Governance

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1. Introduction

At its most fundamental level, governance is about who decides what about the management of our forests. Governance arrangements are best conceptualized as varying across three dimensions:

- Who participates in what decisions (the *political* dimension)
- At what level are decisions made (the *vertical* dimension)
- With what instruments (the *regulatory* dimension) (cf Tollefson et al forthcoming).

With respect to the political dimension, there has been a great deal of emphasis given to the "new governance" over the past decade, but the central question of governance remains the allocation of decision-making authority between the state and the private sector, broadly defined to include non-governmental organizations. Throughout recent history, there have been some important changes in who has played a role in decision-making. In the vertical dimension, forest management in Canada has been dominated from the outset by provincial governments. Over the past decade, provincial dominance has been challenged by internationalization and, to a lesser extent, a push for devolution of authority to communities. Along the regulatory dimension, we have also witnessed a dramatic increase in the role of command-and-control regulation and a more recent emphasis on "softer" policy instruments.

This paper provides an overview of the governance driver. First, it examines governance in the context of Canadian forestry by outlining the implications of governance for other drivers, and then how other drivers might influence governance. Second, we examine trends in governance over the past several decades, organized around the three dimensions outlined above. Finally, the future of forest governance is examined by considering several plausible scenarios for governance arrangements that are combinations of different locations along the three dimensions described above.

2. Governance in the Context of Canada's Forests and Forest Sector

Governance matters because it constitutes the mechanisms through which society attempts to control how forests are used and managed for the public good. The design of these mechanisms can have significant influences on the outcomes and consequences of the political process.

Table 1 provides a summary of the implications of governance for other forest sector drivers. Historically, governance has the most direct impact on decisions about how forest land is used

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and managed. Control over activities on the forest land base have been exercised through granting property rights outright, the allocation of rights to harvest timber through tenure arrangements, land-use zoning decisions, and forest practices regulations. The policies can affect ecosystem health by regulating the industrial intensity of land use. They can also affect how timber production competes with other economic uses of the land, including agriculture, energy development, mining, and urban development. Forest policies can also affect industry structure by shaping the costs and benefits of industrial investment. For example, large area-based tenures for timber have been allocated by provinces with the express purpose of attracting the capital necessary to establish large manufacturing facilities.

Table 1: Influences of goverance on other drivers

Driver	How Governance in Canada Affects the Driver
Global Climate Change	Little direct influence given the size of Canada's greenhouse gas contributions.
Global Wood Supply	Little direct influence.
Forest Products Demand	How effectively Canadians govern their forests could be a major factor in the international market share of Canadian forest products.
Geopolitics	Given its size, Canada's impact on geopolitics will be modest, beyond the potential moral influence of becoming a model of good forest governance
Global Energy	Governance in Canada would have little impact on global energy, but it could affect continental energy supply and demand, depending on how energy on forest lands is developed and regulated.
Technology	The adoption of new technologies could be affected if they create mismatches with status quo governance mechanisms.
Values	The way we choose to govern forest resources (who is involved, according to what rules, etc) strongly influences how values get expressed in policies and practice.
Aboriginal Empowerment	Aboriginal empowerment is a subset of governance. Broader governance trends will influence the involvement of Aboriginals in forest governance, and its effects.
Ecosystem Health	By influencing management practices, governance can help aggravate or alleviate threats to ecosystem health.
Competition for Resources	Governance mechanisms (e.g., cross-sectoral integration) will directly affect how we address competition for resources on the land base.
Demographics	Little direct influence.
Industry Structure	Governments can regulate industry structure through competition laws and other mechanisms.

Mechanisms for forest governance have the least influence on drivers reflecting market forces, especially those emanating from global markets. Despite being a substantial player in the global forest sector, Canada is to a large extent a price-taker from international markets. Even this statement, however, reveals a choice in governance arrangements to rely on the market system and, with some important exceptions in the forest sector, free-trade arrangements. Nonetheless,

because it can more easily control activities that occur on the land, governance can more directly influence the costs of production than it can the price received for forest products, especially for those being traded in international markets.

