

Chapter 22

CANADA: From Strategy to NFP?

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22.1 Introduction

Canada has extensive forests, a globally-significant forest products industry, and a long history both of engagement in international environmental negotiations and of active participation in international policy regimes. In addition to directing much of its diplomatic energies over the last decade to the unfinished project of negotiating a global forest convention, Canada has been fully supportive of the IPF, IFF and UNFF processes. As a member of the eight-country initiative that sought to define a programme of work for the UNFF, Canada specifically endorsed the IPF/IFF proposals for action with their emphasis on the value of National Forest Programmes for coordinating forest policy towards the goal of sustainable forest management (Anonymous 2000). Nonetheless, Canada has no formal NFP of the kind found in many European countries.

The position of the Canadian government is that Canada discharges its obligations to implement this part of the IPF/IFF proposals through the National Forest Sector Strategy (NFS) (Natural Resources Canada 2003a). The federal government has emphasised that the language surrounding the proposals for action, as well as the original UNCED forest principles, has consistently stressed the freedom of sovereign countries to adapt the proposals to their own peculiar circumstances. Canada is a federal state where provincial jurisdictions own and are responsible for the extensive public (Crown) forested land. As a result, forest policy-making at the national level is extremely difficult. In the absence of any constitutional authority to coordinate forest policy by federal law and regulation, it is argued, the NFS is the closest thing to a national forest policy framework that is possible in Canada.

The NFS is certainly participatory, based on wide consultation and the drafting of a consensus document containing a number of specific commitments. It is also iterative (it is now in its fifth version) and organised around a “vision” for Canadian forests – “[t]he long-term health of Canada’s forest will be maintained and enhanced, for the benefit of all living things, and for the social, cultural, environmental and economic well-being of all Canadians now and in the future” – that is couched in the language of sustainability (National Forest Strategy Coalition 2003, p.3). However, the NFS has no legal status and the Forest Accord that accompanies the Strategy is merely a statement of the signatories’ good intentions with respect to their NFS commitments.

Canada’s claim that the NFS should be regarded as “NFP equivalent” in the light of Canadian circumstances has been endorsed by the UNFF. A report on NFPs prepared by the FAO in consultation with the UNFF Secretariat and delivered to the UN Economic and Social Council reaffirms that “[n]ational forest programmes should be based on a national sovereignty, specific country conditions and national legislation, as well as be consistent with national, subnational or local policies and strategies, and – as appropriate – international agreements.” It includes three examples of NFPs in industrialised countries: Germany, Finland and Canada (UN ECOSOC 2001, p.11).

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From an analytical point of view, the extent to which Canada's NFS is actually a full equivalent to a NFP is debatable. Many European countries, including countries with federal systems of government, exhibit a pattern of policy development in which NFPs are formulated in addition to, and as developments of, existing forest sector strategies (Schanz 2002). If such a step is possible, what has Canada lost by not taking it? Moreover, while the NFS is certainly the outcome of wide-ranging and sophisticated participation and contains some other noteworthy and innovative features, it is not really an instrument of intersectoral coordination or conflict resolution. Serious questions have been raised about the effectiveness of the review process at each iteration, and the NFS lacks many other key elements of a NFP process as elaborated in international discussions. What is missing from the NFS that might usefully be found in a Canadian NFP? Is it desirable – or possible – that a future NFS might look more like a formal NFP?

22.2 The Canadian forest policy sector: supporting and impeding factors for NFP development

Forests are, by any measure, significant contributors to the cultural heritage and standard of living enjoyed by Canadians. Approximately half of Canada's total land area of 921.5 million hectares is forested, of which slightly more than half (417.6 million forested hectares) is considered commercial forest. Of the commercial forest area, roughly half again, or 119 million hectares, is managed primarily for timber production. Canada's forests account for about 10 per cent of total world forest cover, including 20 per cent of the world's remaining temperate rainforests and 30 per cent of the world's boreal forests (Natural Resources Canada 2003b).

