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Reflexive Governance in the Public Interest

Global Public Services

Environmental Governance through Reflexivity?
Forest policy and forest management on the Balkans

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Working paper series : REFGOV-GPS-4

This working paper can be cited as follows

Sabine Weiland, 2009. Environmental Governance through Reflexivity? Forest policy and forest management on the Balkans.
REFGOV Working Paper Series GPS-4, Centre for Philosophy of Law, Université catholique de Louvain (final version submitted to MIT Press).

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**Environmental Governance through Reflexivity?
Forest policy and forest management on the Balkans**

*Paper prepared for the ecpr Joint Sessions 2008
Workshop “Environmental Capacity and Development in Transition States
and Emerging Democracies”, 11-16 April 2008, Rennes, France*

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WP-GPS-4

1 Introduction

The building of environmental governance is one of the key challenges in the transition process of the post-socialist countries in South-eastern Europe. Membership in the European Union is connected with the obligation to implement the EU regulatory regime, and this has been a powerful incentive for these countries to accept the environmental conditionality of the Union. However, not all policies regarding environmental and natural resources are formalised policy areas of the EU. This is the case with forest policy, which remains a Member States competence. The European Community can only contribute to forest policy on the basis of other already existing common competencies. Nevertheless, a large number of EU regulations affect the forest sector, most significantly the provisions of the Common Agricultural Policy, as well as the environmental and rural development policies (Pülzl 2005). Further policy initiatives of the Community include the Resolution on a EU Forestry Strategy, adopted in 1998, which emphasises the multi-functional role of forests and the importance of sustainable forest management. The Strategy resulted in an EU Forest Action Plan in 2006 that provides a framework for strengthening co-ordination of forest-related matters between the EU and its Member States (Hogl 2007). In addition, since the 1990s, a forest regime has evolved on the international level. Both the United Nations' international arrangements on forests (IAF) and the Ministerial Conference on the Protection of Forests in Europe (MCPFE) were directed at the promotion of sustainable forest management (Tikkanen 2007). These developments have influenced and shaped the national forest policies. With regard to the countries of South-eastern Europe, the resulting question is in which ways the European and international policies also have an impact on the forest policies and management practices in these countries.

This study deals with forest policy and management in South-eastern Europe. It investigates the recent developments in the forest sectors in three countries of the Western Balkans, namely Albania, Croatia, and Slovenia. The countries were chosen according to their different degrees of "relatedness" to the EU. Whereas Slovenia's accession to the Union was in 2004, Croatia is in the status of an accession partnership, and Albania's admission is still a future vision. The study is part of the research project "Biodiversity Governance and Global Public Goods", as part of the EU-FP6-project "Reflexive governance in the public interest (Refgov)". The focus is on environmental governance in the forest sector, and on reflexive forms of governance in particular. With the comparative study on the Balkan countries, we intend to address a threefold research question: How do these newcomer countries adapt to the European Union and other international environmental and sustainability injunctions? Under which conditions can we discern signs of policy learning? And which model follows for European co-ordination with new member countries? In more general terms, we analyse how the different European and international modes of governance influence the improvement and/or blocking of the transition towards sustainable forestry.

This paper is only a first step in answering the research questions. The research started in October 2007, and in February and March 2008, I travelled to the selected Balkan countries to conduct interviews on the current developments in forest policy and management. The results

are presented in this paper: an overview on the developments in forest policy and management in the countries. A comparative analysis of the cases reveals the different paths towards sustainable forest management the countries are following. The paper is organised as follows: In section 2 the theoretical framework of the study is briefly presented: reflexive governance as a means of dealing with sustainability problems in the area of forest management. Section 3, as empirical part of this paper, outlines the current developments in forest policy and management in Croatia, Slovenia, and Albania. The final section addresses the question of reflexivity in the area of forest management through a comparative analysis of the three country cases.

2 Reflexive governance and forest management

Environmental conditionality is a cornerstone of the so-called *acquis communautaire* and as such a major driver of change in post-socialist transition countries in Eastern and South-eastern Europe. However, in spite of clear signs of convergence of the environmental legislation in new member countries and candidate countries, the effect of new legislation on effective changes in management practices has been very different from one country to another. To understand these differences, there is still a lack of analysis of the institutional dynamics that play a role in the compliance with and effectiveness of the new policies. This research aims at filling this gap, by a comparative case study into the impact of the governance devices on change of the beliefs of the political actors in regard to multifunctional forestry and the building of trust in the new regulatory systems.

We use the following three categories that represent alternative models for the impact of the EU and other international norms on the newcomer countries:

- (1) economic: transaction cost characteristics of the governance device
- (2) reflexive: the capacity of the governance device to generate reflexive learning
- (3) social: the capacity of the governance device to generate trust in the new regulations

The three categories can be read in a hierarchical way. Behind them is the idea that the states can follow different logics when changing their forest policies and adapting to external stimuli (cf. Schimmelfennig/Sedelmeier 2005). The economic model assumes strategic and rational actors who seek to maximise their own power and welfare. Policy changes are thus the result of an adaptation to external incentives in order to receive rewards from the EU or other international actors, in form of assistance or institutional ties. In contrast, both the reflexive learning model and the social trust model assume that actors are driven by a different logic. By reflexive learning, we mean that the actors are motivated by internalised values and norms and that they share the belief in these norms. The rationale for policy change thus is the belief in the appropriateness of the norms. Finally, social trust still goes beyond the learning model. It refers to a collective identity as a result of the norm internalisation. The newcomer countries are more likely to be persuaded by the EU and international norms if they regard the community as an aspiration group, whose norm they share and to which they want to belong.

We believe that in order to achieve sustainable policy outcomes, it might not be enough to

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WP-GPS-4

merely adapt to external conditions because of economic incentives. Therefore, our research is particularly concerned with reflexive forms of governance.

The Refgov project aims to apply this simple set of common categories to different types of governance devices. This is needed because of the high level of heterogeneity between the different governance situations in the different countries (also beyond this study on the Balkan countries). By using a simple set of robust categories, we expect to be able to make a comparative analysis of different governance devices and evaluate how the governance choice influences the improvement and/or blocking of the transition towards sustainable forestry.

3 Forest policy and forest management on the Balkans

Forests play an important role in the Balkan countries. They all have a long tradition in forest management that dates back to the 19th century. During the socialist period forest resources were mostly heavily exploited. After the end of the socialist regimes the countries face the challenge to adapt to the changes that occur from the political and economic transition which have a large impact also on the forest sector. In this section, I shall present the ongoing changes in forest policy and management in the three countries: Croatia, Slovenia and Albania, since the early 1990s. The outline is based on a review of existing literature as well as on interviews with forest actors in the countries that the author conducted¹. The interviewees were either political actors – from the responsible ministries, administrative bodies, extension services, stakeholders, such as forest owners associations, international donor organisations – or academics that work on forest topics. The interviews were conducted in February and March 2008, the total number was 34 interviews (Croatia: 9, Slovenia: 9, Albania: 16).

3.1 Croatia

In Croatia, 42 % of the surface area (ca. 2,400,000 ha) is covered by forests. More than 60 % of the forest land is comprised of high-valued forests, one third are coppice forests, the rest is different degraded forest forms (maquis, garrigue, brush wood). The growing stock amounts to an estimated 166 m³/ha, with an annual increment of 4,37 m³/ha. About 84 % of the Croatian forests are broadleaved species (Hrvatske Sume 2008; Republic of Croatia/Ministry of Agriculture 2005).