Governance arrangements are influenced by a complex combination of factors, some of which are largely independent of the other drivers being considered in the Forest Futures Project. Table 2 summarizes how governance might be influenced by the other drivers. Macro-political structures such as constitutions and (in the British-inspired Canadian Parliamentary system) the conventions of government are exceptionally important. These institutions put the cabinet executive, dominated by the provincial premier, at the centre of Canadian forest governance. These traditional institutions must respond to societal values, however, and the executive-dominated tendencies of Canadian governance have had to adapt to demands for more meaningful participation by social movements. These demands have resulted in new governance mechanisms ranging from constitutional change (e.g., Section 35 recognizing Aboriginal rights and title) to changes in forest planning processes requiring opportunities for public review and comment.

Table 2: Influences of other drivers on governance in Canada

Driver	How the Driver May Affect Governance in Canada
Global Climate Change	Increased pressure to mitigate climate change is likely to result in some centralization of regulation at the national and international level, which may spill over into other areas related to the governance of Canadian forest resources. Climate change adaptation can be addressed at the local and regional level, but depending on the magnitude of the problem, may require redistribution of resources that might promote centralization. The need to adapt to environmental change is likely to increase the demand for cross-sectoral integration.
Global Wood Supply	Little direct effect.
Forest Products Demand	If the demand for Canadian forest products remains strong, governance in the forest domain has the potential to be more distinctive from other Canadian policy domains. If demand wanes, there will be less potential for forest governance to be distinctive.
Geopolitics	By shifting the balance of power between nation-states and international institutions, trends in geopolitics could have significant implications for how forest governance shifts along the vertical dimension.
Global Energy	Global energy futures could change what Canadians produce from the forest land base, and demand more effective integration of the traditionally distinct energy and forest sectors.
Technology	New technologies could improve the efficiency of governance, but also has the potential to increase the expertise gap between the public and private sectors.
Values	Social and political values get express through mechanisms of governance, but Canadian also have values about governance itself. In particular, how Canadians vary along the individual-communitarian and cooperation-competition continua will have a significant influence on forest governance.

Aboriginal Empowerment	Aboriginal empowerment is a subset of the broader governance issue. If significant authority is devolved to First Nations, it might contribute to a trend to decentralize authority to other local entities (i.e., communities).
Ecosystem Health	See Global Climate Change.
Competition for Resources	Competition for resources will increase demand for cross-sectoral policy integration.
Demographics	Little direct influence.
Industry Structure	To be effective, governance structures will have to adapt to industry structure. The bigger the gap between the capacity and size of industry, on the one hand, and government, on the other, the greater the challenges of influencing corporate behaviour.

Governance arrangements must also respond with some threshold level of effectiveness to the problems that society demands be addressed. If there is a significant mismatch between the design of governance structures and the problems that must be addressed, changes in governance structures can occur. Some governance structures are proving quite resistant to change, however, increasing the stress on existing arrangements. Such mismatches are evident in the lack of coordination and integration when there are overlapping resource rights on the same land base. On a broader scale, the need for international cooperation to address climate change mitigation has proven a vexing challenge for an international system of governance that remains centred around the nation-state.

3. A Look-back: Governance since 1945

The Political Dimension

Prior to the last several decades, governance in the forest sector was a relatively quiet and closed affair, dominated by provincial governments and the forest industry. Beginning in the 1970s and accelerating through the 1990s, this traditional bilateral system has been transformed by a variety of trends. Significant new non-governmental (or at least non-Crown government) organizations have emerged, diffusing power over policy-making among a wider range of groups, promoting new approaches to policy-making, and fostering a shift away from traditional government regulation to innovate forms of private governance.

First Nations. One of the most profound trends in governance in the forest sector is the increasing role of First Nations over the past decade (see the paper by Trosper 2007). From the perspective of the framework of this driver paper, First Nations need to be considered an increasingly influential actor in forest policy. In some cases, they have been delegated a share of governmental authority in co-management or co-jurisdictional arrangements.

The Environmental Movement. Another pivotal trend has been the development and institutionalization of environmental groups active on forest issues throughout Canada. These groups have provided a persistent challenge to the sustained-yield industrial model of forest

management that dominated the sector through the 1980s. Much of the initial focus of the environmental movement was on setting aside more wilderness as protected areas, but they have become increasingly active in pressuring governments on a broader range of policies, especially forest practices.