The origins of the forest industry are usually traced to the marking of trees in the forests of what would later become the Maritime (eastern) provinces of Canada as a source of masts and spars for the Royal Navy, deprived of its traditional Baltic sources during much of the Napoleonic wars. The modern forest industry, however, is essentially a late-nineteenth and twentieth century phenomenon and has always been closely tied to the production of softwood lumber, and later pulp and paper and other manufactured wood products for the US market (Howlett and Rayner 1997). In 2001 the total value of the forest industry was estimated at C\$74 billion and the contribution to Canada's trade surplus at C\$34 billion, up from C\$32.1 billion in 1996. Of Canada's forest products exports, rather more than 75 per cent by value has traditionally gone to the US. In Canada direct forest-related employment was estimated at around 350,000 and more than 300 communities across Canada were listed as "forest dependent", defined as having more than 50 per cent of their base employment derived from forest-based activities (Natural Resources Canada 2003b). Over the course of the NFS iterations, the process of forest policy making has grown increasingly complex, with networks of new actors, ideas, and institutions emerging in Canada's forest policy communities. This is reflected in the growing sophistication of the NFS.

Land Tenure

The most unusual feature of Canada's forests remains the pattern of ownership and jurisdiction. Approximately 94 per cent of Canada's forests are located on publicly owned or Crown land. Of this, 71 per cent is on provincial Crown lands and the balance on lands controlled by the federal government in the northern territories, parks and "Indian lands." The 6 per cent of forested land that is privately held contributes disproportionately to timber harvests by virtue of its superior productivity (Tollefson 1998). However, private forest

landowners are a variable quantity in the forest policy arena, and are more important in New Brunswick and Nova Scotia than in western Canada. Most important of all, the original Canadian constitutional document, the *British North America Act, 1867*, gave ownership and legislative jurisdiction over public land within a province to the relevant provincial government. Subsequent constitutional case law and a 1982 constitutional amendment confirmed exclusive provincial jurisdiction over the management and disposition of the forest resource on that land. Case law also established that while the federal government has the sole power to negotiate international treaties on behalf of Canada, the implementation of international treaty obligations in areas of exclusive provincial jurisdiction remains the prerogative of the provinces.

Thus, although the federal government does retain some theoretical ability to influence forest policy through its jurisdiction over international trade and in areas of overlapping jurisdiction, such as environmental policy, the pattern of federal government involvement has generally been one of episodic interest followed by swift retrenchment in the face of provincial hostility (Howlett 2001; Byers and Sandberg 1998). From an institutional perspective, the jurisdictional weakness of the federal government, even in a policy area where Canada has made significant international commitments, is the most important impeding factor for the development of part of the formal NFP concept in Canada.

Given the overriding importance of federal-provincial relations to understanding the barriers to a NFP in Canada, we will adopt a set of distinctions used to analyse the interaction of the two levels of government in environmental policy (Harrison 2000). Thus, we distinguish between *unilateralism*, where no effort is made to coordinate the activities of the two governments; *collaboration*, where an effort is made to work as partners; and *rationalisation*, where the objective of coordination is to separate out distinctive spheres in which the different governments can best work independently but towards a mutually agreed goal. In their different ways, both collaboration and rationalisation require coordination between the two levels of government

Law and regulations

As we have seen in Europe, macro-institutional features are not the only predictor of NFP developments. In addition, we need to consider the development of law and policy by the provinces. Left substantially to their own devices when it came to forest policy and legislation, the major forest-owning provinces exhibited significant policy convergence in the second half of the twentieth century. The favoured policy instrument has been the “evergreen” tenure, essentially a licence to operate over a large area of public forest for 15–25 years. Such licences are subject to conditions, which often include the construction and operation of a manufacturing facility and which involve various performance requirements that would be assessed when monitoring and renewing the licence. The underlying title to the forest remains with the provincial Crown and licensees are still required to pay stumpage charges for the timber removed from their licence areas.

The overall direction of law and regulation has been driven by a very strong planning impulse: “forest management” has become almost synonymous with long term planning for forest renewal. The major lines of disagreement have concerned, first, the extent to which planning responsibilities should be devolved to licensees or performed by government agencies and, second, the extent to which forest planning should be driven by timber production targets or whether it should attempt to achieve certain kinds of desirable future forest conditions, more broadly defined. Recent developments have tended to favour placing more responsibility on licensees (most of whom have a primary interest in timber production)

while moving towards the broader conception of the appropriate goals for forest management on public lands (Howlett and Rayner 2001). They thus raise, in acute form, a whole set of governance issues related to the use of private interests and actors to achieve public goals. For this reason alone, these developments should also promote the use of more sophisticated governance frameworks. The question remains, however, whether a *National Forest Programme* is the framework that is needed, or even possible, in Canada.

