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**Title:**

Power and Political Change within Global Forest Governance: The EU FLEGT Action Plan as Recentralization

**Draft version**

**Summary:**

In 2003, the EU approved the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan in order to counter illegal logging and related trade. This EU legislation could look like it deeply perturbs the global governance of forests because it appears to challenge private rule-making. The latter are no longer recognized as proof of legality but became legal only after an evaluation and negotiations with the EU and timber exporting countries.

Despite appearances to the contrary, I argue that this legislation reflects an even deeper opposition to private rule-making. Indeed, I will attempt to demonstrate how the EU FLEGT regulation constitutes a recentralization of power towards public authorities within the polycentric global governance of forests. This research findings has been revealed by combining international relations and public policy literature to propose an analytical framework for future research on power displacement and competition within the global

governance of forest. From this perspective, I have followed actors participation across scales of regulation and grounded my work in qualitative methodology, by using material drawn from scientific and expert's literature and interviews with stakeholders and EU's institutions representatives.

**Key words:**

global governance, forest policy, illegal logging, authority, political process, policy change.

## **1. Introduction<sup>1</sup>: Understanding global forestry problem and the politics of change within a multi-scale regulation**

Illegal logging and associated trade refer to situations where timber is produced in contravention of national and international laws on cutting, processing, transporting or exporting wood (EFI, 2012). Even though it is an old, destructive and costly phenomenon for governments and the world economy – it deprives governments of 15 billion US\$ in revenue per year (World Bank, 2008, p. 3 et 186; Brack, 2008; Lawson and MacFaul, 2010; FAO/OIBT, 2010, p. 8; CNUCED, 2011; Nelleman and Interpol, 2012) – and has been denounced since the 1970s, it was not genuinely raised as an issue for international politics until the mid 1990s.

In 2003 the EU adopted the Forest Law Enforcement Governance and Trade (FLEGT) declaration and in 2010 its new 'Timber' regulation. In so doing, and since EU is a major timber and wood importer and has a leadership ambition in environmental global governance (Wurzel and Connely, 2011), these regulation look like examples of innovative public action (Sabel and Zeitlin, 2012) within global forest governance (Bernstein and Cashore, 2012) that contains both public and private rule making to challenge deforestation issues (Pattberg, 2005). Grounded on Voluntary Partnership Agreements (VPAs), the EU's ambition is to enforce national and local political and administrative authorities of the forest policy by the constraint of this new international regulation. However, despite the Timber regulation entering into force in March 2013, no VPAs have yet been implemented.

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The efficacy of this new public intervention through bilateral cooperations thus raises several questions on the link between a patently global issue, international politics and EU policy change, on interpreting this EU innovation, on the changes that the EU intervention generates in both the global governance of forest and infranational policies and how it perturbs private actors. To address these questions, I first develop an analytical framework of the policy change for assessing the reconfiguration of the EU normative power in international politics (Manners, 2002; Telo, 2009; Oberthür and Rabitz, 2014). To answer this question, scholars mainly evaluate the efficacy of implementation within the signatory countries (Wiersum and Elands, 2013) while others focus on the negotiation itself (Heeswijk and Turnhout, 2013). In this article, I follow the latter position. I argue that the weakness of the FLEGT Action plan is itself rooted in the EU policy process of change and can only be understood by a better comprehension of this EU policy process of change and actor participation within it. I above all argue that EU policy change is a recentralization of power in the regulation of this fragmented sector, both at (sub)national and supranational scales. The originality of the research presented here lies in the definition of an analytical framework to study the displacement of authority during policy change across the multiple scales of global governance and a new attempt by public actors to dominate the regulation of a local natural resource throughout its globalized trade and informal economy.

### **1.1 The political process of change: neither an over determining context nor a rational choice**

Following political sociology, neo-institutionalist and constructivist approaches which according to Hassenteufel (2011), Böcher (2012) and Smith (2013 and 2014), policy change cannot be understood as stemming from isolated decisions but as a political process within which public and private actors interact and compete around and through institutions to impose their ideas and interests. As highlighted by various research, sectoral problems are not naturally public and sectoral actors and stakeholders do not naturally participate in the political process to regulate such issues (Muller, 2012). Despite the widespread adoption of this analytical assumption, few researchers have based their analyses of forest policies upon it (for exceptions to this rule see for example Dubé and Schmithuesen, 2007; Böcher, 2009 and 2012). Here I adopt this perspective to argue that the European Union's FLEGT instruments

have not simply been chosen, rather the European Commission through collective, public, private and competitive processes has defined them. So, in order to understand the change, research has to focus on actor interactions in the definition of forestry objectives and problems, the selection of instruments and the scale of action.

Thus unachieved multilateral bargains, the absence of a world forest convention, the weak international regime and a lack of international law (Smouts, 2001; Humphreys, 2006) have been progressively replaced by a privatized governance with soft law and market driven instruments to influence themselves domestic policies and firm practices (Pattberg, 2005; Falkner, 2008; Fouilleux, 2013). However, the FLEGT Action Plan appears to challenge private rule making, especially in embedding it in a predefined role using VPAs. These are no longer recognized as a proof of legality but only become legal after an evaluation during VPA negotiations. Indeed, in so doing, the EU FLEGT action appears to be a highly public decision with a regulatory instrument– the Timber regulation and VPA binding agreements– whose implementation through VPA negotiations in third countries and the due diligence on markets – at international, national levels and sectoral scales. It thus appears to be a significant policy change in the EU’s government (Smith, 2010) of the forest sector because it modifies its objectives and tools (Hall, 1993). According to the sociology of public action, the study of this change cannot be sequenced in independent steps with, on the one hand, the decision and, on the other hand, implementation and its effects, because actors anticipations affect the problem definition (Fontaine and Hassenteufel, 2002). Thus, different objectives and tools that aim to govern a sector fragmented by different actors with different legitimacies (Smouts, 1998) have been defined and FLEGT’s efficacy cannot be understood without the grasping this process of collective action.

