review of single-agency

efforts draws on examples of well-intentioned efforts by the World Bank to promote improved forest governance in developing countries. However, these examples should be understood in the wider context of the increasingly active role of the World Bank in environmental policy generally, and forest policy in particular.

Given its financial resources, political backing and expert-driven policies, the World Bank often takes a lead role among international agencies, and it has also been at the forefront of promoting neoliberal environmental policies. It first explicitly articulated this view of the environment in the 1992 World Development Report, which promoted the view that economic growth without environmental deterioration could be achieved through market liberalisation, private property rights and the use of market instruments to change environmentally damaging behaviour—what it called 'win-win' solutions (World Bank 1992). Since then, however, the World Bank has tempered this view with an emphasis on good governance and other evolving policies, sometimes in response to criticisms from members and environmental NGOs (Park 2007). The examples below focus only on the World Bank's significant, although often short-lived, impacts, and sometimes those of the International Monetary Fund (IMF), in pressuring countries to undertake specific policy reforms.

In Indonesia, the World Bank insisted that the country remove its restrictions on raw log exports (Goodland and Daly 1996); officials at both the World Bank and the IMF reasoned that this would promote economic growth and therefore alleviate poverty (Barr 2001). Recognising the importance of both the rule of law and development to the alleviation of poverty, the World Bank also promoted decentralisation, believing that it would permit forest-dependent peoples to share in the prosperity that economic growth promised. The Bank also undertook a broader effort to promote SFM in Indonesia by financing several forest-sector projects (Dauvergne 2001) and promoted the rationalisation of the domestic regime to improve the sustainability of forest operations and processing industries. The effort involved three main strategies: improved enforcement of the silvicultural system; increased capture of timber rent; and improved efficiency of logging operations, processing industries and marketing (Barr 2001). Initially the Government of Indonesia attempted to minimise the involvement of the World Bank in the sector (Gautam et al. 2000), but it became more favourably disposed towards its involvement in the wake of the 1997 Asian financial crisis. A bail-out agreement with the IMF required the government to adopt the World Bank's forest policy strategies (Barr 2001; Dauvergne 2001).

Also in Southeast Asia, the World Bank promoted greater access and resource rights in the Philippines

and Cambodia. In both countries the hypothesis driving these efforts was that the greater integration of forests into the local economies of rural communities would create greater local commitment to forest conservation and SFM.

In Central Africa, the World Bank has used its structural adjustment programmes and Heavily Indebted Poor Countries initiative during times of economic hardship to influence forest policymaking. For example, Karsenty (2006) argues that it is not coincidental that Cameroon became the first country in the sub-region to adopt a new forestry code and to undergo a structural adjustment programme. The World Bank economists who piloted forest-sector reforms in Cameroon acknowledge that: “The economic crisis gave the World Bank and the IMF an opportunity to introduce and support far reaching reforms in the forest sector ... The forest sector was a focal point of three successive adjustment programs ... : the Economic Recovery Credit of 1994 and the second and the third Structural Adjustment Credits” (Topa et al. 2009: 23). The Bank built a broad coalition of donors and influential international NGOs (e.g. the World Wide Fund for Nature – WWF, the Wildlife Conservation Society, the World Resources Institute, the International Union for Conservation of Nature and the Last Great Ape Organization). It also presented the reforms as a set of conditionalities to be met by the government in order to gain access to international financial support. The Government of Cameroon responded by adopting all the proposed reforms at the regulatory and institutional levels. However, the results have been unconvincing in some areas – such as community forestry, where “generating significant income from community forests has proven difficult” (Topa et al. 2009: 106).

Certification: Certification is a global-supply-chain-focused institution that may be characterised as an example of non-state, market-driven global governance. The concept was first raised at the international level by NGOs in 1989 in the context of ITTO (Elliott 2000; Gale 1998). At first it was met with resistance from tropical producer countries; thus, ITTO decided not to endorse any particular certification system (although it did provide expertise and resources to member countries that wished to pursue certification of their own accord). This, combined with a general frustration of many of the world’s leading environmental groups over the failure of intergovernmental efforts to achieve a binding global forest convention, led WWF to spearhead a coalition of environmental, social and business activists to establish the FSC in 1993 (Humphreys 2006).

The development of certification systems tapped into emerging normative support for win-win solutions by simultaneously championing markets, the amelioration of environmental functions in the

world’s forests, poverty alleviation, indigenous rights and community participation. This normative underpinning may explain the longstanding World Bank support for FSC-style certification, which represents an opportunity to support socially and environmentally responsible practices in ways that are consistent with the World Bank’s broader neo-liberal goals.