¹ Semi-structured interviews of normally 90 minutes (varying from 30 to 150 minutes); the interviews were carried out with the collaboration of François Lerin, Institut Agronomique Méditerranéen de Montpellier.

Country Background²

Following the re-establishment of Yugoslavia at the end of World War II, Croatia became part of the Socialist Federal Republic of Yugoslavia, led by the Communist Party under Tito. Croatia was a Socialist Republic, part of a six-part federation. In 1980, after Tito's death, economic, political, and religious difficulties mounted and the federal government began to crumble. The crisis in Kosovo and, in 1986, the emergence of Slobodan Milošević in Serbia provoked a very negative reaction in Croatia, as well as Slovenia. Politicians from both countries feared that his motives would threaten their republics' autonomy. With the climate of change throughout Eastern Europe during the 1980s, the communist hegemony was challenged. The Croatian government declared independence from Yugoslavia on 25 June, 1991, but had to fight an Independence War until 1995 to succeed.

From the early 1990s, President Franjo Tuđman initiated the process of privatisation and de-nationalisation in Croatia. This was however far from transparent and fully legal, and later this became known collectively in Croatia as the "Privatisation robbery". During this period many influential individuals with the backing of the authorities acquired state-owned property and companies at extremely low prices, afterwards selling them off piecemeal for much larger sums. Following the end of the war, Tuđman's government started to lose popularity as it was criticized, among other things, for its involvement in suspicious privatisation deals.

Tuđman died in 1999, and in the following year the nationalist HDZ government was replaced by a centre-left coalition, with Ivica Račan as prime minister. At the same time, the presidential election were won by a moderate, Stjepan Mesić. The Račan government amended the Constitution, changing the political system from a presidential to a parliamentary system., transferring most executive powers from the president to the Parliament and the Prime Minister. Furthermore, the Račan government is often credited with bringing Croatia out of semi-isolation of the Tuđman era. Croatia became a WTO member in November 2000, and in October 2001 the country signed an association agreement with the EU. Accession talks were launched in October 2005.

Forest policy

In the first half of the 1990s, numerous pieces of legislation were passed that deal with regulations relating to forests and forestry, as well as the sustainability and biological diversity of the Croatian forests. The most important act is the Law on Forests from 1990, amended in 1993 and 2005. The overall objective of the act is the sustainable management of the Croatian forests, through enhancement of multipurpose and economically sustainable use of forests, through protection of forests; and through rehabilitation of degraded forests. The Law states that forests, as assets of general importance, have the "privilege of special protection" and must be utilised according to the legal provisions. They are subject to forest management plans which are to be approved by the Ministry of Agriculture, Forestry and

² Cf. <http://www.hr/croatia/history>, 05.04.2008.

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WP-GPS-4

Water Management (recently changed into Ministry of Regional Development, Forestry and Water Management). With the objective of sustainable forest management, the Law explicitly forbids the uprooting of trees, clearcutting, cutting of trees in young forest stands, as well as any damage to trees and forests. In the same way, with few exceptions, the act forbids browsing, eating acorns, gathering leaves, moss, forest fruits and medicinal herbs, among others. (Martinic 2000: 78).

According to the Forest Law, forests are categorised by their primary function into production forests, protective forests, and special purpose forests. Production or commercial forests are used primarily for production of wood and wood-related products, they account for 90 % of the Croatian forests. Protective forests, accounting for 6 % of the forest area, serve the protection of soil and water flows, but also of villages and industrial and other facilities and property. Forests with special purpose can be facilities for forest seed production; protection areas, such as national parks, nature parks and reserves; forests for scientific research or military requirements; and forests intended for recreation (Hrvatske Šume 2008; Martinic 2000: 83).

In 2003, the Croatian government launched the National Forest Policy and Strategy (NFPS). It was part of a series of strategies and legal amendments in the area of environmental, agricultural and regional planning within the process of adjustment for the accession to the European Union. The policy aim of the NFPS is, “through sustainable management, use and protection of forest resources and biological diversity, to increase the contribution to the national economy, applying research results, while respecting international trends and local community rights” (Republic of Croatia/Ministry of Agriculture 2005). The NFPS contains more than one hundred strategic activities that are crucial for adjustment of the sector to conditions in European countries, among others regarding the economic viability and competitiveness of the forestry sector. Also resulting from the NFPS, the Ministry of Agriculture, Forestry and Water Management started at the end of 2003 a project named “National Inventory of Forest Resources of the Republic of Croatia”. It should provide actual information on forests on the basis of internationally recognised parameters. The field collection and processing of data started in 2006 (Ministry of Foreign Affairs and European Integration 2006: 80).

Forest management

At present, the state owns 78 % of the Croatian forests, 22 % of forests are private-owned. In 1990, the share of private ownership was 18 %. It is estimated that after the end of the restitution process some 25 % of the forests will be private owned. However, the policy of the state to compensate the previous owners or to rebuy the restituted land, might eventually result in lower shares of private forests. Whereas the private woodlots are under the responsibility of the respective owners, the state forest is managed by a Forest Enterprise, called “Hrvatske Šume”. The company is mainly in charge of the so called “production forests”, however; the state forests in protected areas, such as natural parks and nature parks, fall under the jurisdiction of the Environmental Ministry.

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WP-GPS-4

Hrvatske Šume Ltd.

The State Forest Enterprise was founded in 1991 as a public company, on the basis of the provisions of the Law on Forests. As a result of the amendments of the Law, the enterprise was later restructured from a public company into a Limited Trading Company, the founder of which was the Republic of Croatia. The company was registered on 8 April, 2002 (Posavec/Vuletic 2004: 211). *Hrvatske Šume Ltd.* is organised as follows: Apart from the Direction, which is located in Zagreb, the Enterprise operates 16 regional forest administrations and 169 forest offices. In addition, 14 forest companies (mostly for forest works that require larger and special equipment) belong to the organisation (Hrvatske Šume 2008). The Enterprise employs 8,600 staff, plus some 700 temporary workers in the peak season. Current reforms of *Hrvatske Šume Ltd.* however provide for a rationalisation of the organisational structure, with the aim of reducing the number of forest offices to 120.

The regional branches are the most important level of forest management. Here the management plans for each of the 650 management units are prepared, which then need to be approved by the Ministry. Each management plan covers a 10-year-period. They are translated into annual operational plans, prescribing for example the amount of wood for cutting and the necessary silvicultural works. Moreover, a business plan for each unit is set up. In general, the implementation of the management plans is high. Departures from the plans mostly result from unexpected events, such as storms and forest fires. In case the annual objectives are not fulfilled, the subsequent plans will be revised accordingly. Compliance with the management plans is supervised by the Forestry Inspection, a body attached to the Ministry, through a system of internal as well as public control.

The administration of the Croatian state forests follows the so called “model of self-financing forestry” (Martinic 2000: 87). Administration tasks are performed by a company that, at the same time, is engaged not only in forest works but also in the marketing of the timber and timber products. The transformation of the Enterprise into a Limited Trading Company was an attempt to transfer a post-socialist State enterprise into a commercial enterprise. *Hrvatske Šume Ltd.* hence pursues a double objective: to successfully manage the state-owned forests and forest land as well as to conduct an economically sound business. The economic goals of the Enterprise are to pursue business operations with a satisfactory profit and to provide for funds for activities in biological reproduction of forests, forest protection, as well as the maintenance of the achieved levels of salaries (Posavec/Vuletic 2004: 213-14). The Forest Enterprise, on account of utilisation of natural resources, is obliged to pay to the local authorities a tax of 2.5 % of their revenues from this territory. In addition, all other commercial and industrial companies that operate in the forest sector are obliged to pay a tax of 0.7 % of their turnover to finance for example restoration or other forest measures. These financial mechanisms are designed to contribute to the environmental, but also the economic sustainability of the forest sector (Martinic 2000: 79).

