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Overview FLEGT related stakeholder processes and initiatives in the European Union and The Netherlands

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FIRST DRAFT

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1. Introduction

The EU and Malaysia are in a process of preparing a Voluntary Partnership Agreement within the FLEGT process that is aimed at guarantied supply to the EU of legal timber.
This is a process in which various groups of stakeholders have a keen interest and look very critically at what governments are doing. In such a situation it is of great importance to organize participation of stakeholders in such a way that:

- Stakeholders can give suggestions and inputs on issues that they consider important
- Through stakeholder consultations as much support as possible is being created within society for the FLEGT process.

Governments will have to take a certain responsibility for the stakeholder process. What does this encompass and what does it mean in practice? This requires another approach towards policy development and implementation and other capacities "to play the game well", e.g. making effective use of Public Relations. As part of the bi-lateral discussions it was agreed to share current practices in the EU and The Netherlands.

The objectives of this inventory are:

1. To make an inventory of the ways stakeholder processes are organized by EU and the Netherlands regarding international forest policy and international timber trade. The inventory will comprise three levels:
    a. The (general) principles for stakeholder participation in the European Union
    b. the stakeholder participation regarding the FLEGT process in the EU
    c. the stakeholder participation regarding international forest policy and international timber trade and the FLEGT process in the Netherlands
2. Draw lessons learnt which might service as an input in the process to determine requirements for a well functioning participatory FLEGT process in Malaysia.

The methodology followed is a short desk study (including study of relevant web-sites) of current processes in The Netherlands, and the EU followed by a compilation of experiences and data. The sources that were available are of a very different nature, so the information on the different cases is also quite different.

The structure of the review is as follows:
- Chapter 2 offers a very brief introduction on multi-stakeholder processes.
- Chapter 3 is about experiences at the level of the European Union. It provides a short overview of general policies on stakeholder participation in the EU, followed by an example from the practical level, in this case the FLEGT process.
- Chapter 4 deals with some experiences from The Netherlands. First there is the experience of the implementation of European Birds and Habitats Directives in The Netherlands. That section is followed by a description of how the government deals with stakeholder processes on international forestry issues and a description of an independent platform for international forestry issues.
- Chapter 5 offers a short discussion on possible lessons learnt.

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2. Multi-stakeholder processes: when are they useful?

The scheme below offers an insight under what circumstances multi-stakeholder processes can be a useful tool to solve problems. That is the case when

- The state of knowledge is deficient: the state is tentative, there are disagreements on the question whether available knowledge is sufficient and research is needed.
- There is little agreement on the values at stake. Different groups of stakeholders have different values as starting points for considering the problem.

The result of such situations are so-called 'wicked problems'.

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The characteristics of wicked problems are[1]:
- Outcomes not scientifically predictable: The complexity of the system is such that it is not possible to predict all the possible outcomes
- Definition in 'eye of the beholder': Individuals bring different perspectives to the problem and therefore have different perceptions of the nature of the problem in terms of its source, approaches to address the problem or definition of a potential resolution of the problem.
- There is no single correct formulation because of the disparity in beliefs regarding its cause and nature.
- Solutions generally good or bad, not true or false
- Resources combine with stakeholder demands in unique ways
- Any solution is likely to be 'one-shot' operation and so experience from other, apparently similar situations, is not always useful.
- We cannot know when all possible solutions have been explored
- The decision-maker is not allowed to be wrong

Complexity associated with multiple stakeholders, conflicting values, scientific, stochastic and budgetary uncertainties, and a highly structured legal and administrative process are some of the characteristics of wicked problems. Such problems do not lend themselves to easy solutions.

Conventional wisdom seems to suggest that a democratic process where all the participants get an opportunity to voice their opinions, learn together through well designed experimentation and analysis and develop mutual trust and a common understanding of the issues has a greater chance of success in resolving wicked problems than processes that do not include such an iterative process.

Challenges of participatory processes are[2]:
- Participation does not guarantee agreement or avoid all law suits
- Can be slow and expensive
- Trust is easier to destroy than build
- Sponsoring agency may have different goals for participation than participants do
- Participants tend to retreat to general principles and broad commitments without adequately considering feasibility

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[1] Allen, Gerald M. and Ernest M. Gould, Jr. 1986. Complexity, wickedness, and public forests. Journal of Forestry 84(4):20-23

[2] Larry Walters, Peter Balint, Ron Stewart and Anand Desai, 2003. Dealing with Risk and Uncertainty in the Sierra Nevada Sacramento, California. Powerpoint presentation. George Mason University and The Ohio State University USA.