Financial incentives

Financial incentives have been an important element of Canadian forest policy. While judicial interpretation of Canada's federal constitution has emphasised a relatively strict division of legislative jurisdiction between the two levels of government, there is no constitutional objection to the federal government creating programmes and spending money in areas of exclusive provincial jurisdiction (Watts 1999). By setting conditions on how this money is spent, the federal government can affect policy outcomes in sectors that are closed to it through law and regulation, an instrument known in Canada as the "federal spending power." In the past, the federal government has used the spending power to modernise the pulp and paper industry and to address a perception that significant areas of public forests were failing to regenerate after harvesting.

It is no accident that the origins of the NFS lie in the period when the federal government was most active in the use of subsidies for forest management or that the subsidy programmes were closely tied to the industry development and wood supply focus of the first two Strategies (Howlett 2001, pp.369–91). The Strategies were part of a larger project of collaborative federalism, in which the federal government intended to assert a leading role. However a combination of neoliberalism, federal deficit cutting and growing provincial resentment at the use of the federal spending power eventually brought about the demise of these programmes and gave rise to a short-lived period of unilateralism in federal-provincial relations in a number of policy areas, including forestry. Unilateralism, of course, prompted a reconsideration of the purpose and usefulness of the NFS itself.

The other main element of financial subsidy is more controversial and is inextricably connected with the long running softwood lumber dispute between Canada and its main export partner, the United States. The claim that guaranteed long-term wood supply to licence-holders on public lands constitutes a subsidy because timber costs are set by stumpage and not on an open log market is a complex and sensitive one (Cashore 1997). However, whatever the merits of the case, the subsidy claim was quickly developed by both domestic and international environmental groups into a larger charge that Canadian producers are not paying the full cost of forest management activities, leading to wasteful and destructive logging practices and a lack of long-term investment on public lands.

Canada is particularly vulnerable to changes in international public opinion about forest practices, especially in the crucial US market on which Canadian companies are so dependent. Nonetheless, the first international boycotts organised by environmentalists and aimed at Canadian forest products came as an unpleasant surprise (Bernstein and Cashore 2000). In response, by the early 1990s the Canadian forest policy community had begun to embrace the emerging ideas of sustainable development and SFM as a way of reorganising forest policy and breaking out of the impasse which pits development against preservation. Here the drawbacks of the legal and institutional arrangements for forest policy in Canada became evident. Not only did the new paradigm demand a more participatory style of planning and management, but questions of international environmental regimes and international trade both lie within federal jurisdiction and involved a perception of *Canadian*

practice that demanded a coordinated response from a fragmented community. A new period of cooperation was ushered in, and the NFS found itself with a new role to play.

Political Economy and Political Culture

There are three significant interrelated aspects of the contemporary structure of Canadian political culture that affect Canadian resource and environmental policy considerations. First, the fact that the production of wealth in Canada as a whole has been and, to a substantial degree, remains dependent on resource extraction has coloured Canadians' attitudes towards the environment as well as influencing the configuration of actors involved in the formulation of Canadian resource and environmental policy (Bakvis and Nevitte 1992). Second, not all regions of the country are dependent on the export of the same resources, nor to the same extent, which has resulted in different patterns of resource and environmental interests and actors in different parts of the country (Brownsey and Howlett 2000). Third, as noted above, most resource commodities are exported to international markets, increasingly to the United States. This results in the existence of a small, open economy in Canada subject to international pressures in a variety of areas, including both resource trade issues and those concerned with environmental protection.

Canada's regional variations in resources, population and production have contributed to regional differences in wealth and power, but also to different demands being placed on governments in different areas of the country. Although the Canadian economy as a whole never experienced the shift into manufacturing industries that orthodox theories of economic development envisioned, the economies of Ontario and, to a lesser degree, Quebec did do so. In recent decades, the western Canadian provinces have had a very high share of Canadian primary production; that is, agricultural and natural resource production. Central Canada, on the other hand, has completely dominated manufacturing activities in the country. The Atlantic provinces, given their relatively small economies, are not surprisingly marginal producers in all three sectors of the national economy. More specifically, provinces such as Prince Edward Island, Saskatchewan and Alberta continue to rely heavily on their natural resources and agricultural sectors to generate economic wealth. Others such as Ontario, Quebec, New Brunswick and British Columbia have a significant component of provincial manufacturing activity in resource-related sectors such as oil refining, smelting, sawmills or pulp and paper production.