The economic performance of the Forest Enterprise is considered satisfactory. About three thirds of the business income stem from sales of wood assortments and are realised through sales on the domestic market (87 %) and through exports (13 %) (figures for 2002, Posavec/Vuletic 2004: 220). However, the selling of the wood is, for the most part, carried out

under non-market conditions, i.e. at administratively regulated fixed prices. Buying rights for wood are distributed according to certain criteria and by applying a pricelist, approved by the Ministry of Economy. The wood price is fixed annually, depending on factors, such as the volume and structure of the wood production and quality parameters (ibid.). As a consequence, the Forest Enterprise is hardly able to adapt to a constantly changing market where the demand for certain types or qualities of wood is altering. The fact that the production is largely determined by the legal regulations on forest management, does not make it any easier. On the other hand, the Forest Enterprise was able to take advantage of the sustainable management practices as quality standards. In 2002, *Hrvatske Šume Ltd.* received the Forest Stewardship Council certificate for the forests under its management. Currently, national forests certification standards are in process of development.

Yet not all state forests under the management of the Forest Enterprise are production forests. Also, the protective forests, which serve the protection of soil and water flows from erosion, among others, are managed by the company. These forests are mainly located in the Mediterranean forest region. A special problem in these forests is the risk of fire. Every year, hundreds of hectares of forests are lost to fire. In addition, the war brought the severe damage of Croatia's coastal and island forests, particularly during the years 1991/92. More than 11,000 ha of forests were completely destroyed by fire, caused by various war activities. The damage was huge in environmental terms, but also in economic terms since Croatia's coastal region is a renowned tourist destination and an important economic asset of the country. Subsequently, tourism along the coastline dropped drastically. From 1997 to 2003, the World Bank financed the Croatian Coastal Reconstruction and Protection Project, in order to restore and protect forest land in the coastal zone and, thereby, to contribute to the restoration of tourism (World Bank 2003). The burned areas were afforested. The management for coastal forests was improved through fire-prevention measures, including forest cleaning and thinning, and campaigns to raise public awareness of fire risk, and through various pre-suppression and suppression activities, such as the purchase of fire-fighting equipment. In addition, the project supported a comprehensive forest fire management strategy, developed by the government, which aims to increase the resistance of forest stands to fire and to improve the fire-fighting efficiency (Sever/Horvat 1998: 4).

Private-owned forests

About one fifth of the Croatian forests are in private ownership. At present, the number of private owners is nearly 600,000, and the average size of the private holdings is 0.7 ha. In many cases, these forests are highly degraded due to over-cutting, with a growing stock of less than 80 m³/ha, which is considerably lower than in state forests (190 m³/ha).³

According to the Law on Forests, the private-owners are required to manage their forest properties sustainably. They also have the obligation to provide for protection and reforestation measures. If the private owners do not carry out the necessary and appropriate

³ Forest Extension Service Croatia, <http://www.sums-ss.hr/home.html>, 12.02.2008.

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WP-GPS-4

measures and activities, the Forest Law stipulates that the Forest Enterprise becomes responsible for the implementation of these measures. However, due to a lack of funding and financial supports, large parts of the private forests (an estimated 95 %) do not have any management plan at all (Martinic 2000: 84).

For that reason, the Forest Extension Service was established, a public institution that deals with private forests in Croatia. It was founded in June 2006, by regulation of the Croatian government, and started its work at the beginning of 2007. The changes were driven by a public debate in the course of the passage of the National Forest Strategy and the new process of certification in the state forests. Demands by the private forest owners, among them a number of owners of larger properties (e.g. the church), were to increase the activities in their forests, e.g. with regard to the opportunities for private owners to market timber and other products.

The overall objective of the new institution is to improve the management of the private forests, through organising the development of management plans and through giving advice on forest management and professional education to the forest owners. The Service also performs administrative tasks, such as selection of trees for felling and providing the necessary documentation. Moreover, the Service is responsible for the distribution of subsidies that are given for certain works, such as silvicultural works, making and revising forest management plans, the development and improvement of forest infrastructure and fire fighting standards, among others. Finally, the Service also organises the forest operations through licensed companies as well as the selling of wood via tenders.

The Forest Extension Service is organised on different levels. Apart from the headquarter located in Zagreb, the Service has 10 regional offices and a number of local forest advisors' offices around the country. In total, the Forest Extension Service has 69 employees. For the future, it is planned to enlarge the staffing of the organisation. One of the main obstacles to sustainable forest management in the private forests in Croatia is the small size of the woodlots, resulting from the fragmented ownership structure. The plots needed to be integrated into larger units in order to ensure a sustainable management. Most of the private forests are not managed at all, however, and this for example increases the risk of forest fires drastically. The Forest Extension Service therefore aims to foster the organisation of the private owners. Until the end of 2007, 17 associations of private owners have been founded, and for 2008, the establishment of a national association of private owners is planned. For the Forest Extension Service, the associations are the most important partners for co-operation and thus the Service tries to establish good working relations with them. Another task of the Extension Service is to prepare an up-to-date register of forest owners, along with the collection of data on the forests since the cadastres are mostly outdated. Here also the help of the owners associations is needed.

Discussion

Forest management in Croatia at this point seems to be half way between a socialist-style **planning approach** and a market approach characterised by private ownership and

competition. One might regard this as interim phase with full marketisation yet to be achieved. In terms of sustainable forest management, however, this situation turns out to be advantageous. The state dominance in the management of the (state-owned) forest, together with a relatively tight regulatory network are able to create a stable forest regime. It is supplemented by moves to adapt the Forest Enterprise to market processes. The conversion of the Enterprise into a Limited Trading Company, which is 100 % state-owned, contributes to the economic sustainability of forest management. That way, the model of a “self-financing” forest sector is working. As a result, the Croatian forest management system provides for a well-maintained (state) forest. In addition, the Enterprise can take advantage of the sustainable management practices as quality standards, and was awarded the prestigious Forest Stewardship Council certificate in 2002.

Yet the question remains how the forest sector will adapt to the changing conditions occurring as a result of the planned membership in the European Union. Increased pressure from foreign wood and furniture producers and changes in the structure of wood assortments trade will radically transform the economic environment of the Enterprise. More attention will need to be paid to marketing in forestry, to the supply and demand of wood products on the European market as well as to international trends in furniture production. Presently, the Croatian forest sector exports mainly timber and semi-products, which are further processed elsewhere and then sold to third markets with added value. Like this, the potential of the forest sector for having a bigger influence on the national economy is not realised (Posavec/Vuletic 2004). The limited capacities of the wood processing facilities is another limiting factor, though. Consequently, the development of a strategy on the wood industry could be of great advantage for the whole sector. The transformation of the regulated domestic market, operating with fixed prices, into a competitive market is yet another task.

The situation in the Croatian private forests is quite different from the state-managed forests. They are in less favourable condition, due to an absence of any proper management. The private-owned woodlots are very small and the number of private owners is vast. The challenge therefore is to set up a management regime. This includes the preparation of management plans and the securing of their implementation. The establishment of the Forest Extension Service as an institution to deal with these tasks is a step in the right direction. The success of the Service is however dependent on their resources (which to date are rather limited), as well as on further developments in the private forest sector. Supplementary organisation building (e.g. private owners associations) as well as the improvement of private owners' capacities in forest management are indispensable.