## **1.2 An analytical framework for studying change across the scales of forest’s global governance**

The collective process of ‘problem definition’ (Rochefort and Cobb, 1994) through actors’ interactions is crucial to understanding the making of sectoral domestic and EU policies at both European and exporting countries scales. In order to grasp such a change, I follow Hassenteufel’s analytical framework of policy change (2011: 247), which mobilizes four variables: first, the policy orientation refers to the policy objectives (the aim to counter illegal

logging, where and how). Second, the institutional framework refers to the framing of authority from the central public to the decentralized private one. Third, the instruments selected refer to the choice of the tool that implements the policy. Four, the actor participation refers to the ways they participate in the definition of the problem (Rochefort and Cobb, 1994) and politicize it (Lagroye, 2003), how this participation changes their relationship to each other's and, regarding the policy objective, how their relations to the resource is impacted. This analytical framework appears really useful to understand the policy change because these four dimensions are non hierarchical: each one could independently impact the policy change but this analytical framework can also demonstrate their reciprocal interdependence.

In building upon this analytical framework, I have also combined it with lessons from forest policy studies. In so doing I show that complex forest governance has to be studied by combining international relation theories with publications from the public policy literature. Doing so encourages a better understanding of how policy instruments were defined and what their effects were on sectoral actors and on the distribution of power (Smith, 2012).

My demonstration of what I call a recentralization of the forest sector's regulation is, will now be presented in two parts. In the first, I draw the European policy frontiers of the EU's policy proposal to counter illegal logging and related trade within a globalized sector. I then describe how this change has impacted upon forests' global governance. In the second part, I analyse a reconfiguration of the public power that attempt to balance private authority within the global governance of a localised natural resource. Following this public-private interactions regarding instrument and authority, I finally conclude on the new international public policy analysis to study governance of natural resources.

## **2. Analyzing the EU external policy change: recentralization within the complex global governance of forests**

The EU external policy appears innovative because EU defined a new instrument within international politics of forest in order to reach local forest issues. In this regards, the EU action aims to converge various public and private instruments of the complex global governance of forests on the EU expectations. The EU FLEGT action plan could be analyzed

as a recentralization of power as EU authority constrains all actors of the world forest sector to converge on its Timber regulation despite the shadows of the globalized sector.

## **2.1 The hidden legality in the fragmentation of the global forest governance**

The fragmented forest global governance is the consequence of three interlinked politics, social and economics dynamics (Petiteville, 2009): First of all, forest issues are as well as global, with climate change, biodiversity conservation and development issues, trans-sectoral in crossing forestry, agriculture and land-use planning sectors (Schmithuesen, 2003) and multilevel from the supranational politics to the local governance of the resource (Young, 2000). Then, risks are forecast in the long term but the costs of change have to be supported in the short term. Finally, both public and private actors have drawn various regulations: conventions on trees species conservation and their related trade (Ruis, 2001), non-state market driven instrument with, for example, private certification (Pattberg and Young, 2007, Cashore, 2009).

So, according to Bernstein and Cashore (2012), there are four pathways of influence of forest policies could be distinguished: international rules, norms and discourses, interventions in markets and direct access to domestic policies. Such a framework is especially interesting to study this EU innovation. On one hand, I can point out that, the respective causal logic within each pathway that allows us to understand how it shaped a public choice and how actors participate in. On the other hand, I can link the degree of centralisation of public action with the scale of regulations influenced. This framework appears helpful to understand and analyse the authority displacement in world politics regarding the forest sector regulation. As States step back from the regulation of globalized forest and wood trade sector, private actors commit in private authorities and develop independent monitoring processes. Thus, it demonstrates a hands-off governing with few coercive public policies, and most of the time at the sole national level, as private actors self regulate their practices with binding technical normalization, sometime with more ambitious targets than the forest policies ones, which are usable at the transnational scale. Following this analytical framework, the Earth Summit and the non-legally binding Forest Principles (1992) illustrated the multilateralism bargaining blockages. States did not succeed in defining a convention on global forest sustainable

management. So the forest global governance not only illustrates how private actors try to influence multilateralism but also how private actors escape public regulation by defining their own solutions regarding their own risk definitions and social expectations for a sustainable forest management (Le Prestre, 2005; Pattberg, 2005, 2007; O'Neill, 2009).