The legacy of a staples political economy for Canadian forest policy is readily apparent in both a positive and negative sense. On the one hand, land and animals have been viewed as objects to be exploited and ecological values and considerations have largely taken a back seat to the attainment of economic objectives linked to their harvesting or extraction. On the other hand, however, the lack of appropriate climatic conditions for large-scale agricultural production and reliance on other resources for economic development has meant that much land in Canada remains relatively untouched by humans, unlike the situation in many other parts of North America or the world where native ecosystems been completely transformed by farming. This has meant that the potential for significant ecosystem diversity and biodiversity protection measures remain a very real possibility in Canada (Bocking 2000). The existence of a hinterland-based staples political economy has also meant that Canada avoided, or postponed, many of the sharp confrontations over issues such as urban pollution and degradation of the urban environment that have been the features of environmental policy in smaller or more populous countries (Hanf and Jansen 1998).

However, as long as resource extraction activities maintains a significant share of the labour force and generates much of the country's wealth, efforts at environmental protection

or mitigation in Canada always begin with the knowledge that resource harvesting or extraction enjoys a potent blend of private (industry) and public (labour) support. As a long-standing democracy, Canadian governments have had to tread carefully in this policy area lest their environmental policy led to electoral disfavour (Amos et al 2001)

Generally speaking, as a result of these geographic, demographic, economic and political background conditions, Canada has developed an environmental and resource policy regime that shares many characteristics with those of other countries having similar background conditions, such as Norway, Sweden, Australia or New Zealand. Nonetheless, as in these other countries, the growth of an urban-based tertiary sector associated with the transition to a post-staples economy in Canada has undermined elements of the existing resource and environmental policy regimes, altered public and regulatory priorities and created a possible foundation for the emergence of alternative policies.

An increasingly large component of the population – especially in central Canada and in metropolitan areas – whose employment is less directly dependent on resource extraction is becoming generally more supportive of environmental initiatives in areas of wildlife and ecosystem conservation than more directly resource-dependent population groups, found especially in rural western and in Atlantic Canada. The steadily increasing urban service sector component of the Canadian population can be expected to continue to support a wide range of environmental initiatives, from biodiversity and habitat protection to more general issue areas such as global warming and more specific items related to the quality of urban life, such as smog, congestion, housing and health-related issues. Thus, elements of Canadian resource policy, such as the National Forest Strategies, have been shaped both by the initial development of a staples political economy and, more recently, by the present uneven and incomplete transition of Canada from a staples to a post-staples economy (Hessing and Howlett 1997).

Institutional aspects

For much of the 1970s and 1980s, the Canadian forest policy community would have described the gradual extension of long term tenure arrangements and forest management planning as a policy of sustainable forest management (Cashore et al 2001). In fact, of course, the policy was one of sustainably managing forests for commercial timber production. The debate over instrument settings and programme specifications that this policy generated was almost exclusively carried on within a closed, expert forest policy community and was concerned with how to plan and manage forests and the forest industry to ensure a smooth transition from cutting the old forest to cutting second and third growth stands with different volume and value characteristics.

Equally important, these forest policy communities were organised at a provincial level, and each province developed its own forest administration, its own forest industry associations and its own local and provincial environmental organisations. Intersectoral coordination is thus both horizontal and vertical. Horizontal coordination between agencies responsible for related policy areas within provincial jurisdiction is handled differently in different provinces, with most preferring integrated departments of resource management and a minority retaining stand-alone forest ministries.

Federally, the situation reflects the reduced ambitions of the federal government since the heady days of the late-1980s, when a Ministry of State for Forests was created and federal spending on forestry quadrupled. The Canadian Forest Service (CFS) is now part of Natural Resources Canada and retains at least some presence in all regions of the country,

mainly as a research organisation. Its most important initiative, the Model Forests, is intended as a pilot partnership between government, industry, communities, First Nations and civil society. The Model Forests continue to perform important functions in research and education that ultimately influence the direction of some provincial forest policies. Natural Resources Canada represents the federal government at the Canadian Council of Forest Ministers (CCFM), and the CFS is the lead federal agency with respect to the NFS and a signatory of the Accord. In times of policy controversy, other federal agencies may be involved in forest policy, notably Environment Canada and Foreign Affairs (International Trade), and to a lesser extent Indian and Northern Affairs and Agriculture Canada, but horizontal coordination is perhaps a less significant issue at the federal level than it is in many provinces. The recent passage of Canada's new endangered species legislation, the *Species-at-Risk Act*, may change this.