A wide variety of environmental groups address forest issues across the country (Wilson 2002). Groups operate at a variety of scales. Some are large international organizations, such as Greenpeace, that have Canadian chapters. Others, such as the Sierra Club of Canada and the Canadian Parks and Wilderness Society (CPAWS) are national groups that work at the national level but also have strong provincially-focused chapters. Others focus explicitly on provincial issues, and some are organized around a particular area of concern (such as Friends of Clayoquot Sound on the west coast of Vancouver Island in British Columbia).

Environmental groups rely on a wide range of strategies to influence public policy and industrial management practices. They have used traditional group strategies such as lobbying public officials and, more than most groups, combine insider lobbying with efforts to mobilize public opinion through publicity, protest, and occasionally direct action. The most important change in environmental group strategies has been an increasing reliance on international markets to pressure the industry and government to adopt stronger environmental policies (Bernstein and Cashore 2000; Stanbury 2000; Praelle 2007). Groups such as Greenpeace and ForestEthics focused on the consumers of Canadian forest products, especially large wood products' retailers or major publishers using Canadian paper. Through persuasion backed by the threat of protests, environmental groups have convinced a number of major companies to adopt purchasing policies that steer them away from forest products produced by companies that environmentalists have designated to be engaging in unsustainable practices. The most prominent market campaigns in Canada have been those focused on the "Great Bear Rainforest", or the central coast region of BC, and more recently the entire boreal forest region. This strategic innovation has been profound, because it has created a direct corporate interest in addressing environmental issues to protect market shares.

"Multistakeholderism". The increasing importance of actors beyond the traditional nexus of government and business is one of the hallmarks of the widespread trend towards new governance structures (Howlett and Rayner 2006a). As a result of the increased power and legitimacy of non-governmental organizations, governments have been forced to reconsider the process of policy development and implementation. One of the most prominent manifestations of this trend is multistakeholder consultations, where governments gather together relevant interest groups in a process designed to develop agreement on policy changes (Lindquist and Wellstead 2001).

Multistakeholder consultations have been most influential in land-use decision-making. British Columbia has developed a number of comprehensive Land and Resource Management Plans through consensus-based exercises involving a wide range of resource-related interests (Wilson 1998), and Alberta and Ontario have also relied on multistakeholder consultations to develop comprehensive land-use plans (Cartwright 2003). In areas like land-use planning, these

consultations have become necessary for governments to garner legitimacy for their decisions. As a result, multistakeholder consultations have empowered a wide variety of policy actors beyond the traditional nexus of business and government to participate in policy decisions in a meaningful way, while at the same time significantly increasing the complexity of governance. In combination with the increase in co-management with First Nations, multistakeholderism has resulting in a blurring of traditional government authority.

Certification. Perhaps most dramatic trend in governance in the forest sector is the rise of independent, non-governmental certification organizations (Cashore, Auld, and Newsom 2004). This trend had its roots in October 1993 when environmentalists formed the Forest Stewardship Council. The organization developed a set of international principles and criteria for sustainable forestry, and accredited various certification organizations to audit and certify that companies met the standards. Regional standards specific to areas around the globe were also developed. FSC Canada has developed regional standards for the Maritimes, the Great Lakes-St. Lawrence, British Columbia, and the boreal forest zone. By June 2007, 21 million ha of forestland were certified by the FSC in Canada (http://www.certificationcanada.org/english/status_intentions/status.php)

The FSC has had a much bigger impact on forest management than the amount of certified area suggests (McDermott and Hoberg 2003). In an effort to respond to the emergence of the FSC, the forest industry and governments across Canada collaborated in the development of a sustainable forest management standard under the Canadian Standards Association. In 2002, the Forest Products Association of Canada announced it would require all of its members to be certified by independent organizations by 2006. In the US, the forest industry developed its own "Sustainable Forest Initiative" (SFI) certification program. Because so many Canadian forest products are sold into the US market, a number of Canadian firms have chosen to get certified by the SFI standard. Figure 1 shows the dramatic rise in forest certification in Canada