3. European Union

3.1. European policies on governance and consultation

3.1.1. EU policies on Governance

In 2001 the European Commission adopted a White Paper on European Governance[3] which was a reaction to sharp criticism from a variety of stakeholders in Europe on the lack of transparency within the EC. In 2003, after a long process of consultation, the EC published a report on European governance[4] which provided an outline on how to implement the White Paper. Main action areas are:
   a. Better involvement of society
   b. Better policies, regulations and delivery
   c. The EU's contribution to global governance
   d. Refocused policies and institutions.
Within the framework of this publication, the first area is important, which is divided into four lines of action:
   1. Information and communication/ making the way the Union works more open.
   2. Reaching out to citizens through regional and local democracy
   3. Involving civil society. More effective and more open consultation in the shaping of EC policy
   4. Connecting the networks.

Within the framework of this overview, especially activity lines 1 and 3 are interesting. The third line of activities, involving civil society, is dealt with in the next section. The first action line, information and communication, is most of all realized by the establishment of a set of web portals, see annex 1.

3.1.2. EU policy on consultations and dialogue

The European Commission undertook efforts to help reinforce the culture of consultation and dialogue in the EU. The benefits of being open to outside input are recognized. In 2002 the Commission developed *general principles and minimum standards for consultation* of interested parties.[5] The principle aims of its participatory approach are:
- To encourage more involvement of interested parties through a more transparent consultation process, this will enhance the Commission's accountability.
- To provide general principles and standards for consultation that help the Commission to rationalize its consultation procedures, and to carry them out in a meaningful and systematic way.
- To build a framework for consultation that is coherent, yet flexible enough to take account of the specific requirements of all the diverse interests, and of the need to design appropriate consultation strategies for each policy proposal.

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[3] European Commission, 2001. European Governance. A white paper. 35 pp.
http://europa.eu.int/comm/governance/index_en.htm
[4] European Commission, 2003. Report from the Commission on European Governance Office for Official Publications of the European Communities. 45 pp.
[5] Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission. COM (2002) 704. 28 pp.

- To promote mutual learning and exchange of good practices within the Commission.

The **General Principles** for consultation are:
- *Participation*. The quality of EU policy depends on ensuring wide participation throughout the policy chain – from conception to implementation. The Commission is committed to an inclusive approach when developing and implementing EU policies, which means consulting as widely as possible on major policy initiatives. This applies, in particular, in the context of legislative proposals.
- *Openness and accountability*. The European institutions should work in a more open manner in order to improve the confidence in complex institutions. Each of the EU institutions must explain and take responsibility for what it does in Europe. Consultation processes run by the Commission must be transparent, both who are directly involved and to the general public. It must be clear:
  - What issues are being developed
  - What mechanisms are being used to consult
  - Who is being consulted and why
  - What has influenced decisions in the formulation of policy.

As to the organizations which seek to contribute to EU policy development, it must be apparent:
  - Which interests they represent
  - How inclusive that representation is.

In order to be eligible, an organization must be a non-profit representative body organized at European level, i.e. with members in two or more European Union or Candidate countries; be active and have expertise in one or more of the policy areas of the Commission, have some degree of formal or institutional existence; and be prepared to provide any reasonable information about itself required by the Commission, either for insertion on the EU database or in support of its request for inclusion. If this information is not provided, submissions will be considered as individual contributions.

- *Effectiveness*. Policies must be effective and timely, delivering what is needed. To be effective, consultation must start as early as possible. Interested parties should be involved in the development of a policy at a stage where they can still have an impact on the formulation of the main aims, methods of delivery, performance indicators and, where appropriate, the initial outlines of that policy. A prerequisite for effectiveness is respect of the principle of [proportionality. The method and extent of the consultation performed must therefore always be proportionate to the impact of the proposed subject to consultation and must take into account the specific constraints linked to the proposal.
- *Coherence*. Policies and actions must be coherent. The Commission will ensure that there is consistency and transparency in the way its departments operate their consultation processes. The Commission will include in its consultation processes mechanisms for feedback, evaluation and review.

The **Minimum Standards** for consultation are:
A. *Clear content of the consultation process*. All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses.The information in publicity and consultation documents should include ((a) a summary of the context, scope and objectives of the consultation, (b) details of any hearings, meetings or conferences, where relevant, (c) contact details and deadlines, (d) explanation of the Commission's processes for dealing with contributions, what feed-back to expect and details of the next stages involved in the development od the policy, (e) if not enclosed, references to related documentation.

B. *Consultation target groups*. When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions. For consultations to be equitable the Commission should ensure adequate coverage of the following parties in the consultation process: (a) those affected by the policy, (b) those who will be involved in implementation of the policy, or (c) bodies that have stated objectives giving them a direct interest in the policy. In determining the relevant parties for consultation, the Commission has developed additional criteria or elements.