3.2 Slovenia

Slovenia is one of the most densely forested countries in Europe. Forests cover 58 % of the surface area, or 1,175,000 ha (LeMaster/Owubah 2000: 5). Much of the present forest area originates from overgrown farmland – in 1875, only 36 %, in 1947, 44 % of the surface area of Slovenia was covered by forests (Golob/Ferlin 2000: 92). The forest is well preserved: its

standing volume is 257 m³/ha, with an annual increment of 6.46 m³/ha (Ministry of Agriculture 2007). The ratio between conifers and broadleaves is 52 : 48 (Krajcic 1997: 81).

Country Background⁴

After World War II, Slovenia, like Croatia, became a part of the Republic of Yugoslavia. Starting from the 1950s, the Socialist Republic of Slovenia enjoyed a relatively wide autonomy under the rule of the local Communist elite. Slovenia abandoned its Communist infrastructure in 1990 and became a democratic constituent republic within Yugoslavia. The first democratic elections were held and the DEMOS coalition, composed of democratic political parties, defeated the former Communist parties. In December 1990, the overwhelming majority of Slovenian citizens voted for independence, which was declared on 25 June, 1991. A short Ten-Day War followed, in which the Slovenians rejected Yugoslav military interference. After 1990, a stable democratic system slowly evolved, together with economic liberalisation and gradual growth of prosperity. Slovenia is one of the most successful transition countries, with the highest income among the new member states. The country joined NATO on 29 March, 2004, and the EU on 1 May, 2004.

Forest Policy

Slovenian forest policy and management has undergone major changes since the early 1990s. Resulting from the political and economic changes of the transition years, Slovenia has adopted new forest management legislation. The perceived need for new forest legislation was related to reforms in the area of land tenure and the recognition of private property rights. The main features of the transition period were the introduction of a market economy, the denationalisation of property nationalised after the World War II, the privatisation of socially-owned property, and the adjustment of domestic legislation to international standards. Harmonisation of forestry laws with those of the European Community was however not necessary since Community legislation is mainly limited to the regulation of forestry financing programmes. As of today, there exist several important pieces of legislation regarding forest management in Slovenia.

Denationalisation Act, 1991 (OG RS 27-1029/91)

This act regulates the denationalisation of assets that were nationalised under the regulations on the agrarian reform, nationalisation and on the confiscation of property after the World War II. All the damaged parties or their heirs have been granted the right to the return of assets provided they were Yugoslav citizens at the time of the nationalisation of the assets.

⁴ Cf. <http://www.ukom.gov.si/10years/path/>, 03.04.2008.

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WP-GPS-4

Forest Act, 1993 (OG RS 30-1299/93)

The Forest Act regulates the protection, silviculture, exploitation and use of forests and the management of forests as a natural resource (sec 1.1). The owner is responsible for the condition of the forest and therefore must manage the forest according to forest management regulations and plans. Moreover, he is obliged to allow free access to and movement in the forest to other people, as well as beekeeping, hunting, and gathering of forest fruits and herbs for recreational purposes (sec 5.1). At the same time, the owner has the right to participate in procedures for adopting forest management and game management plans and in the preparation of forest silviculture plans. Their needs, proposals and requests shall be respected as far as is possible and consistent with ecosystem and legal restrictions (sec 5.2).

Forest Development Programme of Slovenia, 1996 (OG RS 14-632/96)

The Forest Development Programme, based on the international commitments of the country⁵, sets out a national policy of so called “close-to-nature” forest management, guidelines for the conservation and development of forests, and conditions for the exploitation or multiple use.

The long-term objectives of forest management are:

- conservation and sustainable development of forests in terms of their biodiversity and all their ecological, social and production functions,
- conservation of the natural environment maintenance of ecological balance in the landscape,
- conservation of landscape settlement and cultivation, and improvement of the quality of life in rural areas (Republic of Slovenia/Ministry of Agriculture 1995: 18-19).

In the Programme, the “close-to-nature” approach to forest management is characterised as “one of the rare activities which constitute an organic link between nature conservation and an economic sphere. The main feature of Slovenian forest management is the recognition of the concurrence and interdependence of ecological, social and productive functions. Forest conservation and protection, along with environmentally-sound utilisation and enhancement of all forest functions, not only timber production, are becoming a general European and world policy trend” (Republic of Slovenia/Ministry of Agriculture 1995: 7).

Organisation of forestry

Before 1993, a public forest enterprise was in charge of the management of the Slovenian forests. Each of the fourteen management units of Slovenia’s public forests was conducted by a forest enterprise. The primary task of these fourteen contractors was to manage the public forests, which accounted for 35 % of all forests, and the enterprise was responsible for all activities within these forests. However, the forest enterprises also performed forest service

⁵ The Programme lists the following international agreements: Agenda 21, Chapter XI, of the UNCED in Rio 1992; the Alpine Convention; Resolutions adopted by Ministerial Conferences on the Protection of Forests in Europe (Strasbourg 1991, Helsinki 1993); the Convention on Biological Diversity, Rio 1992. European FP6 - Integrated Project
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WP-GPS-4

functions since they prepared uniform forest plans and provided guidelines for all, public and private, forests (Robek/Marence 1998: 1).

Under the Forest Act 1993, a new Forest Service was established, with a central unit in Ljubljana and fourteen regional units throughout the country. The public agency is in charge of all forest planning and management activities, regardless of ownership. It is responsible for increasing and ensuring public interest in the preservation and development of forests and for providing guidelines for forest management. As with all other former public enterprises, the operation components of forest enterprises were privatised and most of them organised as joint stock companies. As a result, there existed some 106 forest enterprises in 1998 (Robek/Marence 1998: 2). During the following ten years, however, competition has brought about a centralisation process, with only four major forest enterprises remaining to date.

The Slovenian Fund of Agricultural Land and Forests is responsible for the management of state-owned agricultural land and forests and is fully accountable to the government. The Fund makes annual contracts with forestry enterprises, i.e. contractors (the former managers of these forests), on the basis of a 20-year concession (Krajcic 1997: 86). A concession is given for felling and skidding, the sale of forest assortments, performing protection and silvicultural work, and for the construction and maintenance of forest infrastructure. The concessions will end in 2017, and it is expected that this will lead to a revitalisation of the market for forest works.

Forest management

According to the Forest Act, forest planning is undertaken on three levels:

- forest management plan of a district (14 regional districts)
- forest management plan of a forest management unit (93 units)
- silvicultural and game management plans (430 forest districts (*Reviere*)).

The plans determine conditions for the co-ordinated use of forests and land use in woodland, the required scope of investment into biological vigour, the highest permissible degree of exploitation and conditions for wildlife management. They are co-ordinated with the national policy of close-to-nature forest management, outlined in the Forest Development Programme of Slovenia.

According to the silvicultural plan, trees for allowable cutting are marked jointly by both the forest owner and the Forest Service, which then issues obligatory guidelines. Forest operations can be carried out by the owner, the owner's heirs and other natural persons in the form of neighbourhood assistance. They can also be undertaken by natural and legal persons, provided that they meet certain conditions⁶. In order to ensure appropriate qualifications for forest work, the contractors of forest work must employ at least one worker with a higher degree in forestry and three years experience. Further provisions for appropriate training for individual operations in forest management exist. Contractors must also satisfy strict

⁶ According to the Statute on Minimum Requirements for Contractors of Forest Operations, OG RS 35-1398/94. European FP6 - Integrated Project
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WP-GPS-4

regulations related to work safety since forest work is considered very dangerous (Krajcic 1997: 83-84).