SFM Certification in Canada: 1999-2006
millions of hectares certified as at Dec 2006
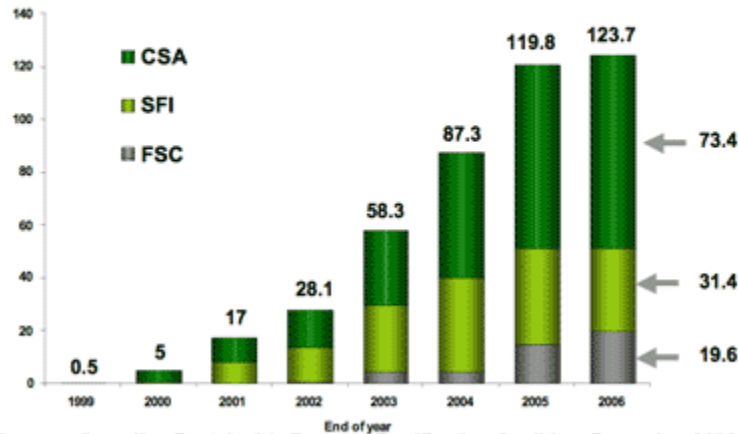
Source: Canadian Sustainable Forestry Certification Coalition. December 2006

Certification is an important trend in forest governance for several reasons. First, these non-governmental certification organizations, and the consumer preferences that they purport to represent, have the potential to influence forest management decisions beyond those required by government. As a result, forest firms face an increasingly complex and challenging rule environment. Second, the focus of governance, and political conflicts over forests, have to some extent shifted from the governmental arena to the market arena where competing certification organizations are battling for legitimacy in the marketplace and interest groups are taking their arguments to the governing bodies of the new certification organizations. Finally, governments are struggling to redefine their own role to take into account the emergence of the certification phenomenon. They may be tempted to economize on administrative resources by relying on certification as evidence of compliance with SFM standards. On the other hand, they are reluctant to abandon their role in being the primary instrument for the protection of public values in the forest.

The Vertical Dimension

In the forest sector world-wide, there have been strong pressures towards both internationalization and decentralization (Gluck et al 2005). But in Canada, changes in this area have been less significant than in other jurisdictions. Canadian forest policy has been dominated by provincial governments. At various times in recent years, the federal government has sought to increase its role, and some important trends have increased its leverage. Given its extraordinary high export dependence, the Canadian federal government has always had leverage through its trade powers, and this has been significant as the softwood lumber dispute with the United States has persisted (Zhang 2007). The federal government also has significant potential to assert jurisdiction over forest management through its powers over First Nations, fisheries, migratory species, and species at risk. Thus far, however, the federal government has declined to mount a significant challenge to provincial jurisdiction in forest policy. There are indications of

an increasing role for "national," as opposed to federal, organizations, as indicated by the development of a National Forest Strategy through the auspices of the Canadian Council of Forest Ministers (the CCFM) and other organizations (Howlett and Rayner 2006b). An intergovernmental organization, the CCFM has also been involved in the development of the Criteria and Indicators for Sustainable Forest Management in Canada.

Like many other areas of public policy, forest policy in Canada has experienced significant pressures towards internationalization (Bernstein and Cashore 2000; Gluck et al. 2005). As described above, environmentalists have succeeded in mobilizing international market pressures, and the certification movement is part of that same trend. Several multilateral agreements, particularly the UN Convention on Biological Diversity and the Kyoto Protocol of the Framework Convention on Climate Change, have indirect implications for forest management. Efforts to create a binding legal instrument through some type of forest convention, begun at UNCED in 1992, have not succeeded to date, and have defaulted to encouraging nations to adopt national programs and criteria and indicators for sustainable forest management (Gluck et al. 2005). The increasingly widespread use of the framework of criteria and indicators suggests some convergence on the conceptualization of and methods for forest management, but does not yet reflect strong international influence on the substance of forest policy in Canada. Internationalization could also have a constraining effect on domestic forest policies through international free-trade agreements that restrict the use of certain policy instruments (such as tariffs and subsidies, and regulations that can be shown to constitute "non-tariff barriers").

One of the most important trends in forest governance worldwide is decentralization of control over forests from national governments to local, frequently indigenous, communities (Gluck et al. 2005; Larson and Ribot 2004). In Canada, the National Forest Strategy contains a commitment to increase the extent of community forestry. However, despite the increased rhetoric supporting community forestry, and substantial political activity in this area in British Columbia over the past several years (McCarthy 2006), it has yet to have a significant impact on governance. The total amount of allowable cut allocated to community forests nation-wide is still considerably less than 1% (Teitelbaum et al 2007).