The FSC developed ten (abstract) principles that set the *goals* of responsible forest management, with concrete criteria detailing policy *objectives*. These principles and criteria are both prescriptive and wide-ranging; they address a host of natural resource management challenges, including biodiversity, local water pollution and wildlife protection, as well as community rights and worker protection (Meidinger 2003).^{*} Specific policy prescriptions are to be developed through national or sub-national multi-stakeholder bodies charged with incorporating ecological and social knowledge into those prescriptions. For certification, the FSC also requires third-party compliance audits of operators. If successful in their bid to receive certification, operators are awarded with an eco-label with which to promote their corporate image and to meet demand along the supply chain for certified products.

While many companies and forest industries initially balked at the idea of outside scrutiny of their forest practices, two discernible trends had emerged by the mid 2000s. First, most industrialised countries in North America and Europe came to embrace third-party certification; many supported FSC competitors that emerged in the 1990s, the standards of which are generally more flexible than those of the FSC. In addition, because these competitor schemes were initiated by forest-owner and/or forest-industry associations, their governance structures have tended to downplay the role of environmental groups. Instead, they give a greater role to producers and to non-environmental stakeholders and conservation groups that are closer to the centre of the political spectrum; partly as a result, such schemes are more limited in scope than the FSC. This pleases some forest owners, who feel that FSC requirements are too cumbersome and/or too expensive for current markets. Recently, most of the non-FSC schemes have come under the umbrella of the Programme for the Endorsement of Forest Certification (PEFC) (Humphreys 2006; Vallejo and Hauselmann 2001).

^{*}The ten FSC principles are: (1) compliance with laws, international agreements, and FSC principles; (2) tenure and use rights and responsibilities; (3) indigenous people’s rights; (4) community relations and worker’s rights; (5) multiple benefits from the forest; (6) environmental impact and biodiversity conservation; (7) management plans; (8) monitoring and assessment; (9) maintenance of high conservation value forests; and (10) plantations.

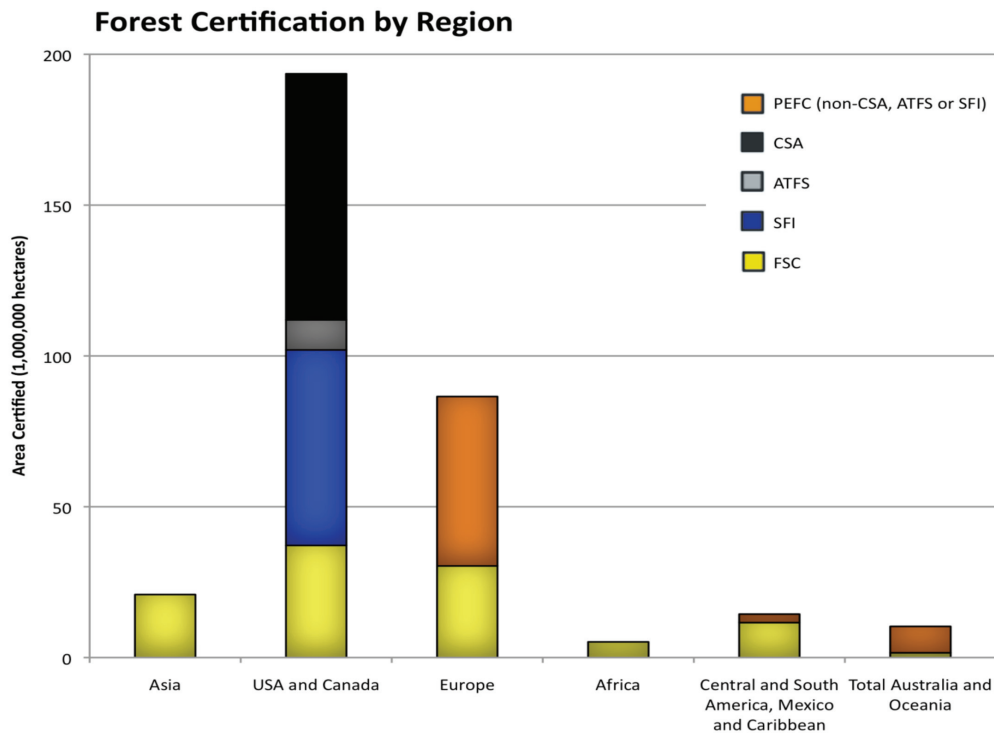


Figure 7.1 Forest certification by region (PEFC = Programme for the Endorsement of Forest Certification schemes; CSA = CSA International; ATFS = American Tree Farm System; SFI = Sustainable Forestry Initiative; FSC = Forest Stewardship Council). Graph compiled by Ben Blom. Sources: ATFS 2004; FAO 2005; FSC 2010; PEFC 2009; SFI 2010.