C. *Publication*. The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the 'single access point'. This single access point is the 'Your-Voice-in-Europe' web portal: http://europa.eu.int/yourvoice. Howevermore traditional alternatives might be useful (e.g. press releases and mailings).

D. *Time limits for participation*. The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for reception of responses to written public consultations and 20 working days notice for meetings. Under certain circumstances a consultation period of even more than 8 weeks may be required.

E. *Acknowledgement and feedback*. Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the Internet. The Commission will provide adequate feedback to responding parties and to the public at large. To this end, explanatory memoranda accompanying legislativew proposals by the Commission or Commission communications following a consultation process will include the results of these consultations and an explanation as to how these were conducted and how the results were taken into account in the proposal.

3.2 EU consultations and dialogue in practice: FLEGT

3.2.1. FLEGT Action Plan

The EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT), sets out a process and a package of measures through which the European Commission proposes to address the growing problem of illegal logging and related trade. It was published in May 2003[6]. The Action Plan is the start of a process which places particular emphasis on governance reforms and capacity building, supported by actions aimed at developing multilateral co-operation and complementary demand-driven measures designed to reduce the consumption of illegally harvested timber in the EU (and ultimately major consumer markets elsewhere in the world).

In the document there is no description about the process of formulation of the Action Plan and how stakeholders have been involved in that phase. However there is information about a co-ordination mechanism for the FEGT initiative. It has the following functions:

- Act as a central focal point.

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[6] European Commission, 2003. Communication from the Commission to the council and the European Parliament. Forest Law Enforcement, Governance and Trade (FLEGT) Proposal for an EU action Plan. COM (2003) 251. 32 pp.

- Provide technical inputs for the development of the partnership agreements with major wood-producing countries.
- Develop a detailed and co-ordinated workplan.
- Support a process of consultation with major forest sector stakeholders and other relevant parties on the FLEGT initiative in the EU and in potential partner countries.
- Co-ordinate the Commission's support to ongoing relevant international initiatives.
- Ensure that technical inputsa and required expertise are made available.
- Assist development of a strategy to expand the focus of the initiative to include other major word-consuming markets.
- Monitor the evolving impact of the programme on forest sector stakeholders, including forest-based industries in the EU and word-producing countries, and governments and local communities in wood-producing countries.

It can be observed that stakeholder consultation is explicitly mentioned. Also in monitoring activities stakeholders will have to be involved. In the next two sections two examples of that stakeholder consultation process will be explored.

3.2.2. Chatham House Stakeholder consultations

The Chatham House organizes twice a year an "Illegal Logging Update and Stakeholder Consultation". The first meeting was organized in December 2002. It does not seem to be clear whether this consultation is a formal consultation within the FLEGT process or whether it is informal.
In January 2006 the 7th meeting was organized in London, where the latest developments around illegal logging were discussed. This initiative is organized by the Royal Institute of International Affairs at Chatham House[7], London and funded by DFID. The objective of the meetings is twofold:
- To provide an update of developments and activities on the struggle against illegal logging and related trade;
- To create and informal platform for governments, private sector and NGOs involved in these activities.

In order to promote an open discussion, the so-called 'Chatham rules' apply: everybody is free to express any opinion, but no citation is allowed afterwards.
The meeting was attended by more than 100 participants from governments, private sector and NGOs. Many 'key players' in the illegal logging activities participated, not only from the UK and Europe, but also from the Americas, Africa, Australia and South-East Asia. Every time more people participate and more presentations are made.
Presentations were prepared by different **types of stakeholders:**
- Ministries
- European Commission
- The organizers and consultants
- NGO respons to presentations of the above mentioned stakeholders.

Several **types of updates** were presented:
- There were research updates by consultants, Governments and NGOs.
- Private sector updates.

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[7] Chatham House is also involved in other activities related to FLEGT:
- Chatham House maintains an illegal logging website (www.illegal-logging.info) which also informs about other events on illegal logging.
- It is a contributor to the FLEG Forest Law Enforcement & Governance Newsletter, issued by the World Bank FLEG Secretariat (contact: ena-fleg@worldbank.org) which deals most of all with problems of illegal logging in Russia and Eastern Europe.

- FLEG update on specific FLEG related processes in countries.
- Campaign and project updates by 9 representatives of NGOs from experiences in a variety of regions and countries (Europe, Republic of Congo, Brazil, Honduras, Russia, East Asia, Burma, and Cameroon).