Vertical coordination depends very much on the prevailing style of federal provincial relations. In general, brief periods of unilateralism, for example, clashes between provincial forest agencies and the federal Department of Fisheries and Oceans over the protection of fish-bearing streams, have usually been succeeded by renewed attempts at some form of cooperation. Significant cooperation, whether of the coordinating or rationalising kind, depends in practice upon the adoption of comparable policy goals by all parties, both government and non-government. Vertical coordination of the different levels of government has been largely the work of government-to-government negotiation, institutionalised in the CCFM. The creation of the CCFM signalled an important change of policy style, a switch from the attempt by the federal government to take the lead in a collaborative national forest policy to a process of rationalisation in which both levels of government have tried to reduce overlap and duplication in the pursuit of common goals.

Thus, it was the CCFM that took up the cause of a new Strategy after the federal pull-back in the early 1990s, and which was able to get agreement on the general goal of restoring international confidence in the sustainability of Canadian forest practices. The third (1992–97) and fourth (1998–2003) strategies contained commitments to sustainability, support for the negotiation of a global forest convention and, most important, an attempt to broaden the base of support for the NFS and hold it at arms-length from provincial governments who were generally identified as too closely aligned with the forest industry. The result was the creation of the National Forest Strategy Coalition consisting of over 50 government agencies, industry organisations and NGOs and originally charged with the task of overseeing the implementation of the Strategy, including mid-term and final evaluations (Simmons 2001). For the fifth NFS (2003–2008), the Coalition took complete charge of the process and included campaign-based NGOs for the first time.

Canadian forest policy is neither an oxymoron nor simply the sum total of the various provincial initiatives in the sector. Except for the occasional and short-lived interlude of unilateralism, there has generally been a recognition that there are some forest policy issues that are national in scope and which require a coordinated response. The NFS has evolved as a coordinating instrument in tune with the changing issues and priorities. Federalism, the governance question, and the development of a more environmentalist political culture are all factors that have promoted rather than impeded the evolution of the NFS as a coordinating instrument yet, as we shall see, they do not amount to a formal NFP.

22.3 Participatory mechanisms: the NFS as policy broker

In general, Canadian forest policy is characterised by high levels of public consultation over everything from large-scale planning exercises for protection designations covering

areas the size of a small European country right down to applications for single cut blocks of a few hectares. The issue is not the public's right to be consulted, which is supported by the general development of administrative law in Canada over the last 30 years and is usually now given a specific statutory basis in most provincial forest and planning legislation, but the effectiveness of the participatory processes in guiding public policy.

The combination of very widespread consultation and weak impact on outcomes is no accident. The demand for consultation stems from public awareness of the feeble oversight that legislatures exercise over the political executive, especially in Canadian provinces where legislatures often meet infrequently and provide few resources to the ordinary elected member. If land use or forest practices decisions are going to be made in Cabinet or by a single minister or his designate, activists are aware that there is very little chance of influencing those decisions through ordinary party politics, hence the demand for consultation. However, there is nothing in consultation itself that will alter the basic distribution of political power in the forest policy community. Consultation usually takes place when the agenda has been set and the general policy line has already been decided. Only in very exceptional circumstances can interests create a situation where decision makers, though still legally free to ignore the outcomes of a consultative process, would find themselves paying an unacceptable political price if they were to do so. For example, it appears that the British Columbia government will press ahead with its proposal to designate a "working forest" in spite of strongly expressed public opposition to the idea. Herein lies part of the explanation of the dominance of campaign and issue based activism among environmental groups in the Canadian forest policy arena and their frequent appeals to international audiences in Canada's export markets.