Clear-cutting is forbidden. Since the owner is responsible for the condition of the forest, he must carry out all measures for the prevention and control of plant diseases and insect attacks. For these measures, too, obligatory guidelines are issued by the Forest Service. As a rule, the application of chemicals in the forest is forbidden, as is grazing.

Forests in which any generally beneficial function is of special importance are designated as protective forests or forests with a special purpose. If this in any way interferes with the ownership interest, the owner is entitled to tax incentives or compensation (Krajcic 1997: 83).

Under the Forest Act, the Slovenian Forest Service has been created as a public forest service. Supervision of the enforcement of the Act and of regulations based on the Act are conducted by the forestry inspection service. Its work interacts with the work of inspectors for game and fisheries, and inspectors for construction industry and urbanism. The Forest Act provides for financial penalties to be imposed on offenders (sec. 78-81).

The ownership structure of forests

In 1990, 65 % of Slovenia's forests were private and 35 % state-owned. In 2007, around 77 % of forests were private-owned, and it is estimated that once the denationalisation process will be concluded, the rate will rise to 80 % private forests. The average size of forest property is 2.6 ha, which is often split up into spatially separate parcels. With more than 300,000 forest owners in Slovenia, private forest property is highly fragmented (Ministry of Agriculture 2007: 30). Private forest property is becoming even more fragmented since the number of private forest owner is still increasing. This poses serious obstacles to professional work in private forests, optimal timber production and utilisation of the forest potential. It also impacts on the type and structural variety of private forests.

Since 1993 the forest owners have taken full responsibility for the management of private forests. Numerous problems have occurred since few owners are properly trained or prepared for forest work and lack the necessary technical equipment. Work safety standards are often low. A large proportion of private forest owners are farmers, but at present, the majority are non-farmers. For most of them (farmers and non-farmers), the forest is not their main source of income and they are often interested only in reaping short-term benefits. Yet the situation is different in mountainous farming regions, where the forest is in many cases indispensable to the local economy. Overall, the efficiency of forest harvesting in scattered private forests is low. A conflict between private and public interest is inevitable and is becoming more and more visible with the increasing organisation of the private forest owners (cf. Krajcic/Winkler 2002; Golob/Ferlin 2000: 92-3). Yet their organisational degree remains low until today.

Discussion

Slovenia already had a long tradition in forest management before the transition period. The existing forest regime helped to rapidly formulate the new forestry regime. The review of the major pieces of forest legislation revealed that sustainable development of forests is an express objective of the legislation. Here, the long-established close-to-nature paradigm of Slovenian forest management seems well suited to realise a sustainable forestry. However, as some of our interview partners said, the close-to-nature paradigm is somewhat ill-suited for the requirements of a management approach that needs to take into account both, environmental and economic aspects of forestry. Seemingly, the paradigm has undergone a redefinition during the transition period, from an approach directed at the environmental objectives (“close to nature”) towards an emphasis of the reconciliation of environmental and economic objectives (see above quote from the Slovenian Forest Programme).

One of the most complex issues concerns the establishment of a legal regime for private forests. The initial assumption that privatisation would consist of a transfer of ownership and that this, in itself, would lead to a revitalisation of the economy has proven to be simplistic. Privatisation rather requires the establishment of a specific regime based on a balance between state action and private initiative. So far, the forest enterprises who are granted a concession dominate the market for forest works. With regard to the fragmented ownership structure, another crucial factor is the organisation of private forest owners.

The forest management system, now under the auspices of the Forest Service, is elaborated and capable to ensure the sustainable management of the private-owned forests. However, excessively stringent rules, such as the imposition of detailed management plans prepared by the Forest Service, or the marking of trees under the supervision of a member of the Forest Service, may also discourage private forest activities. The Forest Act sets out some provisions for participatory forest management, such as consultation with forest owners, other authorities and the public in the set-up of management plans. But as we know from our interviews, the planning system is very much expert-driven and thus very complicated, giving the forest owners and the public only limited opportunity to take part in the decision process. Overall, the traditional emphasis on technical forest management and a paternalistic planning approach is still prevailing.

On the other hand, representatives from the Forest Service in our interviews complain that the majority of forest owners are passive and do not engage in the management of their forests. The forest owners are not obliged to cut the trees and, as a result, only 60 % of the allowable cut is actually realised in private forests. This is not per se negative for the environmental sustainability of the forests, but in the mid- and long-term will contribute to the overgrowing of the forest as well as to an overaging. The crucial question therefore is how to promote the engagement of private owners in forest management.

3.3 Albania

Forests in Albania cover about 36 % of the Albanian territory with a total surface of 1,046,000 ha (LeMaster/Owubah 2000: 5). Yet forest resources were heavily exploited in the past decades – in 2004 the standing volume was down to 82 m³/ha (SEED 2004). A considerable loss of forest area already took place in the 1960s, as a result of the government decision to strive for food self-sufficiency. Some 260,000 ha of forest was cleared to create agriculture land. Since that time, forest depletion has continued, both in quantitative and qualitative terms, mainly because of persistent poverty in rural areas.

Country Background⁷

The history of Communist Albania essentially spans from 1945 until 1992, during which the country was led by President Enver Hoxha. His rule was characterised by isolation from the rest of Europe and his proclaimed firm adherence to anti-revisionist Marxist-Leninism, which has been dubbed “Hoxhaism”. Hoxha died in 1985 and left Albania with a legacy of isolation. As Communist Party rule weakened throughout Eastern Europe, his succession by Ramiz Alia led to some relaxation in internal and foreign policies, culminating in Albania’s abandonment of one-party rule in 1990 and the defeat of the reformed Socialist Party by the Democratic Party in the 1992 elections.

Yet the change from dictatorship to democracy had many challenges. The Democratic Party had to implement the reforms it had promised, but they were either too slow or failed to solve the problems, resulting in people’s disappointment from their hopes for fast prosperity. In the general elections of June 1996 the Democratic Party tried to win an absolute majority and manipulated the results. This government collapsed in 1997 in the wake of the additional collapse of pyramid schemes and widespread corruption, which caused anarchy and rebellion throughout the country and prompted intensive international mediation. The consequences for the economy were severe, Albania continues to struggle with serious difficulties to this day. The vast majority of industries remain shut, unemployment is high – and poverty is widespread.

Pursuant to a 1991 interim basic law, the Albanian people ratified a constitution in 1998, establishing a democratic system of government based upon the rule of law. On the way to democracy, Albania is attempting to implement market economy reforms and to gradually relax political constraints. Since early 2003, Albania has been negotiating with the EU on a Stabilisation and Association Agreement, the first step towards accession negotiations. The Agreement was signed in June 2006.⁸ On 3 April, 2008, Albania, along with Croatia, was invited to enter the NATO.

⁷ Cf. <http://www.albanian.com/information/history/index.html>, 03.04.2008.

⁸ <http://www.seerecon.org/gen/eu-see.htm>, 03.04.2008.

European FP6 - Integrated Project

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WP-GPS-4

Forest policy

Albanian society has undergone a fundamental transition since 1990, marked by changes in production structures, high unemployment, and unprecedented emigration, as well as changes in the family structures. The forest sector has suffered much more from this transition than other sectors. At the same time, the state of the forests is closely linked with the socio-economic well-being of the Albanian people. Therefore – and also under pressure of international political and donor organisations – the Albanian government was urged to take action to halt forest degradation.