Such a private self-regulation has progressively risen with certification schemes and private third authorities (Brédif, Boudinot, 2000; Lascoumes et Le Galès, 2004; Maljean-Dubois, 2005; Guéneau, 2007; Auld et al., 2009 ; Cadman, 2011; Fouilleux, 2013). These private authorities have slowly replaced public authorities and rule-making. These private authorities encompass two realities across the globalised forest chain of custody: On one hand, they define forest management objectives and means through criterias and indicators either at the forest concession level or at the national level. On the other hand, certified firms are allowed to label the harvested woods, which one is a consumer indication of the sustainability of the forest management. Two certification schemes are now inescapable: such as, the Forest Stewardship Council (FSC) which one is promoted by NGOs and the Global Forest and Trade Network (created in 1991 following the WWF initiative) was drawn in 1993 to protect forest ecosystems, workers and local populations on one hand. This ecological model is the direct consequence of the failure of the Earth summit of 1992 in defining an international forest policy and a forest convention. On the other side, the Pan European Forest Certification (PEFC) was defined in 1999 within the European intergovernmental cooperation on forests – *Forest Europe*. It aim was to help European forest owners in adopting sustainable forest management schemes. From 2005, it was transformed in a mutual recognition scheme that endorses non-European national certification schemes. The two schemes dominate the global forest management and wood market (d'Antin de Vaillac, 2008). In sum, four reasons are advanced to explain such a privatization as post sovereign (Karkkainen, 2004): the failure of multilateralism (Smouts, 2001; Humphreys, 2006), the WTO rules (Shimamoto et al., 2004), the NGOs power (Haufler, 1995; Keck and Sikkink, 1998; Betsill and Corell, 2008) and the change in the accountability regime (Chan and Pattberg, 2008).

Next to these private authorities, forest governance is also fragmented by many other initiatives from firms (Falkner, 2008 ; Compagnon and Orsini, 2011, Cadman, 2013), NGOs (Sotirov and Memmler, 2012), private-social networks (Delmas, Young, 2009; Pattberg, 2012). Either each one aims to correct failures in sustainable forest management and to prove their self-sustainable behaviours, such a proliferation at sometimes interlinked competitively.

By the end, the consequence is due to lack of transparency in the forest practices and wood markets.

## **2.2 The innovative European external policy versus the global issue**

Despite such a mosaic of actors and instruments, the specific issue of illegal logging remains out of control and regulations.

Illegal logging and related trade are for the less an old phenomenon. Although it was fixed as a sectoral problem by the signatories of the first International Timber and Trade Agreement in 1983, it progressively disappeared from the international agenda under the pressure of both timber exporting countries and importing countries whom industries were dependent on imports. So despite such a previous recognition illegal logging only appeared in the 1994 ITTA as “undocumented wood” (art. 27.1 al. c). Two years later, following the United States of America’s (USA) position to adopt, under the pressure of prejudiced domestic firms, consumers associations and Non Governmental Organizations (NGOs) with the Global Forest Policy Projects and Global Witness, the United Nations (UN) and the Intergovernmental Panel on Forests (IPF) mentioned again illegal logging (Humphreys, 2006: 147). But, in 1996, in facing the resistance of targeted countries, there was not any agreement defined. In 1997, following the US, British and Canadian delegations, the G8 members launched the Action Programme on Forests (Humphreys, 2006) and turned their attention to the specific issue of illegal logging. They published the Forest Law Enforcement and Governance (FLEG) declaration in 2001. Ambitious initiatives were announced to counter illegal logging by enforcing national forest laws, strengthening international cooperation as well as national authorities. Following this declaration, the USA added illegal logging to the Lacey act on prohibited importation (2008) and the European Union (EU) published in 2003 the Forest Law Enforcement, Governance and Trade (FLEGT) action plan. With this new instrument the EU thus pursued the objective of enforcing policymaking in forest management and globalized wood trade. In 2010, the EU Timber regulation laid down the obligations of operators who place timber and timber products on the European market. It especially defined two sets of legality. First, the Voluntary Partnership Agreements (VPAs) is a bilateral agreement signed between a voluntary non-EU timber exporting country and the EU. It aims to guarantee that the wood exported to the EU comes from legal sources and to support



partner countries in improving their own regulation and sustainability of the sector. It foresees emission conditions of FLEGT-licenses timber to cover such legality and sustainability. Second, where VPAs are not signed, due diligence from EU importers is required and they have now the responsibility of the wood legality proof from the local timber area to the EU customs and Common market. In March 2013, when the Timber regulation entered in force, six countries have signed VPA with EU (Cameroun, Ghana, Central African Republic, Congo Republic (Brazzaville), Indonesia and Liberia), six were in negotiations (the Democratic Republic of Congo, Gabon, Guyana, Honduras, Malaysia and Vietnam). They together represented 40% of EU imported wood.

In so doing illegal logging was defined as an international issue, which demanded, dedicated policies at both international and national scales. The EU external policy to counter illegal logging aims at producing effects in the countries where the sectoral problem has arisen (Petiteville, 2006; Petiteville and Smith, 2006, p. 362).

### **2.3 The European action to catalyse the fragmented global governance of forests**

The point here is not that mosaic of “regulatory mechanisms in a sphere of activity, which function even though they are not endowed by a formal authority,” (Rosenau, 1992: 5) but to understand how the displacement of the authority (Pattberg, 2005) and all these corrective mechanisms aim to reach local forest issues. Thus I define the complex global governance as the international public space, composed of both public and private actors who interact at various scales, from local to supranational and from sectoral to global issues, in order to select and define what are the public problems and their regulatory tools. Thus, multilateralism is a scale of this global governance.