In fairness, it should be noted that experiments with more sophisticated and intensive forms of public involvement, up to and including shared decision-making, have all been tried. With few exceptions, local and context specific forms of participation, such as the Public Resource Advisory Groups in Alberta, the Local Resource Boards in British Columbia, or the Eastside Plan in Manitoba (Manitoba Conservation 2000) have been more successful than the larger scale efforts at regional planning or issue resolution. The tendency of forest policy in Canada to create two well-defined, competing advocacy coalitions, one promoting more industrial development and the other conservation, has made finding common ground elusive. Both coalitions are quite broadly based, with the development coalition drawing on timber-dependent rural communities and the conservation coalition appealing to a number of economic sectors whose activities may suffer negative impacts from forestry, including fishing and tourism (Lertzman et al 1996). Aboriginal organisations, whose involvement is increasingly important after their court victories over rights and title to unalienated public lands (Poelzer 2002; Cashore et al 2001, pp.120–139), have further complicated matters by tending to opt out of involvement processes on the grounds that their rights are non-negotiable.

Seen against this background, the participatory elements of the NFS look rather impressive. While the first two Strategies reflected the technocratic approach of the dominant forest policy community and stressed public "awareness" in the sense of a top down education in forest management, the later Strategies have been increasingly participatory. The practice of creating a draft strategy which is then circulated to members of the Coalition and redrafted until a consensus position is reached has successfully allowed the Strategy to express a much broader range of issues than those generated by the older, closed policy community. In addition, the Strategy is adopted and evaluated at a National Forest Congress, where motions from the floor may result in further changes to the document. The result is a document in which log rolling and other tactics of negotiation create the opportunity for

the competing advocacy coalitions to include elements of their programme which would normally be rejected by their opponents. In the current NFS, for example, there is a commitment to investigate the advantages of intensive forest management, or plantations, a policy that has long been a goal of industry and professional foresters while distrusted by conservationists because of its potential impact on biodiversity. On the other side, there is commitment to implement management systems that set resource use levels as an output of planning processes rather than as inputs, and hence constraints, upon them. For long a cherished goal of environmentalists, this proposal has been resisted by government and industry because of its unpredictable consequences for timber supply.

Of course, this degree of participation and negotiation comes at a price. Environmental critics have noted the tendency for recent Strategies to become ever more expansive and to contain an unrelated “grab bag” of initiatives that government and industry have already embarked upon – initiatives that are triumphantly cited in the midterm evaluations as evidence that the Strategy is being implemented (von Mirbach et al 2002). However, if we consider the Coalition and the Congress as institutionalised fora where competing interests can meet, find areas of common ground and delineate their remaining differences more clearly, then the Strategies have achieved some measure of success as a venue for policy broking and policy learning (Sabatier 1993). The emphasis is clearly on agenda setting and problem definition rather than decision making, whatever the participants may choose to think, but the participatory element provides a welcome contrast to the quasi-judicial Royal Commissions or the expert panels that once dominated these stages of Canadian forest policy development. It is hard to see how a more formal NFP could have improved on the record of the NFS.

22.4 Negotiation and conflict resolution: problems of pluralism

Over the last two decades, Canadian forest policy has been characterised by relatively high levels of conflict, on occasions boiling over into public protest and even civil disobedience. While the rules for managing intergovernmental conflict are fairly clear – intergovernmental negotiation followed by constitutional challenges in court if necessary – how to resolve conflicts within the larger policy community is less obvious. Ironically, the source of much of this conflict can be traced to the intensive efforts at planning and long-term forest management found in most provinces. Once all the accessible forest was included in management plans and timber harvests regulated on this basis, then changes to the area under management, for example by additional protected area designations without other compensating factors, must inevitably involve redistribution of benefits away from the existing licensees. Similar considerations apply to regulatory changes that reduce the timber volumes that can be harvested per hectare.

Managing the conflicts generated by the politics of redistribution has not been easy. Faced with diminished deference and the demands for greater involvement noted above, some provincial governments have experimented with large scale planning exercises designed to find compromise positions. Such exercises have been particularly common where provinces have attempted to raise their proportion of protected area to the 12 per cent recommended in the Brundtland Report, a policy that often meant doubling or tripling protected areas from levels current in the late-1980s. British Columbia's Commission on Resources and Environment (CORE), which tried shared decision making on a regional scale, and Ontario's Lands for Life, which charged politically-constituted panels with the task of making recommendations on the basis of public consultations, are examples (Rayner 1996; Cartwright 2003). Science assessments and expert panels on the US model are less common, though not unknown, while the discretionary language of most Canadian forest statutes

and regulations tends to rule out appeals to the courts except in the growing number of cases involving aboriginal rights. Once again, the real success stories have tended to be local and carefully circumscribed in their scope and methods.