3.2.3 Initiatives sponsored by EU and the European Parliament

Every presidency of the EU organises a stakeholder meeting around the Council Working Group Forestry in order to discuss progress, new developments and possible concerns about the EU international forestry agenda. These meetings take place at least once every six months in Brussels and FLEGT is off course an important forestry issue.

Around specific themes conferences may be organised. During these conferences NGOs and the private sector are well represented. Often Directorate generals of the EC or Members of Parliament (MEP's) of the EU are involved. About FLEGT several meetings have been organised. An example is the following. In April 2005 a Conference on Illegal logging, Governance & trade was organised in the building of the European Parliament. Conference sponsors were two MEP's of the Liberal democrats. Conference organisers were three NGOs: Greenpeace, WWF and FERN. It was a one-day conference to expose the environmental and social impact of illegal and unsustainable logging in tropical and tundra forests and discuss the European FLEGT Action Plan in the European Parliament. Representatives of civil society from producer countries (South-East Asia, Central Africa and Russia) and timber retailers presented the impact that illegal and unsustainable logging has on the environment and on producer countries and their people. Representatives from the European Commission, producer country governments, international NGOs and industry gave their views on the implementation of the FLEGT Action Plan and on the measures for the EU to prevent the trade of illegal timber. MEP's and lawyers working on legislation discussed the feasibility for developing EU legislation. At the end of the day there was a panel discussion with representatives from the European Parliament, European Commission, NGOs and industry.

4. The Netherlands

4.1. Implementation of EU Directives in The Netherlands[8]

The EU Birds Directive was established in 1981 as a result of the deterioration of a great number of bird species. In 1992 the EU Directive on the Conservation of Natural and Semi-Natural Habitats and wild Fauna and Flora, the so-called Habitats Directive, was adopted. One of the key-instruments of the directives is the establishment of a European network of protected nature areas: the Natura 2000 network. At the moment of adopting the Habitats Directive, The Netherlands held the chair of the European Union, Dutch actors played an important role in the decision-making process (e.g. preparation of the proposal). Although the Netherlands were a forerunner in the formulation of the directives, they turned out to be a laggard in the implementation stage. A number of factors can explain this remarkable phenomenon:

1. *New actors, new contrasts*. Through the EU policies a process of 'europeanisation' of nature policies started. It resulted, among other things, in the entrance of new actors in the Dutch policy domain, especially the European Commission and Dutch environmental

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[8] Based on: Mariëlle van der Zouwen and Marleen van den Top, 2001. European nature conservation policies in the Netherlands – a pioneer unable to implement its own ambitions. Wageningen University. 14 pp.

NGOs pressing for the need to implement the EU Directives. At the other hand other actors entered: the Ministry of Economic Affairs and the Ministry of Traffic, Public Works and water Management. These actors fear that other, mainly economic activities are forbidden once a site is designated as an area under one of the EU directives. Also regional and local authorities entered the debate. Like the two Ministries they perceive the directives as an obstruction to economic and infrastructure activities. Facing these new actors, the Ministry of Agriculture, Nature Management and Food Safety (Ministrry of ANF) held an ambiguous position: it supports the implementation of the directives, but also questions the surplus value of the directives.

2. *Distribution of power and influence among actors*. The 'Europeanisation 'of nature conservation policies resulted in the strengthening of some actors (for instance the nature conservation movement). In addition new actors are able to strongly influence Dutch policies (European Commission). Without knowing everything about the impact of these changes and the consequences for the distribution of power among the actors, the situation for the Ministry of ANF - that should lead the process of implementing the directives – becomes less transparent and probably more difficult to control.

3. *Changing policy discourse*. Many Dutch policy makers consider the current European policies on nature conservation, with its emphasis on ornithological and natural scientific criteria, as a reaction on the worse conditions of nature areas at the end of the eighties. In the mean time, more coherent policies have become accepted, linking nature conservation policies with other policy domains such as agriculture and planning. However, nature conservation practice is considered by quite some observers to be much more sectoral and less comprehensive. There is also a plea for a stronger relation between nature and society ('socialisation of nature'). Both tendencies (comprehensive policies and socialisation) result into new discourses in which the Ministry of ANF seems to have difficulty with the implementation of European nature conservation directives.

4. *Changing rules of the game*. The approval of the EU directives basically was a top-down decision. However, in Dutch society the focus on consensus building has become stronger. It has not only become a rule of the game at administrative level, but also on the level of co-ordination between authorities and citizens of interest groups. One can broadly speak of a change from top-down policy to the emphasis of interactive approaches. Interested parties argue that these rules do not comply with the European rules to use ornithological and natural scientific criteria for the designation of sites under the EU directives. In addition, regional authorities have got expanded responsibilities since the Decentralisation Impulse.