According to the definition of the complex global governance, the EU FLEGT Action plan, and the new EU timber regulation, aims to slot into these various public and private authorities and regulations, the European authority as the coercive regulation driver. In this regard, the local spaces of forest management to transnational wood trade networks, and by the end to the EU markets, EU attempts to make states recognize its authority by the ratification of bilateral agreement. Thus, according to Pierson (2004), the threshold is crossed

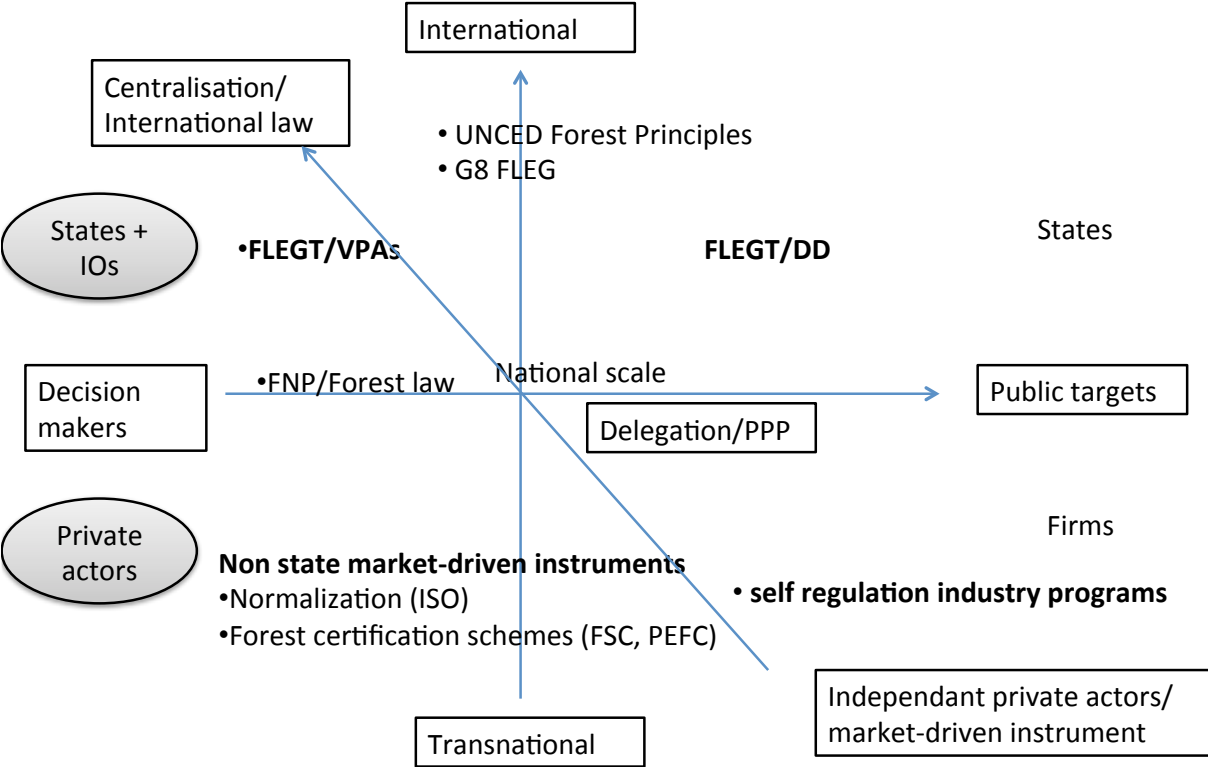
by the various new decisions to define VPAs implementation in signatory countries in 2005, the firm due diligence systems to import wood products on the European market in 2008 and the Timber Regulation was adopted in 2010.

This attempt to make all regulation converge on the EU one appears as a high innovative policy change regarding the complex global governance of the forest sector. With a new custom policy and the ratification of bilateral agreements, UE follows the G8 FLEG declaration with a unilateral and innovative policy to reach problems everywhere. In our case study, the European Commission combines coercive regulation and international cooperation, which are the distinctive features of international regimes (Paterson, 2001), with participative governance and the collective definition of problems, rules and their assessment (Smouts, 2001; Humphreys, 2006) in third countries voluntary engaged in FLEGT negotiations. To face a globalised forest problem and the failure of the forest international regime, EU attempts to influence the domestic forest-related policies definition and implementation outside the EU.

To analyse such a regulatory situation, I take into account two variables: 1/ the large variety of regulatory actors with different capacities, authorities and legitimacies 2/ their intermeshing across the resource governance scales.

Following such a framework, I can point out how these various regulatory tools are sometimes consistent and in synergy and at times compete with each other. So the point is no longer to indicate their varieties, but to understand how actors displace the regulatory cursor on the *continuum* (Pattberg, 2005; Cadman, 2011) of authority, how they complete each other from the supra to sub-national level. So, I crossed three *continuum* – actors (public/private, local/transnational/supranational), tools (between a high coercive centralization and the hands-off governing with market driven instrument) and the scale of regulation (sector, domestic, transnational) – in order to map the various tools defined by the various involved actors, their synergies or competition and to show the regulation black zones. In so doing, it allowed me to highlight what was the contribution of each new tool to the other.