There are two difficulties with citing these examples as evidence that Canadian forest policy encompasses the negotiation and conflict resolution elements of a NFP. First, they lie entirely outside the NFS process and there is no evidence that the NFS negotiations have achieved any reduction in levels of conflict other than conflicts about the content of the Strategy itself. Second, as in the Dutch case (Schanz and Ottitsch, chapter 12 this volume), which contains some striking parallels to the otherwise quite unrelated Canadian example, even if the Strategy is read as committing its signatories to implement a consensus position, the predominantly pluralist conception of group representation in Canada means that it is very difficult to set up negotiating tables at which there are groups capable of speaking for any particular interest. Provincial governments have very different capacities and interests with respect to forest policy. Business associations tend to be fragmented, even at the provincial level, and environmental organisations are often coalitions composed of notoriously fissiparous campaign- and issue-orientated local groups. As the British Columbia CORE process discovered, compromises reached at the table had a tendency to come apart once a wider membership was called upon to fall into line. It is unlikely that a more formal NFP process could overcome this difficulty.

22.5 Iterative planning: a provincial responsibility

Similar considerations apply to the question of how far the NFS process embodies the principle of iterative planning. After a somewhat uncertain start, the NFS process has certainly been iterative, in the sense that the third and subsequent Strategies have been evaluated at midterm and the results of the evaluation have been a significant focus for the redrafting and discussion of the next version. The real problem lies with the claim that the NFS is a plan or that the NFS process could be described as planning in any meaningful sense. Rather, the process is self-consciously one of encouraging debate, setting some very broad strategic directions and noting concerns about the present state of forest policy in Canada with respect to realising the larger “vision” of sustainability.

Now, it might be claimed that the NFS cannot be a plan in the narrower sense of the term because planning responsibilities lie with the provincial governments as landowners and with their licensees as part of the terms of their forest management agreements. However, the real issue here is not where planning takes place but the disjunction between the increasingly sophisticated repertoire of policy instruments and forest management techniques now in place and the lack of explicit objectives that the instruments and techniques are supposed to attain (Nilsson and Gluck 2001). In part, of course, this disjunction is a product of consensus-oriented decision making in the context of a deeply divided and conflict-ridden policy community. While everyone can agree on a “vision” stated in sufficiently vague and anodyne language, disagreement erupts as soon as an attempt is made to express the vision in terms of objectives that could drive plans.

In Canada, as in many other countries, an attempt is being made to use criteria and indicators (C&I) to bridge the gap. However, the C&I process has typically been a technocratic, top-down one, which, though coordinated by the CCFM, has been kept distinct from the NFS. More promising developments are taking place at the provincial level. In Ontario, the Forest Resource Assessment Policy (FRAP) sets out to measure progress towards desired future forest conditions in an iterative process that coordinates a large number of Ministry of Natural Resources’ strategies, policy statements and other initiatives

(OMNR 2003). The participatory element, however, remains weakly articulated in the sense that some of the components policies were the result of sophisticated involvement exercises while others were not. In British Columbia, new Sustainable Resource Use Plans, facilitated by the Ministry of Sustainable Resource Management rather than the Ministry of Forests, hold out at least the promise of a more participatory approach to objective-driven management, one that again links a number of other key policy initiatives including the Working Forest Directive and the results-driven Forest Practices Code (BCMRSM 2002). Sustainable resource management plans are, however, too new to be fairly assessed.

22.6 Intersectoral coordination: beyond policy broking?

Intersectoral coordination is perhaps *the* critical function that can be performed by a NFP in a decentralised federal system. The combination of uneven economic development in Canada combined with almost exclusive provincial jurisdiction over forest policy makes the issue of coordination particularly tricky. As already noted, provinces have distinctly different interests in the management of their forest resources and different capacities to carry out independent policy initiatives, all the while sheltering under the vague and capacious umbrella of sustainability.

Unfortunately, intersectoral coordination is undoubtedly the weakest element of the NFS in Canada. Once again, the situation is strikingly similar to that described in the Netherlands, where the Strategy approach provides for what Schanz and Ottitsch (section 12.7, this volume) call “linkages without coordination”. In this respect, the gradual development of a real arms-length relationship between the CCFM and the NFS process is not necessarily a positive development. The CCFM exists as a forum for coordinating the forest policies of the various governments and, within the limits imposed by Canada’s decentralised federalism, it has become a reasonably effective instrument for doing so. The Strategy, on the other hand, has become a forum for linking the various groups and interests with a stake in the forest policy sector without providing any real capacity to coordinate their activities, other than the “brokering” functions already noted.