Legislation and administration

There exist two pieces of legislation that are designed to achieve the sustainable management of the country's forest resources. The main law covering the forest sector is the “Law on Forests and the Forest Police” (No. 9385), from 4 May 2005. Its objective is “the administration, protection, enlarging and treatment of the forests”, with the aim of “environmental conservation and the production of wood material and other forest products” (Agalliu *et al.* 2007: 19). The Forest Act is an amendment of the 1992 Forest Law that in many respects has proved ill-suited for forest protection. According to the former law, for example, forest management plans did not consider biodiversity objectives.

The “Law on the Protected Areas” (No. 2906), from 6 June 2002, aims to regulate the protection, administration and sustainable management of protected areas. The law classifies these areas into 6 categories of protected areas based on the IUCN categories. Special attention is paid to forests, waters and other natural resources within protected areas that shall be excluded from utilisation (Agalliu *et al.* 2007: 27; Dida 2003: sec. 3).

Apart from the legislation, the institutional challenge to build-up the capacities for forest management might be far greater. Presently, the forest administration is going through a major reform process. The Directorate General of Forests and Pastures (DGFP) is the institution responsible for the management and development of the forests and pastures sector. DGFP is under direct control of the Minister of Environment, Forest and Water Administration. The Environment Ministry was founded only in 2001, and since then has been undergoing steady reforms. Until late 2007, the forest sector was still under the auspices of the Ministry of Agriculture and Food.

Strategy for the forest sector

Based on the general situation of the forests, the Albanian government has recently designed a strategy for the forest and pasture sector (DGFP 2005). The strategy is based on the Albanian Government Declaration on the future of Albania's forest and pasture sector from April 2003. It was designed to guide the development of activities in the forests and pastures sector in order to obtain an optimal contribution of this sector in the overall growth of the country's socio-economic level and sustainable development.

One can easily understand the situation of the Albanian forestry and the need for its improvement and rehabilitation from this declaration. It states that the current level of resources exploitation and the minimal investment into the sector have left this resource base in a very vulnerable condition. “In the past, including even the transition years, forests have especially been estimated for their economic importance, by underestimating their multiple functional aspect. Their harvesting does not lead to profits only but to losses as well [...] as those of capabilities for future development which is a result of the degradation and desertification of forestry and pastoral environment” (DGFP 2005: 13).

The main focus of the strategy is to ensure “the management, [and] sustainable and multifunctional development of forestry and pasture resources” (DGFP 2005: 7). Several priority objectives for the next 10 years are outlined, including

- Halt of all commercial logging for a period of at least 10 years;
- Protection and rehabilitation of forests and pastures through the increase of investments and incentives of private and collective initiatives;
- Sustainable forest and pastures management by a new strategy for an organised maintaining of forestry products;
- Establishment of a monitoring system;
- Incentive of individual or collective initiatives for re-forestation of abandoned land;
- Further attention to other socio-economic functions and services and the multiple use of forest and pasture (DGFP 2005: 14-5).

One consequence of the strategy is the limited possibility for timber production. The Albanian forest economy will therefore not be able to contribute much to the development of the wood processing industry, at least for the next 10 to 20 years. This industry must to be supported by the import of raw material. The restoration of the ecological functionality of the forests must be given priority.

Forest management in the communities

Approximately 50 % of the population live in rural areas, and this fact has created strong relations between the local communities and forests. For long, forests have been the main source of community employment and incomes. At the same time, however, this has put great pressure on forests, which have suffered from degradation, resulting from unregulated and intense wood-harvesting to satisfy household needs for fuel, timber and livestock fodder, and to exploit new commercial opportunities in the domestic timber market. According to a recent study, the total potential of Albanian forest (if managed sustainably) is 864,000 m³/year, with almost half of it (414,000 m³) is firewood. It is estimated that the needs for consumption of firewood is about 2,300,000 m³/year, most of which coming form the forest nearby the villages (Kola/Zeneli 2008: 2). For that reason, the areas close to rural communities have been particularly degraded.

World Bank Project

In 1994, the World Bank has launched a project to support better resources management, monitoring and control (Prifti/Hasko 2003: 246; World Bank 2004). Significant investments were made to improve the infrastructure of the Forestry Service as well as the working environment for Forestry Service staff through community participation. The Albanian Forestry Project aims at achieving a sustainable increase in the productivity of forest and pasture areas and at empowering local governments in order to meet the requirements of the population for forest and pasture products, developing non-wood products, and protection and restoration of natural ecosystems. Poverty reduction, through improvement of forests in order to generate incomes from natural resources and employment, is the overriding objective of the Project.

Assessments of the World Bank Project in 2004 indicated that the project has had a positive impact on poverty alleviation, and that the communal forest and pasture management component in particular, with its targeted interventions in rural areas, has contributed significantly to reducing poverty in vulnerable areas (World Bank 2004: 7, 11-12). Subsequently, the success has set off broader policy reforms by the Albanian government to decentralise forest management tasks and responsibilities (see below).

A further objective of the project, to take the initial steps in the transition of the forestry and pasture sector to a market economy turned out to be less successful. After the breakdown of governance in 1997, the political reforms were disrupted, including moves toward separation of commercial from regulatory functions within the forest sector, e.g. in form of the creation of an institution to undertake commercial activities on behalf of the state. The subsequent privatisation of harvesting and wood processing enterprises proved difficult since the majority of private companies own minimal equipment and an obsolete technology. Meanwhile, there exist a system of issuing licenses to private companies undertaking activities in the sector of forests and pastures. Most of the licensed companies employ a small number of people and possess some equipment that used to belong to state forest harvesting enterprises. In addition, the World Bank project was able to introduce a number of market-based mechanisms, such as wood-auctions (World Bank 2004: 7). The largest challenge for the establishment of a market for forest products and work processes however is the substantial reduction of illegal logging activities. For that reason, the decentralisation of forest management is regarded as key to improve forest governance. A new World Bank project was launched in 2004 to develop and expand the community-based approach to forest and pasture management.

Decentralisation and devolution

Before 1992, all Albanian forests and pastures were state property. The process of restitution of forests and pastures to previous owners began in 1996. Several amendments were approved for the recognition of private ownership and restitution of private forests and pastures according to the “Law on the Compensation in Value or in Kind of Agricultural Land, Pastures, Meadows and Forestland Ex-owners” (No. 7699), from 21 April 1993. The law does not provide for the restitution of forests, forestland and pastures within the priority areas for

the development of tourism and in the protected areas, and limits up to 100 ha the forest area that can be returned to ex-owners (Dida 2003: sec. 6.2). According to data by the Directorate General of Forestry and Pastures from 2001, 81 % of the forest land was state-owned, 18 % was community-owned, and only 1 % was in private ownership (ibid.). The reason for these figures is that the concept of land ownership did traditionally play only a minor role in the communities. As a rule, forests and pastures were used on the basis of common law, i.e. the user rights were with the families and were inherited over generations. Like this, the Albanian situation differs significantly from the forest ownership structures in other countries in the region, including Croatia and Slovenia. This is also the reason why the communities play such important role in forest management in Albania at present.

After the success of the World Bank project regarding the Communal Forest/Pastures Management component, official decision was made to continue the transfer of state forests and pastures to the local governments. This is regarded the new policy approach to sustainable forest management. The goal of the decentralization of forest and pasture management is:

- to curb further degradation and ensure the overall development of forests and pastures through the participation of communities, municipalities and villages in their protection, improvement and sustainable development and consequently in environmental protection, and
- to increase the benefits to communities and villages from the management of these natural resources (Dida 2003: sec. 6).