**Figure 1 Actors, instruments and scales of the forest global governance**



Source: Montouroy (2012), from Pattberg (2005), Cadman (2011), Bernstein and Cashore (2012)

Regarding FLEGT Action Plan, Figure 1 shows two main contributions of the EU policy: firstly, no coercive public tools existed when the Timber Regulation entered in force in March 2013. Facing the failure of the international forest regime, neither international agreement nor public authority could intervene in this globalised sector, except the member States of the ITTO or the ones of some regional cooperation dedicated on such a topic. Secondly, the VPAs does not only appear as a supranational agreement, but as a transfer policy tools (Dolowitz and March, 2000; Delpeuch, 2009; Ovodenko and Keohane, 2012) from the EU to third country domestic policies with the charge of reforming it according to negotiation talks and the agreement signed. Because private certification does not, in itself constitute an evidence of legality, the result of such a transfer is to force firms to negotiate with domestic governments in order to recognize their private tools as part of the VPAs ratified with EU. The change is important because, till VPAs, private actors used to define tools that, of course, are grounded on legality but without any participation of this public authority. Quite the opposite, due

diligence only refers to the obligation of private actors to provide all the documents from the forest area to the European market in order to prove the legality of the imported wood.

### **3. Discussion: Interpretation of the policy change and the public authority recentralization at the expense of the private self-regulation**

According to the DG Devco representatives, there are two arguments to be made to tackle issues from the complex global governance: Facing the public authority weakness, EU denounced the opacity of national forest policies and the absence of clear distinction between the respective competences of the various administrations involved. Facing the private authority, EU denounced a mitigated assessment regarding the part of forest certified, an efficacy restricted to the only forest concessions. EU action aims at enforcing public authority in embedding private rules in procedural norms.

#### **3.1 The public authority reconfiguration within globalization**

Critics refer to the incapacity for states to define an international policy through regimes and IOs in order to constrain by law all transnational actors anywhere they are and on any type of forest. To the contrary, facing transnational sectors and collective actions (lobbying, advocacy, expertise, standards of the international technical normalization) on many various participative and technical issues (Manin, 1996 ; Gunningham and Grabosky, 1998 ; Lascoumes, 1998), forest politics and economics studies and European studies have emphasized on the withdrawal of public authorities and their learning process to innovate in defining instrument of public action (Lascoumes and Le Galès, 2004) in order to reach transnational problems through government hands-off. But the FLEGT case study indicates the contrary. EU took in charge the sectoral issues and recentralized public action and governance by embedding it in a constitutive and regulatory policy (Lowi, 1972) with the enforcement of the control and the public orientation (Hood *et al.*; 2001). Moreover, the agenda setting was clearly sequenced to close the private actor participation in order to disallow any new problematization after the consultative process, the VPAs ratification and any gap in the implementation of the decision. In sum, the FLEGT action plan is a politicized, identifiable and operational instrument to control sector and its member practices and private regulation.

According to Pierre Lascoumes and Patrick Le Galès (2004: 358), such an instrumental innovation illustrates the tensions between public and private authorities and the way following which States have to adapt to globalization, the multilateralism weaknesses and the privatization of governance. But, here the State modernization is not in the form of a government hands-off but it comes to justifying the return of public coercion. As a bilateral agreement, the FLEGT action plan, and especially the VPAs, aims to produce a “symbolic effect of authority” in order to label the re-appropriation by public authorities in forest management and its following “efficacy purpose”, law and the administrative competence in sectoral regulation. So, VPAs symbolize the State modernization with new public instruments, not by the deregulation of markets but by a new command and control task. Drawing from my qualitative methodology, I can however, show that public representatives have learnt from the private experience in normalization and non state market driven instrument (Cashore, 2009), their collegial definition of standards and indicators, their legitimization and evaluation (Cadman, 2011). Otherwise, instead of private actors legitimized by NGOs, collegial definition of action and the normalization, public interest on public goods is now pursued by States and the use of labels defined in VPAs to constrain market operators. Therefore, the policy capture risk of public interest and decision by private interests is lowered by the defined rules of participation.

**Table 1: European recentralisation on wood trade regulation (Hassenteufel (2011) analytical frame work of policy change)**

<b>Dynamics</b>	<b>State withdrawal &lt;2003</b>	<b>Recentralization of public action &gt; 2013</b>
<b>Scopes</b>		
<b>Orientations</b>	Private regulation	FLEG Regulatory and procedural policy Cooperation
<b>Actors</b>	Transnational actors (NGOs, private norms) International Organizations (FAO-COFO) + States (foreign policy, cooperation, policy transfer)	Exporting States DG Trade, Env et Devco + MS IOs + Transnational actors (under participative conditions of VPAs)
<b>Institutional framework</b>	Certification schemes Exporting/importing countries (national forest laws, customs) Individual choices/state bypass	FLEGT Action-VPAs+Due diligence
<b>Instruments</b>	MS custom rules Private self regulation	>2013 :Timber regulation (VPAs/ FLEGT certificates or due diligence)

### **3.2 The balance of authority between State regulations and private market-based instruments**

As highlighted by the Hassenteufel analytical framework of change (2011) (table 1) and on the *continuum* of governance (Pattberg, 2005) and authority (Cadman, 2011) (figure 1), I did not only show a displacement of power and authority from private actors to public authorities but also the balance of power and authority between private and public norms. The FLEGT AP, and especially the bilateral cooperation based on the APV bilateral agreements, could be defined as the return of the public authority within the global governance of forests. Such a recentralization is grounded on a legal matrix negotiated between DG Devco and exporting countries representatives and then ratified in both EU and third country.