Moreover, the scope of the coordination problem and the need for some more sophisticated coordinating mechanism has become more rather than less pressing. The movement towards greater reliance on private sector governance capacity to achieve public purposes in forest policy (chapter 2) poses real challenges for coordination. Reflecting on their experience in devising the fifth NFS, the Sierra Club of Canada, a campaign-orientated environmental organisation, listed a number of issues that they felt had not been sufficiently addressed in the NFS: “forest certification, environmentally perverse subsidies, intensive forest management, climate change impacts and adaptation, and the on-the-ground requirements to practice ecosystem management” (Sierra Club 2003, pp.12–13). With the possible exception of the last issue, which is a question of technique, all the others raise acute coordination problems. Can certification be a private arrangement between corporations and civil society? How will government steer their private sector partners towards public goals if they can no longer use a range of financial incentives because of their environmental consequences? What structures need to be put in place in order to ensure that the response to climate change deals efficiently and fairly with different sectors? Once again, there is little doubt that a more formal NFP process is potentially a vehicle for addressing these coordination problems at a national level, while the NFS with its exclusive focus on agenda setting and problem definition, fails to do so.

The changing shape of the NFS has reflected the vicissitudes of the all important federal-provincial relationship in Canada. Originally intended to help promote federal leadership in a coordinated national forest policy designed to address some specific difficulties of the forest industry, it was transformed into an instrument designed to support a collaborative and defensive response to international concerns about Canadian forest practices. While the federal government continues to influence Canadian forest policy in a variety of ways, it is hard not to come to the conclusion that the NFS is now a policy instrument in search of a problem.

Ironically, of course, there is no lack of policy problems to which the NFS could be attached. Our argument, however, has been that the NFS needs to evolve much further towards the formal NFP if it is to be effective in tackling them. To the objection that the extremely decentralised character of Canadian forest policy and administration precludes any kind of *national* programme, we respond that this depends on the way in which a NFP is conceived. In an era in which the style of resource and environmental policy in Canada is characterised by rationalisation rather than collaboration; in which the governance of policy networks composed of both public and private actors is at issue; and in which civil society's interest in participation and capacity to participate has never been greater, there is a real opportunity to engage in a NFP process. What will always be different in Canada is that the provinces will continue to retain control over the substantive instruments of forest regulation and management and no NFP process that attempts to challenge this control will have any chance of success.

However, the instruments of governance are in many respects different from the traditional instruments of regulation or markets. Especially in connection with regulation, there is the recognition that "regulated enterprises have a diversity of motivations and that it cannot be assumed (as in some version of command and control regulation) that deterrence is the principal weapon available to regulators and policy makers" (Gunningham and Sinclair 2002, p.199). While so-called "next generation" forest regulation (chapter 2, this volume) will still mostly be carried out in the shadow of the law – and, in Canada, those laws will be made by the provinces – they will rely on motivations broader than legal deterrence, such as the impact of negative publicity, informal sanctions, third-party incentives, legitimisation (especially where private corporations are engaged in quasi-public activities) and the maintenance of trust.

In these respects, then, the regulatory activities of provincial governments will become less rather than more important. We have already noted some provincial initiatives that focus on a more objective-driven planning process that is similar in form to a *regional* forest programme (RPF). A NFP that attempted to fill in the gaps in such RFPs, for example, by continuing to engage the forest policy community in debate about what these objectives should look like from a national rather than a purely local perspective, would complement rather than compete with RFPs. Similarly, objective oriented planning and regulation depend on the provision of trustworthy information and audit. The inclusion in the fifth NFS of a whole new section on information and accountability is a very timely recognition of the role that could be played by a NFP that built on, rather than competed with, provincial initiatives in an era of rationalising federalism. The new stress in the Canadian Forest Service on policy analysis and evaluation is another significant development in the right direction (Natural Resources Canada 2003c). Building a NFP from the bottom up in a decentralised federation and resisting the temptation to impose direction from above that could only be self-defeating will not be easy. Something like it, however, is urgently needed to respond to

the challenges of forest governance in Canada in the new century. It would be a worthy successor to and logical development of the five Strategies and a significant innovation of the NFP idea.

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