The Regulatory Dimension

The regulatory dimension addresses the specific tools, or instruments, used by governments to influence or control behaviour to produce desired outcomes. Governments have a range of tools to choose from, including:

- leaving it to the market or society
- education and persuasion
- spending
- taxing undesirable behaviour
- reallocating property rights
- regulating activities in a variety of ways, and
- directly providing the service itself.

In choosing among policy instruments, governments consider a variety of criteria, including effectiveness, efficiency, equity, and political acceptability. Frequently, there are significant tradeoffs in instrument choice and design. For example, instruments that might maximize effectiveness to ensure a particular outcome, such a regulation or direction provision, are frequently more costly and, as a result, face significant political obstacles.

The most important policy instruments in the case of Canadian forest policy have traditionally been the allocation of property rights through forest tenures and the regulation of forest company activities to pursue social and environmental objectives. In the years immediately following World War II, tenure policies were established to use timber resources to foster rural economic development. Harvest rates were regulated to ensure a sustained yield of timber, but attention to non-timber values was limited.

The focus of forest policy changed significantly, as social values changed to place more emphasis on environmental quality, and as the environmental movement increased in influence. This shift towards greater environmental concern with respect to Canadian forests began in the 1970s and intensified in the late 1980s and early 1990s. These new interests were accommodated largely through new regulations on land use and forest practices, and changes in required planning process. Across Canada, provinces adopted new policies to address environmental concerns and expand the opportunities for the public to participate in forest planning. Prominent examples include the Protected Areas Strategy (1992) and Forest Practices Code (1994) in British Columbia, the Crown Forest Sustainability Act (1994) in Ontario, the Forest Protection Strategy (1994) in Quebec, and the Timber Harvest Planning and Operating Ground Rules in Alberta (1994). More recently, as the paradigm of sustainable forest management has moved into the mainstream, there has been a new wave of reform to modify regulatory frameworks to strengthen the protection of biodiversity and the incorporation of frameworks for criteria and indicators. The years 2004 and 2005 saw the Coulombe Commission in Quebec, leading to a substantial reduction in the allowable annual cut and the adoption of an ecosystem-based management framework; the implementation in BC of the Forest Range and Practices Act designed to be a more results-oriented, flexible regime; and new forest planning manuals in New Brunswick, Ontario, and Alberta.

As regulatory requirements increased, greater interest in alternative policy instruments emerged among economically oriented policy analysts, industry critics of excessive regulatory burdens, and some governments. Academic critiques in the 1960s and 1970s found there way into more mainstream thinking in the 1980s as the OECD began promoting their use, and the 1990s witnessed increased interest in voluntary approaches (Harrison 2001).

Alternatives to command-and-control regulations embody a wide range of instruments with tremendous variation in potential consequences. At one end of the spectrum are instruments that still contain a significant amount of coercion. For example, many economists advocate effluent taxes and, more recently, marketable permits (Keohane et al 1998). These instruments allow firms a great deal more flexibility in their choice of strategies to achieve required standards than

do commands and controls, but still have a regulatory basis. At the other end of the spectrum are purely voluntary instruments, such as sustainability reporting.

In Canadian forest management, there has been a significant amount of criticism of over-reliance on command-and-control regulation (e.g. Pearse 1998; Stanbury and Vertinsky 1998), but relatively little innovation by governments in designing new policy instruments. Marketable permits have yet to be introduced in the forest sector.

Consistent with the emergence of the "new governance," there has been greater attention to results- or performance-based regulations. This trend is particularly evident in British Columbia where the Forest Practices Code has been revised into a more results-based Forest Range and Practices Act. The emergence of criteria and indicators as a dominant framework for forest management has also encouraged policy-makers and forest managers to focus on performance and results.

One of the biggest changes in policy instruments employed in forest management has been the marked shift towards reliance on voluntary instruments. As part of a larger society-wide trend towards corporate social responsibility, a number of forest companies have undertaken sustainability reporting. Most important, as described above, voluntary certification to independent standards for sustainable forest management has become a fundamental part of forest sector governance.

Indeed, certification is a fascinating phenomenon when considered along all three of the dimensions of governance analyzed here. It is a political phenomenon, in that it introduces new organizations that are influential in forest governance. Along the regulatory dimension, it represents a softer instrument of governance. Finally, it introduces new and different dilemmas along the vertical dimension, as groups like the Forest Stewardship Council struggle to develop mechanisms for coordination between their international and regional entities.