Despite individual cases of success, aggregate data reveal that, after more than a decade, less than 5% of the global area of certified forests is found in the tropics, initially the target of many proponents of certification (Eba'a Atyi and Simula 2002). In fact, much of the support for FSC and PEFC certification (and most of the certified forest – see Figure 7.1) is in North America and Europe, where policy enforcement is already relatively strong (Esty and Porter 2002) and where, at least on public lands, policies are quite prescriptive. Widespread support in developing countries in general, and in the tropics in particular, continues to be elusive.

Hence, one of the key issues for generating broader support for certification in developing countries has been whether and when private institutions might be able to adapt and respond to new challenges in ways that either bypass or intersect with intergovernmental and domestic efforts.

One of the first responses to uneven support for certification was to provide additional incentives to companies in the tropics, who face greater obstacles in adopting policies consistent with certification than their competitors in developed countries. Numerous players have emerged that provide assistance by linking responsible timber producers and consumers and by providing support for the verification of legality and/or sustainability. For example, the Tropical Forest Trust TFT) works with and gives companies

access to FSC markets in return for a commitment from companies to become certified. It has developed the Forest Market Linking Program to provide assurances of legality to buyers. In Indonesia, the TFT assists companies who wish to establish chain-of-custody systems in support of specific market requirements.

Transnational actors have also used the markets pathway to support consumer–producer networks for sustainable timber products and forest certification throughout the region. In particular, WWF facilitates trade linkages between companies committed to achieving and supporting responsible forestry through its Global Forest Trade Network (GFTN) programme. Such linkages have been established in Mesoamerica, the Caribbean, Bolivia, Brazil and Peru.

Legality verification: More recently, focus has shifted from certification to promoting baseline governance through the verification of legality – in many ways reinforcing sovereignty rather than bypassing it, as certification has attempted to do. Here, we discuss how three pathways towards policy change have intersected to produce innovative effects.

As Tacconi (2007) notes, NGOs such as the Environmental Investigation Agency, The Nature Conservancy and WWF attempted to use the foreign-market dependence of the Indonesian forest sector to bring about change to policies concerning illegal

logging; they sought to organise boycotts of Indonesian timber products in Europe and to influence markets in China and Japan. Our above discussion on the international rules pathway discussed how domestic legislation in the EU and the United States has increased the international obligations of both by requiring greater efforts to reduce imports of illegal wood. This has had the effect of enhancing market pressure, potentially setting the stage for improving domestic public policy efforts in developing countries, which has, in turn, facilitated the direct access pathway. Hence, understanding how the market pathway might intersect with efforts undertaken along other pathways is important to producing effective and enduring results.

To be sure not all of these intersecting pathways produces uniform results across time or space. The EU's efforts on illegal logging a decade ago can be seen as a reaction to the market pressure exerted by NGOs but these efforts stand in contrast to the limited public policy impact that similar market campaigns have had in Japan and China. Likewise, public policy responses in Indonesia to EU market pressure were 'paper' edicts only. They included Presidential Instruction Number 5 Concerning Eliminating Illegal Logging and the Illegal Timber Trade in the Leuser Ecosystem and Tanjung Puting National Park, issued on 19 April 2001; and the Statement of the President of the Republic of Indonesia on Repressive Measures Against Illegal Logging, issued on 24 April 2001 (Currey 2001; Tacconi 2007).

However, ongoing market pressure to institutionalise market incentives led the EU and the United States to develop formal policies to weed out illegal logging. As discussed above, this included the negotiation (in the case of the EU) of VPAs with individual countries and the passing of legislation (in the case of both the United States and the EU) that requires importers to show due care in ensuring that they are not importing illegal timber. These developments have led to the emergence of legality verification, in which third-party auditors assess forest practices to determine whether they meet baseline legality requirements. Products that meet those requirements obtain a label that importers can use as evidence that they have shown due care in avoiding the importation of illegally obtained products. Even the more formal VPAs have provisions for the third-party, non-governmental auditing of forest practices to verify that companies and governments are meeting their commitments. The process is framed within a 'timber legality assurance system' (TLAS) that includes a clear definition of legality, verification, independent monitoring, the issuing of licenses, and chain-of-custody control (Lawson and MacFaul 2010).