The decentralization process aims at accomplishing the transfer of forests and pastures in use to 218 communities and municipalities. Of the approximately 1 million ha of forests, 400,000 ha will be transferred to the communities and municipalities, accounting for 40 % of the Albanian forests. Until 2002, the transfer of forests and pastures already involved 56 communities. Management plans have been worked out for all communities that have received forests and pastures under their management. The transfer of forests and pastures to the rest of the communities, along with the development of respective management plans, was approved by the Council of Minister in February 2008.

The process of transferring forest management to the communities is conceived as a procedure to increase the awareness and the responsibility of the direct actors at the local level. Community boards are installed, composed of representatives of the local government, stakeholders (user associations, local people), and the forest service. They collectively deal with the formulation of management plans and make the necessary decisions. The World Bank, as the international donor organisation, accompanies the transfer process and, for example, approves the forest management plans. One obstacle however is the lack of a developed participation culture in Albania, as part of the decision-making process in forestry (Prifti/Hasko 2003: 248). For that reason NGOs, such as the Netherlands Development Organisation SNV, also support the capacity building in the local government.

At this point, the transfer process is underway, with still many unresolved questions. There is considerable debate about how far the devolution process should go. Is the transfer of user rights to the communities that deal with the allocation of rights and duties the best way to secure sustainable management? Or should property rights also be given to the communities

and eventually to the local people? What kind of obligations should be connected with property titles to safeguard a sustainable management of the land? It is argued that private ownership might be the best way to increase the individual interest in managing natural resources sustainably and to induce sustainable income generation activities. Others however argue that private ownership leads to a fragmentation of the forests that contradicts the sustainable management approach. Therefore, as is argued, the collective ownership at community level with individually granted user rights is the better alternative.

Discussion

During the last decades the Albanian forests have been illegally exploited. The uncontrolled cutting of the trees and the inability of the authorities to refrain this process have drastically reduced the forest resources, with the remaining ones being at young age and/or poor quality. Due to this reason the Albanian Government in 2003 has issued a Decree, which forbids the cutting of the trees. It is questionable however whether this helps to improve the situation. The main problem in Albania is the weakness of the state. The government institutions seem to be unable to provide even the most basic public goods and services, not only in forest management. Legislation is commonly regarded as wishful thinking. A low level of public accountability and responsibility of these institutions further add to the awkward situation.

Given the difficult governance conditions at the national level, the moves to decentralise forest management is a promising alternative. Based on the successful experience with community based development approaches from a World Bank project, the strategy now is to transfer the management responsibilities for all communal forests to the local level. The forests around the rural communities are particularly degraded, both as cause and effect of the poor living conditions of the local population. Decentralisation therefore is both a means of protecting the forest ecosystems and of enhancing the economic prospects and living standards of the people. The future success of the strategy is yet to be seen. The crucial factor is to create commitment among the local governments and stakeholders to manage the forests in their community in a sustainable way. In this context, it remains to be seen whether decentralisation of forest user rights to the communities is the most appropriate approach, or whether further devolution, in the form of private property rights given to the forest users, may prove superior.

It should not be overlooked, however, that the current reforms in the forest policy sector are only possible with the support of international donor organisations, in particular the World Bank. This is very typical for the Albanian situation. During the last decade or so, the majority of political conflicts have been solved with the intermediation, supervision or intervention of the international community. The political class proved incapable to resolve the political problems, which in turn led to a situation where foreign intervention became an important factor in domestic politics. In this context, commentators already speak of a *de facto* “co-governing situation” (Ruli 2003: 153). The political elites may find this situation convenient since it relieves them from political accountability. Also with regard to forest

management, some of our interview partners conjectured that the decentralisation of management responsibility is an attempt of the officials to get rid of the topic.

In any case, with or without international intervention, the crucial point will be the outcomes of the reforms. Success or failure of the decentralisation processes depends on the capacities for sustainable forest management that are built on the local levels. Here the key to overcoming the present forces that lead to the degradation of the forests and pastures.

4 Conclusion: Environmental governance through reflexivity?

In this paper, the present developments in forest policy and management in Croatia, Slovenia and Albania were reviewed. The three cases represent different paths in the post-socialist transition process and very different approaches in the pursuit of sustainable forest management. In this final section, I shall make an attempt to compare the countries' development paths with regard to the question of reflexive governance. I won't be able to give answers to all the research questions of the Refgov project, however. In order to be able to understand the drivers of the change processes and the precise mechanisms that lead to forest policy change, a more sequential analysis of the events and of the positions and actions of the international actors would be necessary. An understanding of the rationale that underlies policy changes (incentives, learning, trust) makes it necessary to address the meso (and even micro) level more closely and to further investigate the beliefs of the political actors and changes thereof. Also a more fine-grained analysis of the different actor groups and subgroups (e.g. private forest owners) would be revealing. Eventually, an assessment of the potential of different government devices to deliver sustainable policy outcomes is the ultimate objective of the research. At this point, I am however able to assess the potential for reflexive learning at the level of the different national settings.

The outline of the Croatian forest policy developments revealed the sector's position half way between a socialist-style planning approach and a market approach. Sustainable management practices are achieved through state regulation and a well-functioning administration. The rigidity of the forest management planning system demands strict adherence to the plan and does not leave room for any learning or reflexivity at the lower levels. The economic orientation that came with the conversion of the Forest Enterprise into a Limited Trading Company are not fully realised yet. Here might be some potential for learning processes (when using the market mechanism in favour of sustainability goals, e.g. with the FSC certificate). Yet the marketisation can also have the reverse effect: the subordination of environmental goals to economic interests. The situation gets difficult however when it comes to private forests. A wide lack of forest management raises the question of capacity building from scratch. How can sustainable forest management be organised in private forests? What kind of incentives (e.g. subsidies) would be needed to foster good management practices? Under which conditions could learning processes be initiated (among the forest owners, and their associations, as well as other stakeholders)?

Slovenian forest policy and management, as compared to the Croatian situation, is developed further in the direction of marketisation. Private owned forests have a larger share of the

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WP-GPS-4

national forests, and this raises exactly the same questions regarding the establishment of forest management as in Croatia. Here however, the extent of the problematic is larger. The Slovenian situation departs from the Croatian with regard to one important factor, however. It seems that the notion of the forest expert is more prominent in this country. Forest experts are those who have scientific knowledge about forests, and therefore they are the authorities in all questions of forest management. Also, the so called “close-to-nature” paradigm is a result of the expertocracy. The crucial question is in which ways this kind of expertise is present with the private owners and might influence their acting. In this case, the expert knowledge and authority could be both, a way of safeguarding the top-down mode of governance within the forest administration, as well as a kind of collective norm and identity that might secure sustainable forest management.

The Albanian situation is characterised by an absence of any appropriate forest management at all. The uncontrolled cutting of the trees have drastically reduced the forest resources, and therefore action is urgently needed. The situation is even more dramatic since the state of the forests is closely linked with the socio-economic well-being of the Albanian people. The inability of the authorities to refrain this process has brought international organisations on the scene. With their support, policy reforms were launched to decentralise forest management. The crucial question now is whether it will be possible to establish a local governance to manage the community forest. The potential for learning processes (and also for the reflexivity of these processes) among the local government and the stakeholders exists. The difficulty however is the enormous pressure to succeed. This in turn might produce also counter-productive results, such as an opportunistic attitude vis-à-vis the international donors (e.g. the establishment of pseudo organisations). Like this, the building of capacities for forest management would not be achieved.

In conclusion, the potential for policy learning and reflexivity in forest management exists. It remains to be seen if and how each society will take advantage of their opportunities to build the capacities for this task.