In a certain sense, the Netherlands 'got stuck' between its initial ambitions and its inability to comply with European legislation within a changing policy domain. One of the reasons may that the consequence of the consensus culture for compliance with European legislation has not been thought through sufficiently.

Three years ago the EU Directives have been translated into a new Nature Conservation Act. One of the aspects is that for all activities that have a significant impact on the designated Nature 2000 sites, a permit is obligatory, which will generally be issued at provincial level. More time is needed to evaluate how this legislation will work out in practice.

4.2 Dutch policies on international forests issues

From 1996 till 2000 the Ministry of Agriculture, Nature management and Food Quality organized its international forests and biodiversity activities within the PIN-programme (Programme for International Biodiversity). Within the framework of that programme the ministry organized every year a stakeholder meeting in order to inform the stakeholders and to collect opinions and

experiences on the various sub-themes within biodiversity. Gradually the awareness grew that it would be better to develop an umbrella program to cover the activities of the various ministries active in the realm of international biodiversity: the ministries of Agriculture, Nature Management and Fisheries, Foreign Affairs, Environment, Education, Traffic and Water management, Economic Affairs. In 2002 the Dutch Government approved the International Policy Programme Biodiversity of the Netherlands 2002-2006 (BBI)[9]. The BBI was the result of a process of intense discussion between the six ministries involved. In this phase stakeholder participation was not formally organized. However, when the program was presented to stakeholders in The Netherlands it encountered general approval: the programme covered a wide array of relevant themes and the proposed actions were considered to be adequate.

One of the themes within the BBI was 'Forests' for which a rather extensive programme was defined. The Netherlands spend every year some € 70 million on international forest policy and is worldwide an important donor in this field of activities. For the coordination, monitoring, progress, and the planning of specific activities around the BBI-Forest programme, early 2003 an interdepartmental working group was established. Representatives of the ministries with the highest involvement with international forest issues participated: The Ministry of Agriculture, Nature management and Fisheries (co-ordinator), Ministry of Foreign Affairs, and the Ministry for the Environment. Other ministries were kept informed.

The BBI Forests working group is responsible for: (a) progress of the implementation of the international forest related policies, (b) signalizing new trends in international forest policy, (c) maintenance of contacts with stakeholders involved in the formulation and execution of international forest policy. Changes in the international and national context of policy have resulted in changes of accent in the programme of activities.

An important basis for the meetings of the working group is the 'Forests' part in so-called BBI Monitor. The Monitor is a database which contains the objectives and the activities mentioned in the BBI-programme, accessible for the representatives of the ministry. It serves as a tool to check progress on the planned activities. Several times printed versions of the forest working programme have been made available to stakeholders. Stakeholders and ministries together agree that targets should become better measurable, and that maybe there should be less targets than today. The working programme is now more or less measurable as to the level of proposed activities, but less on the level of objectives, which have been formulated in a broader way. Another important tool is the Proforis database (http://www.proforis.nl) which is accessible to the general public and which provides information on international programmes and activities financed by the Dutch government on nature, forests, water and biological diversity. In July 2005 Proforis contained information about approximately 3000 projects. Both instruments are a basis in order to provide information to stakeholders during meetings within the framework of the BBI Forests programme.

The BBI-Forests working group has invested considerable efforts in fine-tuning and communication with stakeholders. Several meetings have been organized where most stakeholders participate.
- Before Dutch delegations depart for negotiations on international environmental treaties, instructions are prepared by the responsible ministries. These are presented for consultation to stakeholders, who can hand in contributions. In some cases NGOs formed part of Dutch delegations[10].

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[9] International Policy Programme Biodiversity of the Netherlands 2002-2006. Ministry of Agriculture, Nature Management and Fisheries. January 2003. 116 pp. see also: http://netherlands.biodiv-chm.org.

[10] In one specific case the Ministry of Agriculture organizes a Community of Practice around the role of forests in the Clean Development Mechanism (CDM) of the Kyoto Protocol after 2012. Approximately two times per year meetings are

- In October 2003 a stakeholder meeting on BBI-Forests was organized with the participation of many stakeholders. Objectives, activities and priorities within the BBI-Forests working-programme were discussed in detail. A detailed report appeared afterwards.
- In the fall of 2005 the BBI-Forest working group prepared a review of the progress of the forest programme between 2002 and 2005. In November 2005 a meeting was organised to discuss this review and two important questions for the future:
    - What are new trends and themes in international forest policy and how should Dutch policy be adjusted?
    - How can a possible second phase of the BBI best be organised?

The meeting was organised in such a way that all participants firstly were able to hand in their own ideas on paper and only then the discussion in groups started. In this way all ideas can be conserved. Of this meeting a report is in preparation which will be sent to the participants.