The VPA between Indonesia and the EU (Colchester 2006), while an understandably cautious process,

was the first complete agreement in Southeast Asia framed within a TLAS. As Maryudi (2009) explains, the Indonesian TLAS (*Standar Verifikasi Legalitas Kayu – SVLK*) was submitted to the Ministry of Forestry in 2008 following five years of negotiation under the auspices of the UK–Indonesia Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan. The lengthy process was due in part to debates about whether the agreement would merely cover the distribution and trade of timber products or also broader forest management questions such as planning, implementation and harvesting. Another key point of contention, which may reflect differing competing interests domestically, was that EU negotiators requested that the third-party verifiers of legality be mutually agreed. The Government of Indonesia acceded to this request in August 2009, paving the way for a formal agreement.

Similar results have occurred in Africa, where the dependence of the timber sector on EU markets has been a catalyst for governments, including Ghana and the Republic of the Congo, to engage in negotiations with the EU on VPAs.

These approaches are not a panacea to problems of forest governance, and their impacts on the ground remain to be seen. There are also some indications that gains from curtailing *illegal* logging may be countered by increases in unsustainable legal logging (Lawson and MacFaul 2010). Nevertheless, the combination of the markets, international rules and market access pathways appear to hold promise in ways that a single pathway may not. It is for this reason that Maryudi (2009: 11) argues that the approval of the SVLK and the signing of the VPA in Indonesia appear "to hold potential for working in tandem with local institutions, to develop a durable and effective institution for reducing illegal logging in the country".

Corporate social responsibility: Worldwide there is an undeniable trend towards the adoption, by companies of corporate responsibility (CR) practices, motivated by 'soft' economic pulls such as the benefits that can accrue to companies that are seen as responsible stewards. In the forest sector, much of this is a logical extension of forest certification; nevertheless, the range of CR practices is now quite diverse (Vidal and Kozak 2008b). Forest companies in Africa and Latin America are adopting practices related to health, education, training and community development; Asian companies are more concerned with emissions control, energy efficiency, and recycling; and North American and European companies are concentrating on SFM (Vidal and Kozak 2008a).

The reasons underlying the adoption of CR practices by forest companies are also diverse, but they generally seem to revolve around legitimisation and improved transparency. The aims are to address in-

creasingly rigorous societal expectations regarding the stewardship of forest resources; demonstrate a commitment to sustainability; and, ultimately, maintain market share (Jenkins and Smith 1999; Panwar et al. 2006). The multi-dimensional nature of the phenomenon speaks to the need to disentangle the market benefits from the normative constructs inherent in the national and company-level environments (Vidal and Kozak 2008a).

7.4.4 Direct access to the domestic policy process

Key developments

Although perhaps the least studied of the four pathways, the direct access of international forest institutions and organisations to domestic policy processes has arguably had the biggest impact on domestic policymaking. Direct access captures those processes in which non-domestic financial resources, technical knowledge, expertise, training and learning can dramatically shape domestic politics. It works by mobilising societal interests, generating new coalitions or confronting existing ones, and providing resources for effective and enduring impacts on domestic governance and policy networks. As Singer's (2008) assessment of the impacts of the international forest regime in Cameroon, Indonesia and Brazil finds, "What makes the strength of the IFR [international forest regime], therefore, is not its formal framework or the official negotiations ... but rather its informal aspects. In particular, principles and policy networks ... have transcended spheres and contributed to shaping Brazilian, Cameroonian and Indonesian FRPs [forest-related policies], and vice-versa" (Singer 2008:363). Similarly, informal policy networks, such as ASEAN's regional knowledge networks, seem to be particularly effective in Asia because of "a cultural aversion to formal institutional arrangements and a reflection of an Asian style of governance and diplomacy" (Nesadurai and Stone 2000). Unquestionably, a range of international aid agencies, institutions, NGOs and educational institutions have travelled this pathway in the last 20 years under the auspices of 'capacity building', which often works to reinforce, rather than to directly challenge, domestic sovereign authority.

The enormity of this effort and its impacts means that we can only summarise a few examples through which the direct access pathway has shaped and influenced domestic forest governance. It has done so by providing resources to civil-society organisations, thus changing the relative influence of different actors and domestic policy networks; fostering and nurturing domestic governance learning networks

across coalitions; and assisting governments in enforcing or implementing domestic policy commitments by providing technical expertise, resources and incentives.

The evidence below both reinforces and requires an expansion of the analysis of this pathway by Bernstein and Cashore (2000). It confirms the attention of the original analysis to the role of outside actors in changing domestic policy networks, but adds to it an emphasis on how policy learning can shape domestic politics in unintended ways (Howlett and Ramesh 2002, 2003; Howlett and Rayner 2006).