In this respect, it is to illustrate that, the EU's ability to be a normative power that defines new regulation, norms and discourses (Manners, 2001; Bäckstrand and Elgström, 2013; Oberthür and Rabitz, 2014) to constrain third States and private actors outside the EU. Firstly, EU shapes the practices of private and public actors as they are European or not along the all world supply chain from the forest area outside the EU to the European consumers within EU markets. Secondly, EU defined processes of evaluation to improve the FLEGT VPAs implementation and reach the awaited results on legality verification and FLEGT-licensed timber emission. In so doing, EU Action plan is an innovative regulation which is coercive in an "experimentalist governance". Sabel and Zeitlin (2012: 169) defined it as a "framework rule-making and revision through a recursive review of implementation experience in different local contexts [through] recursive process of provisional goal-setting and revision based on learning from the comparison of alternative approaches to advancing them in different contexts ».

Beyond the definition of the regulation, the experimentalist governance allows to analyse the two forms that EU's normative power could take: on the one hand, the normative power does not only describe the EU capacity to dominate and shape negotiations. In this perspective, it is a regulation methodology drawn through a learning process of EU institutions, derived from private sector self-regulation and technical standardisation to regulate sectors in following the

globalized chain of custody and not the international law which one redefinition requires a long multilateralism bargaining process, as we could observe with the EU action in the World Trade Organization (Laïdi, 2009) or in the climate change regime (Rüdiger and Wurzel, 2010). With this in mind, EU and DG Devco appears as international actors that are recognized and able to change States policy making. On the other hand, the EU decision appears as an attempt to recentralize politics, the problem of definition and the tool choice regarding forest policies. Thus, with bilateral cooperation and custom regulation, the EU defined the new regulatory framework that share the implementation of the timber regulation with VPAs signatory countries. To this effect, the EU regulates all the chain of custody from forests to the European wood market in terms of legality and sustainability. In so doing, EU locked private actors choices, as they have to be part of the VPAs regulation in order to avoid the cost of a double verification, of legality from public authority, of sustainability from private authority. So the normative power is not only analysed in the multilateralism level but in a multi-scale approach as the EU is an international actor that challenges both public and private authorities within levels of governance, territories and sectors. Such a recentralization of power, authority and competences (in the global governance of forest (Tozzi et al., 2011) is not only about norms and discourses on sustainable forest management but also to manage the supply chain of a strategic resource for the European industry (GNFT, 2012).

The consequence is that the EU balances the private authority and constrains firms to a bandwagon in the EU regulation. EU industries of paper, wood trade and forest timber defined code of conducts to and practices in regard to the Timber regulation, participate in the VPAs negotiations to defend their own stabilized forestry practices. Either, some as the Le Commerce du Bois, try to become an European Commission recognized private authority to implement the FLEGT regarding MS imports.

#### **4. Conclusion: studying political change within global governance of forests**

In sum, whereas FLEGT Action plan appeared as a strong command and control instrument from EU authorities with the centralization of the public problem definition and instrumentation, implementation was constrained by collective actions of lobbying and the definition of trans-industrial links. In turn, within the complex of global forest governance to

reach sustainable forest management issues the European Commission is an international actor that transfers policy objectives and this point out the need to cross international studies with the public policy analysis in order to follow actors across scales of governance and, in so doing, to explain how norms and rules are defined, translated, transferred and implemented within the collective process.

But such an innovation is dependent on the EU's capacity to reach the problem outside the EU: at the transnational, international and sub-national levels (Bernstein and Cashore, 2012; Sabel and Zeitlin, 2012). In 2014, as the Timber Regulation entered in force one year ago, the FLEGT efficacy appears really fuzzy. No FLEGT licensed-timber have been issued, the EU authority and VPAs signatories are now facing the changing world economy and the new higher opportunity to invest in the agro industry and the forest conversion areas and not in forestry sustainability. So, after the prompt negotiations of the VPAs, the new Commission problematic is to assume its authority and responsibility in this implementation. However, by doing so, the Commission became the authority responsible for the FLEGT implementation in EU MS and signatory countries as well as development aid and cooperation and faces state bargaining and changing politics. As the FLEGT will be evaluated in 2015, the question is about the EU's ability to face the changing interests, in order to implement the EU's normative power. As no VPAs are implemented in the beginning of 2015, private instruments still remains the sole authority able to regulate this globalized sector and its local issues. So by doing that, the analytical framework defined allows to follow actors in the political process of change. That should help to point out the role of actors, the perception of the global problem and what is their participation in the implementation of this new EU norms of cooperation.