During the Forest Consultation Meetings (see section below) the BBI-Forest programme is a returning item on the agenda. Once every year a BBI working day is organised for all BBI work programmes. In general during such days there are also events to discuss the progress of the BBI-Forests programme. Since 2003 there is a BBI-Bulletin which appears 1-2 times per year, reporting on the progress of the different BBI working programmes.

During the Dutch EU-presidency various meetings have been organised under the title "Forests, reasonably important". During these meetings the most important forest issues – within the EU and Dutch frameworks - have been discussed.
The Knowledge Department of the Ministry of Agriculture organised several meetings of a more informative character, where many stakeholders participated. Themes were: Forest Landscape Restoration, financial mechanisms for payment of environmental services, Illegal logging, and FLEGT, National Forest Programmes.

The stakeholders very much appreciate these types of participation. However, stakeholders have also been asked to take up part of the responsibility for the implementation of the BBI, but only in some cases this has resulted in concrete actions.

In recent years environmental NGOs and the Ministry of Environment had frequent discussions and dialogue about the development of an independent system for approval of certification systems for sustainable forest management and the chain of custody (the so-called guidelines for assessment'- BRL). To the satisfaction of all parties this process has resulted in new guidelines.

4.3. 'Independent' Forest Consultation Meetings

Within Dutch society the interest in international forest affairs existed already before the publication of the Policy document of the Government of the Netherlands on Tropical Rain Forests (1991). In the Netherlands there is a clearly distinguishable international forest sector. When international forest issues are at hand, stakeholders know how to find each other, also outside events organized by the government: governments, private sector, NGOs and scientists. Since the nineties more concrete co-operation and dialogue has been developed between different

organized which serve as a platform to provide information on new developments within UNFCCC and as a place to do brainstorming on new options. Some 30 persons are member of the group and have access to the simple web site (in Dutch, See: http://portals.wdi.wur.nl/cdmbos) where relevant documentation, reports and PowerPoint presentations are stored. The meetings are initiated by the ministry because they provide inputs for development of the policy regarding CDM.

stakeholders. This process was already going on when the BBI was officially launched in 2002, but the trend has become even stronger. The events organized by the government within the BBI framework have also contributed to this development. But of equal importance is the existence of Forest Consultation meetings organized by IUCN-Netherlands and ICCO (an organization which receives money from the Dutch government in order to support NGOs in developing countries). They receive funds from the Ministry of Foreign Affairs to to finance the secretariat. These meetings are organized 3-4 times per year. Participants are working or active in ministries, research, management and conservation of forests outside The Netherlands. The meetings have the following objectives:

- To promote dialogue, advice and exchange of information on Dutch international forest policy in order to react adequately on urgent matters regarding forest conservation and sustainable forest management.
- Promotion and stimulation of concrete initiatives for management and conservation of forest in tropical, sub-tropical, temperate and boreal zones by means of effective networking and co-operation in The Netherlands.
- Promote the coherence of activities of involved parties in order to avoid overlap and enhance common objectives.
- Provide information on international developments like the UNFF, the CBD and IUCN Forest Conservation Programme.
- Consolidate and promote further development of the public support for conservation of international forests.

Generally between 20 and 30 persons participate in the meetings with duration of some three hours. The meetings take place already more than 10 years. In every meeting presentations are given dealing with 'content' matters, in order to assure that the participants can 'take away' knowledge from the meeting. Originally the private sector hardly participated, but in the last years more and more representatives of private companies participate and during the meetings also give presentations on certain subjects. Interested representatives of ministries participate on an equal basis in the meetings. Participation in the meeting does not imply that one agrees with the contents of the presentations that are given. The meetings are a platform for exchange of views. Sometimes NGOs propose to start certain campaigns or write a letter of protest, etc. Everybody is free to agree or disagree with these initiatives. Everybody is also free to participate in the proposed actions, to refrain from any reaction or even to oppose the proposed action.

5. Discussion and lessons learnt

The information on the cases that are described in this overview is of a different nature. Some cases are based on scientific sources (written with much more distance and a critical attitude), others have a much more practical nature, while in the EU case the source is a white paper. Therefore it is not fair to compare the different cases in the sense of: 'this stakeholder process is better than that one'. But this section is meant to start of a discussion on possible lessons learnt.