Impacts on domestic policymaking

Domestic civil society: One of the most intriguing ways in which non-domestic organisations affect domestic policy is the use of resources from foundations, environmental NGOs, companies and government agencies to leverage or grant more resources and staff for existing domestic organisations and/or to create new domestic organisations or coalitions (Balboa 2009). For example, foundations and environmental NGOs in the United States influenced Canadian forest policy in this way, beginning in the 1980s. Working first in British Columbia and then expanding to include the Canadian boreal forests, these groups combined market-based and direct access approaches. The latter included the granting of financial resources to environmental NGOs and marginalised groups, including First Nation groups, which provided them with the staff, time and expertise to become active in the domestic policymaking process. While it is difficult to tease out the causal impacts of the direct access pathway compared to the markets pathway, it seems likely that the direct access approach increased both the pace and scale of forest policy reforms (Scher 2008).

Direct access strategies have been pursued in developing countries, especially in Southeast Asia. In Indonesia, a range of non-domestic groups took advantage of the fall of the Suharto regime to strengthen civil society with a view to fostering new ideas and interests within domestic policymaking (Okamoto 2001). For example, organisations such as The Nature Conservancy successfully became involved in policy networks, partly because of the fragmentation of authority that followed the decentralisation of the government administration (Barr et al. 2006).

A number of donor agencies, including the UK Department for International Development and Norway's Partnerships, as well as transnational environmental NGOs, have actively sought to promote social and environmental values in forest management in Indonesia. Initially, the focus was on forest practices; illegal logging; democratic decision-making and forest governance; poverty alleviation among

forest dwellers; resolving tenurial problems; and increasing local forest management. Recently, many donors have begun to focus on climate-change mitigation and adaptation.

There is strong evidence that the direct access pathway helped environmental NGOs and interests in Indonesia to implant strong environmental and social protections within the new Indonesian forest law. Non-domestic organisations sought alliances with local counterparts, research institutions and universities. The Center for International Forestry Research and the country's two leading forest universities (Bogor Agricultural University and Universitas Gadjah Mada) remain the most prominent focal points, providing science-based policy inputs.

However, the ongoing and dynamic nature of these efforts in Indonesia, and the broader market forces of economic globalisation, which have resulted in the significant conversion of natural forests to plantations, mean that this direct access pathway has had mixed results. There have been significant challenges in implementing the new forest law, including the fragmentation of authority. Thus, even if the involvement of non-domestic actors has helped to influence domestic policy networks, they do not appear to have had a discernible impact on the ground. The private sector remains highly influential, and disentangling the interests of business and government is often difficult. Domestic challenges in the implementation of new laws, and the short attention spans of international donors – who move quickly from one instrument (such as forest certification) to the next (such as REDD) – have placed sometimes confusing and conflicting demands on government policymakers. Perhaps in part for these reasons, international NGOs such as The Nature Conservancy that have partnered with domestic organisations in Indonesia appear to have made more headway in influencing local-level governments* than in either making changes to land-use policies or influencing national-level policies.

The dominant strategy among environmental NGOs is to travel simultaneously on the direct access pathway *and* the markets pathway. For instance, WWF created a Southeast Asia focus NGO – Traffic – to partner with domestic organisations, including government agencies, to help reduce illegal logging in the region.

In contrast to initiatives with a broader focus on SFM, direct access initiatives on the verification of legality appear to be gaining in strength and impact. In Peninsular Malaysia, for example, the government has instituted a number of measures to curb

illegal logging, including spot checks, helicopter surveillance, regular training programmes for officers and public awareness campaigns. In Indonesia, the Ministry of Forestry has increased the number of forest guards, trained them to prevent illegal logging and, following civil-society demands, enacted the Anti-Money Laundering Act (in 2002) and ratified the United Nations Convention against Corruption (in 2006).

The direct access pathway has a longer history in Africa than in Southeast Asia. It was not until the early 1990s, however, that forest-focused international organisations began to target forest policy there, as illustrated by developments in the Central African forest sector. Until the late 1980s, most donor projects, including those of the Canadian International Development Agency (CIDA), focused on field practices, experiments and inventories. Beginning in the 1990s, however, CIDA's approach in Cameroon moved towards engagement with the central forest administration. It created an advisory office adjacent to the office of the National Director of Forests and included in its desired outputs key elements of the legal and institutional forest management framework. During the first phase of the project, from 1992 to 1995, Cameroon adopted a new forest law and created a zoning (land-use) plan for its southern rainforests. CIDA's success in influencing Cameroon's forest policymaking process served as an example to other donors. By 2000, the minister responsible for forests and wildlife had technical advisors or advisory teams from France, Germany, the UK and Canada. Currently, all ministers dealing with forests in Central Africa have access to permanent technical advisors or advisory projects funded by donor countries. The aim is always to institutionalise newly introduced forest management approaches through laws, regulations or official guidelines adopted following policymaking processes. As a result, Singer (2009:357) found that travelling this pathway led to "a new network ... which has determined the main direction of Cameroonian [forest resources policy] in the last decade."