## References

- Ambrosetti, D., 2008. Urgences et normalités de gestionnaires face aux violences "des autres", l'ONU et le Soudan. *Actes de recherche en sciences sociales*. 4(174), 80-99.
- Auld, G., Balboa, C., Bernstein, S., Cashore, B., 2009. The Emergence of Non-State Market Driven (NSMD) in Global Environmental Governance: A Cross Sectoral Assessment », in: Delmas M., Young O. (eds). *Governance for the Environment: New Perspectives*. Cambridge University Press, Cambridge, pp. 183-218.
- Bäckstrand, K., Elgström, O., 2013. The EU's role in climate change negotiations: from leader to 'lead-actor', *Journal of European Public Policy*. 20:10, 1369-1386



- Bernstein, S., Cashore, B., 2012. Complex Global Governance and Domestic Policies : Four Pathways of Influence. *International Affairs*. 88 (3), 585-604.
- Böcher, M., 2009. Explaining policy change: the role of scientific actors and policy entrepreneurs in theory and environmental policy practice in Germany. In Cottrell, J., et al. (Ed.), *Critical Issues in Environmental Taxation*, VOL. 6. Oxford University Press, Oxford, pp. 283–306.
- Böcher, M., 2012. A theoretical framework for explaining the choice of instruments in environmental policy. *Forest Policy and Economics*. 16, 14-22.
- Brack, D., 2007. *Controlling Illegal Logging: Lessons from the US Lacey Act*. Chattam House, London.
- Brack, D., 2008. Due diligence in the EU timber market Analysis of the European Commission's proposal for a regulation laying down the obligations of operators who place timber and timber products on the markets. Briefing paper, Chattam House, London.
- Cadman, T., 2011. *Quality and Legitimacy in Global Governance, Case Lessons from Forestry*. Palgrave Macmillan, England.
- Carter, C., Smith, A., 2008. Revitalizing public policy approaches to the EU: "territorial institutionalism", fisheries and wine », *Journal of European Public Policy*, 15 (2), 263-281.
- Chan, S., Pattberg, P., 2008. Private Rule-Making and the Politics of Accountability: Analyzing Global Forest Governance. *Global Environmental Politics*. 8(3), 103-121.
- CNUCED, 2011. *A Forest Products Annual Market Review 2010-2011. Timber and Forest Study Paper 27*, Geneva.
- Delmas, M. Young, O. (eds), 2009. *Governance for the Environment*, , Cambridge University Press, Cambridge.
- Delpeuch, T., 2009. Comprendre la circulation internationale des solutions d'action publique : panorama des policy transfer studies. *Critique internationale*. 2(43), 153-165.
- DG Environment, 2010. Proceeding of the Workshop on “Forestry Protection: Preparing forests for climate change” », Brussels.
- Dolowitz, D., Marsh, D., 2000. Learning from Abroad : The Role of Policy Transfer in Contemporary Policy-Making. *Governance*. 13 (1), 16-17.
- Dubé, Y.; Schmithüsen, F. (Eds.), 2007. *Cross-sectoral Policy Developments in Forestry*. Wallingford, U. K., CAB International.
- European Forest Institute, 2011. *FLEGT Action Plan, Progress Report. 2003-2010*.
- European Parliament, 2008. *International Forest Policy: Integrated climate and forestry policy options. The implications of carbon financing for pro-poor community forestry: How do we design forest policy tools to jointly address climate change, environmental and development goals?. Policy Department, Economic and Scientific Policy*.
- Falkner, R., 2008. *Business Power and Conflict in International Environmental Politics*. GB, Palgrave Macmillan.
- FAO/OIBT, 2010. *Forest law compliance and governance in tropical countries*. FAO/OIBT.
- Fontaine, J., Hassenteufel, P. (dir.), 2002. *To Change or not to Change ? Les changements de l'action publique à l'épreuve du terrain*. Rennes, Presses Universitaires de Rennes.
- Fouilleux, E., 2013. « Normes transnationales de développement durable » Formes et contours d'une privatisation de la délibération. *Gouvernement et action publique*, 1, 93-118.
- Global Witness, 2013. *Logging in the shadows An analysis of recent trends in Cameroon, Ghana, the Democratic Republic of Congo and Liberia How vested interests abuse shadow permits to evade forest sector reforms*.
- GNFT, 2012. *Forêts tropicales : point d'étape et nouveaux défis. Quelles orientations pour les acteurs français ?*. 3<sup>ème</sup> rapport du Groupe national sur les forêts tropicales (GNFT).
- Grugel, J., Iusmen, I., 2013. The European Commission as guardian angel: the challenges of agenda-setting for children's rights. *Journal of European Public Policy*, 20:1, 77-94.