Formality versus informality: both are valuable. The processes in the EU and the Netherlands are organised in a different way:
- The processes in the EU have a very formal basis. This probably has to do with the fact that the EU has to deal with stakeholders from 25 member states. Handling stakeholder processes on such a large scale needs a very clear process description. This formal approach is also a reaction to sharp criticism on the functioning of the European Commission at the end of the nineties. Transparency was lacking at that time, and the Commission had to show how it was going to improve the situation. Websites play an important role by providing all stakeholders equal opportunities to information. However,

in practice you need to have quite some 'insider' information to know that information exists and where to find it.[11]
- In The Netherlands the processes of participation on international forest affairs are not formalized at all in a policy paper on public participation. However, there are many occasions where civil servants and representatives of NGOs and the private sector meet en exchange visions and experiences. Policy makers probably have quite a good idea what is important for the various stakeholders. They also put quite some effort in informing stakeholders. In The Netherlands the 'polder model' is still dominant. Stakeholders are very aware of the differences of opinion that exist between them, but they are also aware of the fact that they need each other to accomplish certain aims.

It is fair to suppose that informal contacts play an important role in both cases. Meetings with participation of stakeholders help civil servants to understand what the critical issues are and what are the thresholds: what is the minimum for guaranteeing the approval of stakeholders or for avoiding active actions of disapproval?

An 'independent' platform where all stakeholders can express their opinions is useful for the government. In the Dutch situation the 'independent' Forest Consultation Meetings are organised by organisations that are supposed to be fairly impartial (or at least acceptable to all stakeholders). The government has directly or indirectly funded this platform. It uses the platform to disseminate information and to receive latest updates of relevant developments in society. Although there are differences, the Chatham House Stakeholder consultations basically have the same concept and are also organised by an independent organisation (although with strong linkages with the British government).

There is a need to take the stakeholders seriously. For civil servants and policy makers the attitude of informing and listening to opinions of NGOs and other stakeholders does not mean that they necessarily follow their ideas. In many cases this is simply impossible because the different stakeholder groups may have very different opinions. Civil servants and policy makers try to show that they take the ideas of stakeholders seriously, for example by organizing discussions with stakeholders and writing their opinions down in a report of the event. Obviously not every idea can be transformed into policy. In preparing new policies civil servants try to accommodate these ideas, as long as they fit within the vision of the European Commission (in the case of the EU) or in the vision of the actual coalition of parties that rules the country (in the case of The Netherlands).

Stakeholder processes are not a panacea to implement top-down imposed decisions. The case of the difficulties in implementing the EU Habitat and Bird Directives in The Netherlands shows clearly that stakeholders should have a certain input in the policy formulation phase. Such stakeholders should be representatives from all sectors that are affected by the policy. Once there is a decision which many stakeholders consider to be one-sided, a participatory stakeholder process will not help to implement the decision.

There is often a need for institutional adaptation and institutional development. Within society ideas and situations are changing constantly. Because of that certain aspects of policies or directives may get outdated. This emphasises the need for flexibility especially in the organisation that defines the policy but also on a more practical level. Flexible adaptation of organisations to new situations generally does not happen spontaneously. It needs to be accompanied by activities that support institutional development (e.g. capacity building for staff).

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[11] An interesting example is the following. Your reporter asked a NGO specialised in critically following international EU forest policies what their opinion was on the White Paper on Governance of the EU. The answer was that the person was not aware of the fact that this white paper exists (it appeared in 2001).

Disadvantaged groups within multi-stakeholder processes are in a very specific situation[12]. In none of the cases described in this overview participation of disadvantaged or minority groups played an important role. However, it is relatively easy to organise a rational and communicative multi-stakeholder process in a setting where the power to influence is relatively well-balanced among stakeholders, and where cultural and social heterogeneity is low[13]. This is much more the case in Europe and The Netherlands in comparison with the Malaysian case. Even if neutrality is pursued within a multi-stakeholder process, disadvantaged groups (often minority groups) may face severe limitations:

- The 'language' in a broad sense is different. For example, scientific methods may seem objective, but disadvantaged groups often feel that scientific methods are not transparent and do not make use of their experiential knowledge.
- Disadvantaged groups may not want to fully disclose the available information, e.g. when religious sites are at stake, or when they have the feeling that other groups might make abuse to the information.
- Who decides who is going to represent the interests of disadvantaged groups? For example, A one-sided representation may cause internal conflict.
- A rational communication should also openly discuss political aspects, because for the disadvantaged groups, political aspects are a serious part of their problems. But generally multistakeholder processes pretend to be non-political.
- When an agreement is made, there are always different interpretations of the agreement. An agreement may have been the best possible option at the time of negotiation, but the set may have changed already. The effective life of an agreement may be very short.
- Negotiations are only one possible strategy for disadvantages groups to pursue their interests. Other options (e.g. confrontations, campaigns) may be considered by the disadvantaged groups to be much more productive.