International NGOs also became active. For example, WWF has engaged with the Government of the Democratic Republic of the Congo to enforce policies within forest concessions. The project addresses the implementation of the forest administration's official guidelines governing concession forest management. It also reinforces the international norms and discourse pathway because it incorporates internationally recognised forest management norms such as the African Timber Organization/ITTO principles, C&I for the sustainable management of African natural tropical forests and some aspects of the FSC principles and criteria.

Direct access strategies have also been undertaken by more radical international NGOs advocating

* The Nature Conservancy has been active in the Berau District, East Kalimantan, collaborating with the district government in developing REDD activities.

the banning of industrial timber harvesting in the Congo Basin. These NGOs develop networks of local NGOs that relay their opinions during domestic stakeholder consultation processes. For example, an open letter to the minister in charge of forests in the Democratic Republic of the Congo was published in April 2008 requesting a “moratorium on new industrial logging titles” in the country. A group of international NGOs – Greenpeace, Global Witness and the Rainforest Foundation – signed the letter along with a representative of a network of ten local NGOs. Similarly, the German-based Rettet den Regenwald organised national NGOs in Gabon to oppose, in 1996, the first FSC certificate granted in the sub-region (to the logging company Leroy Gabon). The certificate was later withdrawn (Eba’a Atyi 2006).

Fostering learning across coalitions: An under-explored impact of international forest governance arrangement is their role in fostering learning across domestic coalitions. For example, the C&I processes dominant in the 1990s focused NGOs, governments and industry organisations on ‘how things work’, which led to a realisation of the importance of collaborative learning, especially on such complex issues as forest management. Likewise, development assistance agencies that support FLEG processes frequently foster learning among disparate stakeholders. For example, German Technical Cooperation (GTZ) has started to provide funds to numerous local agencies, including the Indonesian Forest Agency, to carry out research on the impacts of conventional logging as well as trials on reduced impact logging. It also provides technical assistance to improve the standard of operations. Another international body, the Tropical Forest Foundation, helped to provide the Government of Indonesia with a scientifically sound foundation for reduced impact logging, leading to the development of guidelines for better forest practices (Klassen 2003).

In Latin America, transnational actors and international institutions have influenced and in some cases directly accessed domestic forest policymaking processes, largely through the provision of resources, knowledge, training and finance. In Costa Rica in the mid 1990s, for example, the United States Agency for International Development (USAID) strengthened the historically poorly organized private forestry sector with organizational knowhow and funding, establishing the Costa Rican Forestry Chamber (CCF). The CCF became the main advocate for the timber industry and was a significant stakeholder in the development of the 1996 forest law (Law No. 7575) (*ibid.*). In Bolivia, one of the key factors in reform was the emergence of political conditions that were favourable to democratic participation. As a result, an intensive dialogue on forest-sector issues took place with the engagement of many stakeholder groups.

International assistance agencies such as USAID, FAO and the World Bank, along with international environmental NGOs, contributed to the dialogue by providing funding, technical information and advice to decision-makers (Pavez and Bojanic 1998).

In Peru, the government’s interest in improved forest practices shifted in 2002–03 with the implementation of the new forest law. With the support of (principally Dutch) development agencies, the then Minister of Agriculture brought together a coalition of government forest officials and non-government forest stakeholders (Smith et al. 2006). The combined weight of this coalition was able to counteract those opposed to the new law. The coalition built on and expanded a round-table of stakeholders to develop a consensus on the implementation of the new law, and presented its feedback and recommendations to the government (Smith et al. 2006).

Regional-level strategies to foster learning, such as ‘capacity development’ for knowledge transfer and mutual learning processes among peer countries (e.g. Goehler et al. 2009; Goehler and Schwaab 2009), are also being promoted by development agencies (Ferroni 2001). In a seven-year regional program with ASEAN, for example, GTZ provided advisory services and financial resources to both formal intergovernmental bodies, such as the ASEAN Senior Officials on Forestry, and the more informal ASEAN regional knowledge networks. Focused discussions on specific policy interventions were led by the ASEAN Working Group on a Pan ASEAN Timber Certification Initiative. These helped to foster agreement by all ten ASEAN member states on a regional guideline for phased approaches to forest certification and on the ASEAN C&I for timber legality (Hinrichs 2009). The EU, GTZ and USAID supported the working group with technical expertise and financial resources.