4. A Look-ahead: Future Scenarios for Governance

Rather than predicting any specific governance future, we take the approach of outline several plausible alternative scenarios. Casting backwards does give us a sense of the magnitude of changes that can occur over a period of several decades. Changes in the political dimension have been particularly dramatic. Forty years ago, there were few environmental groups, and those that did exist paid very little attention to forests. Now environmental groups help run large, influential certification organizations. Forty years ago, Canada was just emerging from a period of active repression of First Nations, and now Crown governments are beginning to share formal authority with First Nations over key functions such as land-use decisions.

Can we anticipate future changes that are as large or larger, and along which dimensions? Here we envision multiple scenarios that are combinations of locations along the political, vertical, and regulatory dimensions. The two main dimension depicted are the political and the vertical.

Along the political dimension, the key variable is whether power is concentrated in the hands of the few (such as the political executive) or diffused among a variety of actors in the government and in society. Along the vertical dimension, the extremes of the continuum are global control through international organizations and local control through community organizations. Four scenarios can be developed based on this conceptualization.

UN-FSC. The first scenario combines authority located at the international level with a diffusion of political power. Forest governance would be dominated by a mix of international organizations that ignored archaic distinctions between government authority and the private sector, and developed principles and criteria for global forest management through collaborative dialogue that reflected the interests of a wide range of stakeholders. Participants will have moved beyond debates over the efficacy of different policy instruments. The convergence of a collective interest in sustainability with private interests driven by green markets will promote widespread compliance with the international framework. Any remaining non-compliers would be encouraged to attend a retreat.

Community forestry. The second scenario combines authority controlled at the local level with a diffusion of political power. This model is favoured by many environmentalists, community activists, and First Nations, and can be envisioned as large areas of forest land being controlled more directly by those who live in them or nearby, whether First Nations or non-Aboriginal. Governance arrangements and the policies they produce would reflect the balance of a multiplicity of local interests, which might vary significant from region to region. Policy instruments would vary significantly depending on local custom and circumstances.

Exxon Global Forest Products. The third scenario envisions centralized control at the international level with concentrated power. Governance would be dominated by large global corporations that integrated competing industrial uses of the forest into their corporate structure. Local, regional and national governments would face considerable resistance when they attempted to enact policies that were not consistent with the interests of the corporations.

Neo-Feudal Forestry. The final scenario combines local control with concentrated political power, so that forests are governed through local or regional authorities that are unconcerned with a wide range of values. Governance might vary significantly from region to region, but individual regional authorities would make little effort to accommodate multiple stakeholders within their region.

The simple articulation of four scenarios suggests some of the ways in which governance may evolve over the next several decades. The different scenarios for future forest governance could have significantly different implications for how society can address future problems. Problems that require high-level policy coordination will not be addressed effectively by decentralized governance structures, just as problems that require significant local diversity will not be addressed effectively by centralized ones. The risk of a mismatch between governance structures and the challenges of forest sustainability could be significant. The fact that governance structures are human institutions that can be changed through political will and commitment

creates the potential for reducing the risks of such a mismatch. But the fact that governance structures are influenced by a range of factors external to the forest sector increases the challenge of actively designed optimal institutions for forest sector governance.

5. Conclusions

Governance arrangements are vital because they determine the capacity of society to address collective interests. We have conceptualized governance as varying along three dimensions: who is involved, at what level, and with what instruments. Over the past several decades, there has been a significant change in the political dimension, as new non-governmental actors representing more diverse values have become increasingly influential. Despite the pressures of globalization and interests in decentralization, there was been remarkably little change in the vertical dimension within Canada; the most important level of forest governance remains the province. The past several decades have witnessed an explosion of new regulatory requirements as more diverse societal values have been reflected by the political process. This trend has provoked a backlash and reconsideration, and alternative, less coercive policy instruments have received greater attention.

Given the significant flux in the political and regulatory dimensions over the past several decades, it is possible to imagine that governance arrangements could change significantly over the next several decades. We have presented a range of scenarios designed to represent alternative governance futures so that we can begin the process of analyzing the potential consequences for the forest sector of these different possibilities.

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