However, negotiations within a multi-stakeholder process may have advantages for the disadvantaged groups. Negotiations can help disadvantaged groups understand the goals and interests of other stakeholders, improving their strategic planning. Negotiations can be a place to build empathy for the position of disadvantaged groups. They can be a place for these groups to exert influence over other stakeholders. They can also make temporal or long-term alliances with part of the stakeholders.

The role of the private sector has increased. In the Dutch situation since 2002 there are more relations between policy makers and timber trade. This is also due to the FLEGT process and discussions around certification and the growing efforts of the Dutch Timber Trade organization (VVNH) to combat import of illegally logged timber. Two ministries also co-finance activities of the VVNH, but the VVNH also provides inputs for the discussion on legality. However, there are still obstacles which have to do with division of roles, financial limitations and dependencies. Questions are: what can governments expect from stakeholders? How can the government best support the activities of these actors?
In the 'independent' Forest Consultation Meetings the role of the private sector has also increased. The new trend is in striking contrast with the situation in the 1990 where representatives of the private sector did not participate at all in these meetings and where actions and campaigns of NGOs against private enterprises were much more frequent.

Consultations, dialogue and participation may be executed with a very different intensity and may have a very different nature. See also the Ladder of Participation in annex 2. It is not suggested

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[12] Most of the ideas from this paragraph are taken from: David Edmunds and Eva Wollenberg, 2001. A Strategic Approach to Multistakerholder Negotiations. *Development and Change*, Vol. 32 (2001), 231-253.
[13] In Europe there are minority groups that struggle for more space for e.g. their own language. However, conflicts are not about natural resource management or alleged discrepancies between formal and informal juridical systems.

here that any one stance is better than any other. Different levels are appropriate at different times to meet the expectations of different interests.

# Annex 1: EU web sites relevant for stakeholder participation

- o http://europa.eu.int/comm/civil_society/coneccs for consultations, the European Commission and Civil Society (the Coneccs database of organizations).
- o http://europa.eu.int/business provides detailed practical information on rights and opportunities in the EU and its Internal Market plus advice on how to exercise these rights in practice. It also provides information aimed at European based enterprises and entrepreneurs that need to interact with administrations in another country.
- o http://europa.eu.int/europedirect provides general information on the EU for the general public.
- o http://europa.eu.int/yourvoice provides the possibility for interactive policy making (IPM) on specific actual themes in debate within the EU.
- o http://europa.eu.int/citizensrights/signpost/front_end/index_en.htm for dialogue with citizens. The CSS is aimed at EU citizens who encounter problems with mobility in the European Internal Market. The CSS is an advisory service which gives guidance and practical advice to citizens on specific problems they encounter in the EU and its Internal Market. The service is free.
- o http://europa.eu.int/solvit/site/index_en.htm. SOLVIT is an on-line problem solving network in which EU Member States work together to solve without legal proceedings problems caused by the misapplication of Internal Market law by public authorities. SOLVIT Centres can help with handling complaints from both citizens and businesses.

Annex 2: Ladder of Participation

Below a five-rung ladder of participation which denotes the involvement and power of participants

Information	merely telling people what is planned
Consultation	offering some options, listening to feedback, but not allowing new ideas
Deciding together	encouraging additional options and ideas, and providing opportunities for joint decision-making
Acting together	not only do different interests decide together on what is best, they form a partnership to carry it out
Supporting independent community interests	local groups or organisations are offered funds, advice or other support to develop their own agendas within guidelines
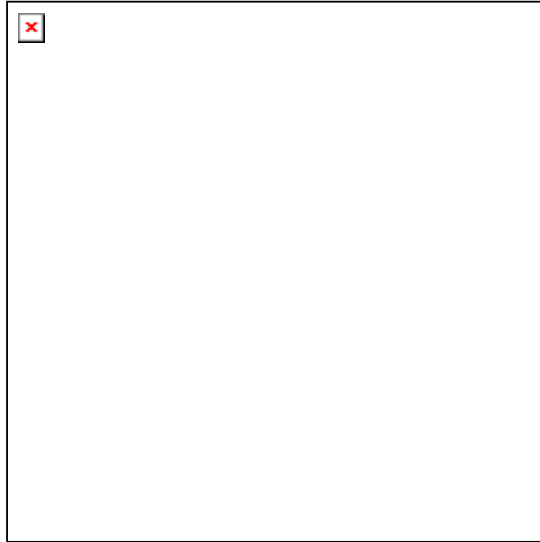
Different levels are appropriate at different times to meet the expectations of different interests

Source: From Joseph Rowntree Foundation's *Community Participation and Empowerment: putting theory into practice*
See also: http://www.partnerships.org.uk/guide/stance.htm