- Hall, P., 1993, Policy Paradigm, Social Learning and the State. *Comparative Politics*, 25(3), 275-296.
- Heeswijk, L., Turnhout, E., 2013. The discursive structure of FLEGT (Forest Law Enforcement, Governance and Trade): The negotiation and interpretation of legality in the EU and Indonesia », *Forest Policy and Economics*, 32, 6-13
- Hassenteufel, P., 2011. *Sociologie politique : l'action publique*, France, Armand Colin.
- Haufler, V., 1995. Crossing the Boundaries between Public and Private: International Regimes and Non-State Actors », in RITTBERGER V. (eds.), *Regime Theory and International Relations*. Oxford, Clarendon Press, 94-111.
- Hood, C., Rothstein, H. and Baldwin, R., 2001. *The Government of Risk, Understanding Risk Regulation Regimes*. Oxford, Oxford University Press.
- Humphreys, D., 2006. *Deforestation and the Crisis of Global Governance*. London, Earthscan, Forestry Library.
- Jullien, B. and Smith, A., 2008. *Industries and Globalization: The Political Causality of Difference*. GB, Palgrave MacMillan.
- Karkkainen, B., 2004. Post-Sovereign Environmental Governance. *Global Environmental Politics*, 4(1), 72-96.
- Keck, E., Sikkink, K., 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca, Cornell University Press.
- Lagroye, J., 2003. *La politisation*. Paris: Belin.
- Laïdi, Z., 2009. L'Europe, puissance normative internationale. in Dehousse, R. (dir.), *Politiques européennes*, Paris, Presses de Sciences Po, p. 227-242.
- Lascombes, P., 1998. La scène publique, passage obligé des décisions ? *Annales des Mines, Responsabilité et Environnement*, 10, 51-62.
- Lascombes, P., Le Galès, P., 2004. *Gouverner par les instruments*. France, Les Presses de Sciences po.
- Lawson, S., MacFaul, L., 2010. *Illegal Logging and Related Trade Indicators of the Global Response*. London, Chattam House.
- Lowi, T., 1972. Four systems of Policy Politics and Choice. *Public Administration Review*, 32, 298-310.
- Manin, B., 1996. *Principes du gouvernement représentatif*. Paris, Flammarion.
- Manners, I., 2001. Normative Power Europe: A Contradiction in Terms?. *Journal of Common Market Studies*, Vol. 40, No. 2, 235-258.
- Marsh, D., Dolowitz, D., 2000. Learning from Abroad : The Role of Policy Transfer In Contemporary Policy-Making. *Governance*, 13 (1), 16-17.
- Muller, P., 2012. *Les politiques publiques*. France, Que sais-je, PUF.
- Nay, O., Smith, A., 2002. Les intermédiaires en politique: médiations et jeux d'institutions. in Nay O. et Smith A. (dir.). *Le gouvernement du compromis. Courtiers et généralistes dans l'action politique*. Paris, Economica, 47-86.
- Nellemann, C., INTERPOL Environmental Crime Programme (eds), 2012. *Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the Worlds Tropical Forests. A Rapid Response Assessment*. United Nations Environment Programme, GRIDA rendal.
- Oberthür S., Rabitz, F., 2014. On the EU's performance and leadership in global environmental governance: the case of the Nagoya Protocol. *Journal of European Public Policy*, 21:1, 39-57
- OIBT, <http://www.itto.int/fr/>
- O'Neill, K., 2009. *The Environment and International Relations*. GB, Cambridge University Press.
- Ostrom, E., 2010. Polycentric Systems for Coping with Collective Action and Global Environmental Change. *Global Environmental Change*, 20, 550-557

- Orsini, A., Compagnon, D., 2011. Lobbying industriel et accords multilatéraux d'environnement Illustration par le changement climatique et la biosécurité. RFSP, 2011/2: 231-248.
- Pattberg, P., 2005. The Institutionalization of Private Governance: How Business and Non profit Organizations Agree on Transnational Rules. *Governance: An International Journal of Policy, Administration, and Institutions*, 18(4), 589-610.
- Pattberg, P., 2007. Private Institutions and Global Governance: The New Politics of Environmental Sustainability. GB, Cheltenham : Edward Elgar.
- Petiteville, F., 2006. La politique internationale de l'Union européenne. France, Les Presses de Sciences po.
- Petiteville, F., Smith, A., 2006. Analyser les politiques publiques internationales. RFSP, Presses de Science po, 56 (3), 357-366.
- Rocheftort, D. and Cobb, R., 1994. The Politics of Problem Definition. Laurence KS, Press of Kansas.
- Shimamoto, M., Ubukata, F., Yoshiki Seki, Y., 2004. Forest sustainability and the free trade of forest products: cases from Southeast Asia. *Ecological Economics*, 50, 23-34
- Smith, A., 2010. Le gouvernement de l'Union Européenne. Une sociologie politique, France, LGDJ.
- Smith, A., 2013. L'analyse des politiques publiques. in Balzacq, T., Ramel, F. (dir.). *Traité des relations internationales*. Paris, Presses de Sciences po, pp. 439-465.
- Smith, A., 2014. How the European Commission's policies are Made: Problematization, Instrumentation and Legitimation », *Journal of European Integration*, 36(1), 55-72
- Smouts, M.-C., 2001. Forêts tropicales, jungle internationale, les revers de l'écopolitique mondiale. Paris, Presses de Sciences po.
- Sotirov M., Memmler, M., 2012. The Advocacy Coalition Framework in natural resource policy studies — Recent experiences and further prospects. *Forest Policy and Economics*, 16, 51-66.
- Tozzi, P., Guéneau, S., Ndyaye, A., 2011, Gouverner par les normes environnementales : jeux d'acteurs et de puissance dans la certification forestière. *Espaces et Sociétés*, 146, 123-139.
- UNECE/FAO, 2009. Revue annuelle du marché forestier 2008-2009. Études de Genève sur le bois et la forêt, n°24.
- Wiersum, F., Elands, B., 2013. Opinions on legality principles considered in the FLEGT/VPA policy in Ghana and Indonesia. *Forest Policy and Economics*, 32, 14-22.
- World Bank, 2008. Forest Source book. Washington DC, USA.
- Würzel, R., Connely, J. (eds), 2011. The European Union as a Leader in International Climate Change Politics. Londres, Routledge.
- WWF, 2009. Bois d'origine légale ou illégale ? Un règlement européen pour faire la différence. dossier de presse, avril.
- Young, O., 2000. Gérer les biens communs planétaires. *Réflexions sur un changement d'échelle*. *Critique internationale*, n° 9:147-160.