In 2008 ASEAN established regional knowledge networks on FLEG and forests and climate change, with the primary motive of better informing decision-makers through policy-oriented research as a precondition for effective policy implementation (ASEAN 2008, 2009). GTZ played an initiating role, advised on network management and, together with AusAID and the World Bank, provided financial resources for network activities. The regional knowledge network on FLEG organised a learning process in which countries shared their professional views, developed collective wisdom on FLEG, and shared experiences about the successes and failures of FLEG policies (Pescott et al. 2010).

It is difficult to establish a cause-and-effect link between these processes and subsequent change, or to attribute such change to specific capacity-building activities. An evaluation by the World Bank assessed the majority of its regional programs as effective and suggested that “even stronger results could be

achieved if support for regional programs were better developed as an international aid practice” (World Bank 2007b). In a similar vein, Birdsall (2004) argues that regional public goods in developing countries, such as forests, are under-funded despite their potentially high rates of return compared to traditional country-focused investments.

Recognition of the importance of understanding the impacts of single policy interventions on different pathways is illustrated by the influence of the FLEGT process in Central Africa. While drawing on the markets pathway for economic incentives, these efforts have also led to considerable direct access interventions such as capacity building and coordination. In preparation for VPAs, for example, the Republic of the Congo, Cameroon, Central African Republic and Gabon all initiated efforts to permit independent observers to monitor their forest operations. Subsequently, NGOs working to promote transparency, such as Global Witness and Resource Extraction Monitoring, became involved in forest monitoring – a sovereign state activity – and their monitoring reports were disseminated widely. Cameroon and the Republic of the Congo have also worked with the World Resources Institute to develop interactive forest atlases showing forest concessions, which have been made available publicly. In the Democratic Republic of the Congo, the development of a legal framework for forest management and the conversion of former logging titles to concessions have been done with notable transparency. At each stage of the process the forest administration has worked consistently with national and international NGOs, as well as with technical international donors and private-sector partners (Eba’a Atyi et al. 2008).

7.5 Findings and conclusions

The following three broad conclusions emerge from our review:

- 1) Domestic effects cannot be studied simply by looking at the international rules pathway, even if one takes into account the fragmentation and institutional complexity of forest governance that arises due to the lack of a comprehensive international forest regime. The literature shows significant effects along the three other pathways. Broadly speaking, the direct access pathway shows the most widespread effects, both directly and through interactions with activities along other pathways.
- 2) Globalisation does not always lead to downward pressure on environmental and social standards. Its interaction with internationalisation, as defined here, can push in ways that either do, or hold

the potential to, ‘ratchet up’ policies and behaviours. The literature on the globalisation of the forest sector is relatively well developed, and the literature on forest governance and the political economy intuitively recognises that the globalisation/internationalisation relationship is complex; nevertheless, few studies address this interaction explicitly. The next step is to explore the conditions under which these counteracting effects ratchet down standards and lesson enforcement, provide incentives for illegal practices, or produce effects that are beneficial to environmental quality. There is no consensus in the literature on which of the four internationalisation pathways are likely to be most successful. There is a tendency in the literature to move away from a focus on international rules towards market-based interventions, but this trend appears to stem more from an analysis of actual policy instruments than from a systemic comparison of the countervailing effects of each pathway or their interactions with globalisation.

- 3) While we know a great deal about activities along each of the pathways, there is still a significant gap in knowledge of causality. In other words, very little of the literature explicitly explores the conditions under which activities or institutions along particular pathways will have their desired effects.

In the remainder of this section, we work inductively from our review to offer preliminary propositions for addressing areas identified above where more work is needed.

While some of the propositions made below were anticipated in the Bernstein and Cashore (2000) study around which this review was organised, recent research and evidence suggests important modifications.

Pathway 1: international rules

International agreements affect domestic policy to the extent that they create binding obligations on states through international law. This proposition reflects a standard view of how international law works. We saw evidence of it in the case of the United States–Peru Trade Promotion Agreement and in examples from CITES. This proposition is a baseline, however, in the sense that the large literature on compliance and effectiveness suggests that implementation and compliance are dependent on a range of further conditions. Notably, owing to the lack of international forest-focused hard law, non-forest-focused hard-law instruments, and some soft-law instruments, are having a much greater effect than

one might expect. There is little research, however, on why some instruments have had greater – or have the potential to have greater – impacts than others. It is therefore difficult to draw firm conclusions on whether particular initiatives – such as REDD+ – are likely to have a greater policy impact than existing instruments.