References

- Agalliu, Eugena, Mira Decka, Zamir Dedej and Elvana Ramaj 2007, The legal aspect of biodiversity-related problems. In: Forest and Water Administration Ministry of Environment (ed.): *Biodiversity Enabling Activity*. Tirana: Ministry of Environment, Forest and Water Administration, pp. 10-30.
- DGFP (Directorate General of Forests and Pastures) 2005, *The National Strategy for the Development of the Forestry and Pastures in Albania*. Tirana: DGFP.
- Dida, Maxhun 2003, *State of Forest Tree Genetic Resources in Albania*. Forest Resources Development Service Working Paper FGR/62E, <http://www.fao.org/docrep/007/j2108e/>

[j2108e00.htm](#) (05.04.2008).

- Golob, Aleksander and Franc Ferlin 2000, Forest and environment legislation in Slovenia. In: Franz Schmithüsen, Georg Iselin and Peter Herbst: *Challenges in Implementing Forest and Environment Legislation in European Countries with Economies in Transition*. Zurich: ETH, pp. 91-98.
- Hogl, Karl 2007, How to co-ordinate the non-integrated: Development and recent perspectives of European Union forest policy. In: Zbigniew Sierota (ed.): *"Quo vadis, Forestry?"*, *Proceedings of International Conference, 29-30 June 2006, Forest Research Institute, Sękocin Stary, Poland*. Sękocin Stary: Institut Badawczy Leśnictwa, pp. 18-32.
- Hrvatske Sume 2008, *Osnovni Podaci O Sumama U Republici Hravatskoj I Hrvatskim Sumama d.o.o.* Zagreb: Hrvatske Sume.
- Kola, Haki and Gazmend Zeneli 2008, *Enhancing Tenure Security Through Support the Communities to Improve the Laws on Transfer of State Public Property (Forest and Pasture) to the Communes. Final Report*. Tirane: National Association of Communal Forest and Pasture.
- Krajcic, Darij 1997, Forest policy and related research in Slovenia. In: Ilpo Tikkanen, Peter Glück and Birger Solberg (eds.): *Review on Forest Policy Issues and Policy Processes*. Joensuu, Finland: European Forest Institute, pp. 81-88.
- Krajcic, Darij and Iztok Winkler 2002, Restrictions on ownership of forests in Slovenia due to their environmental role. In: Iselin Georg Schmithüsen and Dennis Le Master: *Experiences With New Forest and Environmental Laws in European Countries With Economies in Transition*. Zurich: ETH, pp. 154-159.
- LeMaster, Dennis and Charles E. Owubah 2000, Nation states and forest tenures: An assessment of forest policy tools in Eastern European countries. In: Franz Schmithüsen, Georg Iselin and Peter Herbst: *Challenges in Implementing Forest and Environment Legislation in European Countries with Economies in Transition*. Zurich: ETH, pp. 1-11.
- Martinic, Ivan 2000, Croatian forest law and environmental legislation. In: Franz Schmithüsen, Peter Herbst and Dennis C. Le Master: *Forging a New Framework for Sustainable Forestry: Recent Developments in European Forest Law*. Zurich: International Union of Forestry Research Organisations/IUFRO Secretariat Vienna/Chair of Forest Policy and Forest Economy, ETH, pp. 76-88.
- Ministry of Agriculture, Forestry and Food 2007, *Gozd in gozdarstvo Slovenije (Slovenian Forests and Forestry)*. Ljubljana: Association of Slovenian Forest Societies.
- Ministry of Foreign Affairs and European Integration 2006, *Progress Toward the Achievement of the Millennium Goals in the Republic of Croatia*. <http://www.undp.hr/upload/file/124/62105/FILENAME/MDG%20engleska%20za%20web.pdf> (08.04.2008).
- Posavec, Stjepan and Dijana Vuletic 2004, Vision for forestry development in Croatia through National Forest Policy and Strategy . In: Libor Jansky, Radovan Nevenic, Ilpo Tikkanen and Brita Pajari (eds.): *Forests in Transition II: Challenges in Strengthening of Capacities for Forest Policy Development in Countries with Economies in Transition*. Tokyo: United

- Nations University, pp. 211-222.
- Prifti, Zh. and H. Hasko 2003, Forest policy development in Albania. In: Libor Jansky, Radovan Nevenic, Ilpo Tikkanen and Brita Pajari (eds.): *Forests in Transition II: Challenges in Strengthening of Capacities for Forest Policy Development in Countries with Economies in Transition*. Tokyo: United Nations University, pp. 245-258.
- Pülzl, Helga 2005, *Evaluation of European Community Regulations and Policies Relevant to Forest Policy*. Vienna: The Federal Ministry of Agriculture, Forestry, Environment, and Water Management of Austria.
- Republic of Croatia/Ministry of Agriculture, Forestry and Water Management 2005, *Policy Options for Improved Forest Land Use in South-East Europe. Country Report*. http://www.fao.org/Regional/SEUR/events/durdev/docs/cr_cro.pdf (08.04.2008).
- Republic of Slovenia/Ministry of Agriculture, Forestry and Food 1995, *The Forest Development Programme of Slovenia*. Ljubljana: Ministry of Agriculture, Forestry and Food.
- Robek, Robert and Jurij Marenc 1998, *Environmentally Sound Forest Operations in Slovenia for Whom?* Proceedings of the FAO/Austrian Expert Meeting on Environmentally Sound Forest Operations for Countries in Transition to Market Economies, <http://www.fao.org/docrep/004/X4009E/X4009E15.htm> (25.05.2008).
- Ruli, Genc 2003, Albania: The weakness of the state. In: Wim van Meurs (ed.): *Prospects and Risks. Beyond EU Enlargement. South-eastern Europe: Weak States and Strong International Support*. Opladen: Leske + Budrich, pp. 151-162.
- Schimmelfennig, Frank and Ulrich Sedelmeier 2005, Introduction: Conceptualising the Europeanization of Central and Eastern Europe. In: Frank Schimmelfennig and Ulrich Sedelmeier (eds.): *The Europeanization of Central and Eastern Europe*. Ithaca/London: Cornell University Press, pp. 1-28.
- SEED (Southeast Europe Enterprise Development) 2004, *Wood and Wood Processing in Albania*. Tirane: SEED.
- Sever, Stanislav and Dubravko Horvat 1998, *From centrally-planned forest operations to market-oriented enterprises in Croatia*. Proceedings of the FAO/Austrian Expert Meeting on Environmentally Sound Forest Operations for Countries in Transition to Market Economies, <http://www.fao.org/docrep/004/X4009E/X4009E05.htm> (25.02.2008).
- Tikkanen, Ilpo 2007, *Forest Policy Development Challenges in Europe: What Focus On?* Radovi Sumarski Institut, Izvanredni broj 10, www.sumins.hr/2007-izv.10/10_tikkanen_engl.pdf (13.12.2007).
- World Bank 2003, *Croatian Coastal Forest Reconstruction and Protection Project. Implementation Completion Report, No. 27472*. Zagreb: World Bank.
- World Bank 2004, *Albania Forestry Project. Implementation Completion Report, No. 28783*. Tirane: World Bank.

Typical forests in the countries:



Croatia: Medium-aged Aleppo Pine forest near Split. For fire prevention, underwood and lower branches have been cleared.



Slovenia: High forest in the North-west of the country, the Julian Alps in the background – how it grows...



Albania: Degraded oak forest in the Korça Region. In the background, trees surrounding a church, which give an impression of the original size of the forest.