Transnational and/or domestic coalitions for change can activate rules in cases of non-compliance. Rules can become a resource on which transnational and/or coalitions of domestic actors can draw when governments do not comply, although the ability to mobilise may vary between domestic settings. When mobilisation is possible, groups can publicise non-compliance, pressure governments to live up to their commitments, and press governments to launch disputes against other countries that do not fulfil their obligations.

For countries dependent on trade or foreign capital under conditions of increasing globalisation, fear of losing market share and investor confidence acts as an added incentive to comply with international rules. Again, the United States–Peru Trade Promotion Agreement provides good initial evidence for this proposition, since the promise of market access, and the threat posed to it by illegal logging, provided a strong incentive for Peru to sign the deal. Similar dynamics underlie FLEGT agreements. It is also notable, however, that many of the reforms necessary for the United States–Peru Trade Promotion Agreement were already under way before the agreement was struck and could be linked to other pathways and to domestic pressure.

Agreements on international rules with strong compliance mechanisms are more likely when such agreements reflect rules or processes already under way domestically owing to interaction with other pathways. Of all the trade agreements between the United States and Latin American countries, the only one with strict rules on forests involves Peru, which had initiated reforms in the early 2000s in advance of the treaty.

Pathway 2: international norms and discourse

While much of the literature suggests that international norms and discourse have significant influence, little of it addresses why or how particular discourses or norms have been internalised into policy and behaviour. Therefore, the propositions below are suggestive, drawing as much on the theory-based literature as on examples in forestry. For example, they are consistent with Keck and Sikkink's (1998) argument that 'dynamic' factors in domestic politics – such as how proposals for change 'fit' with other re-

lated policies, the changing positions of government, and the dominant ideologies or cultural discourse and practices – better account for the success of transnational campaigns for change. It is also clear from evidence that the learning gained through United Nations conferences and processes as well as through participation in other international organisations has played a role in the dissemination of forest-related international norms and that governments have taken their cues from these processes.

Dominant norms agreed to in international forums and promoted by powerful independent observers such as the World Bank are likely to be drawn upon by governments facing external pressures to change policies.

Strategies for change based on international norms and discourse depend on the moral vulnerability of the target state. They also depend on the ability to engage other states and actors in placing the issue on the global agenda, whether by reformulating current norms and ideas or by introducing new ones. Cases in most regions suggest that targeting on moral grounds has been an effective strategy, although it is unclear whether this has resulted in long-term, or the institutionalisation of, policy change.

Pathway 3: markets

Relative dependence on foreign markets and the success of transnational actors in convincing consumers to exercise consumer preferences are key determinants of policy influence. Boycott strategies give the appearance of short-term success, but long-term efforts require more enduring forms of non-state authority, such as certification.

Hence, the durability of policy responses is conditioned upon maintaining transnational pressure. All things being equal, if pressure is not maintained then 'downward' measures in response to globalisation are likely.

Normative changes in response to such pressures alone are unlikely. In almost all cases, significant institutionalisation of change that reflected new forest-related norms has resulted from pressures or activities along a number of pathways and not from boycotts alone.

Pathway 4: direct access to the domestic policy process

Our review generally found three ways in which the international forest regime influences the domestic policy process through the direct access pathway. One was through the provision of financial resources to assist existing civil-society organisations or to help create new organisations. These efforts can help shift the balance of power in domestic policy processes and provide access to often marginalised or disempowered organisations, such as indigenous groups, forest-dependent communities and environmental NGOs. However, broader questions of democracy, transparency, openness and accountability are pre-requisites for the successful use of this strategy. Meeting such preconditions may take time, since they are not sector-specific.

We uncovered two other strategies that were not envisioned by Bernstein and Cashore (2000). *Direct influence on the domestic policy process can result from international efforts to build cross-stakeholder learning about how policy interventions may yield better environmental, social and economic performance on the ground.* The effects of this policy learning arise when it uncovers win-win opportunities that previous hostilities prevented from emerging (Sabatier 1999; Hall 1993).

Policy learning is likely to have influence when it addresses specific questions that improve forest management practices rather than larger issues, such as economic demands to convert natural forests to plantations.

Finally, an underexplored strategy that has gained increasing interest among a wide range of international and domestic practitioners concerns efforts to help governments to enforce or implement their own laws. The potential for impact with this strategy is significant because – unlike other strategies – it reinforces the policy objectives of the national government which, owing to a lack of capacity and resources, it is unable to enforce or implement. Thus, *direct access through enforcement/implementation strategies are likely to yield swift and immediate results, as long as international actors and organisations do not add additional requirements to which the domestic government does not agree.*

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