

# Complex global governance and domestic policies: four pathways of influence

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In the immediate aftermath of the first (1992) Rio Summit, a surge of optimism about multilateral environmental treaties led to a burst of scholarship on ‘regime’ compliance and effectiveness.<sup>1</sup> Until then, the literature on international regimes<sup>2</sup>—which had already dominated the study of international institutions for a decade—had largely focused on explaining their rise, maintenance/stability and fall, or debating their importance *vis-à-vis* formal organizations on the one hand or broad structural features of the system on the other. Environmental regimes became an especially fruitful laboratory for exploring questions of compliance and effectiveness because the newer generation of treaties—in areas such as protection of endangered species, regulation of chemicals or emissions, or protection of biodiversity—was notably and increasingly focused on attempts to influence domestic practices, policies and policy-making processes rather than simply to constrain or modify the external behaviour of states.

Environmental scholarship came to the forefront of asking whether regimes ‘matter’; and ‘effectiveness’ became the ultimate litmus test.<sup>3</sup> The next 15 years saw a series of productive debates over what effectiveness meant, how to measure

\* With those listed below, in their capacity as lead and contributing authors to the following expert panel review, from which we draw liberally for empirical examples: Steven Bernstein and Benjamin Cashore (coordinating lead authors), ‘Examination of the influences of global forest governance arrangements at the domestic level’, in Jeremy Rayner, Alexander Buck and Pia Katila, eds, *Embracing complexity: meeting the challenges of international forest governance. A global assessment report prepared by the Global Forest Expert Panel on the International Forest Regime* (Vienna: International Union of Forest Research Organizations, 2011), pp. 111–35. Richard Eba’a Atyi, Ahmad Maryudi and Kathleen McGinley (lead authors); and Tim Cadman, Lars Gulbrandsen, Daniela Goehler, Karl Høgl, David Humphreys, Shashi Kant, Robert Kozak, Kelly Levin, Constance McDermott, Mark Purdon, Irene Scher, Michael W. Stone, Luca Tacconi and Yurdi Yasmilead. We also thank Hamish van der Ven for valuable research assistance, and the guest editors of this issue, an anonymous reviewer and Alexander Ovodenko and John Volger for helpful comments.

<sup>1</sup> Arild Underdal, ‘The concept of regime “effectiveness”’, *Cooperation and Conflict* 27: 3, 1992, pp. 227–40; Peter M. Haas, Robert O. Keohane and Marc A. Levy, eds, *Institutions for the Earth: sources of effective international environmental protection* (Cambridge, MA: MIT Press, 1993); Abram Chayes and Antonia Chayes, *The new sovereignty: compliance with international regulatory agreements* (Cambridge, MA: Harvard University Press, 1995); David Victor, Kal Raustiala and Eugene Skolnikoff, eds, *The implementation and effectiveness of international environmental commitments: theory and practice* (Cambridge, MA: MIT Press, 1998); Oran Young and Marc Levy, eds, *The effectiveness of international environmental regimes: causal connections and behavioral mechanisms* (Cambridge, MA: MIT Press, 1999).

<sup>2</sup> Definitions vary, but generally International Relations scholars characterize regimes as sets of norms and rules that define and regulate appropriate behaviour of a set of defined actors in an issue area. They often centre on international legal agreements.

<sup>3</sup> Peter M. Haas, ‘Do regimes matter? Epistemic communities and Mediterranean pollution control’, *International Organization* 43: 3, 1989, pp. 377–403.

it, and the conditions under which institutions, treaties and organizations could induce compliance. In the course of these debates research has variously set out to measure the ‘collective optimum’ (the point at which no actor can benefit more without harming another actor),<sup>4</sup> relative improvement over the state of affairs in the absence of an agreement, or simply compliance with the stated goals of the agreement.<sup>5</sup> Ultimately, though, what motivated this literature was the attempt to establish whether regimes—or other international or transnational efforts that constituted ‘governance’—*influenced* behaviours towards solving the problems for which they were established. This goal suggests the need to move beyond static evaluations of compliance,<sup>6</sup> yet much of the compliance and effectiveness literature in practice remains focused on hard law treaty provisions.<sup>7</sup>

Twenty years after Rio, that approach seems less and less tenable. The model of single-issue regimes based on comprehensive multilateral treaties no longer captures governing arrangements for many of the most pressing global environmental problems. Moreover, states no longer have a monopoly on governance (if indeed they ever did). Climate change, forest degradation and biodiversity loss are but three prominent examples of issues governed by an array of mechanisms that include legal, non-legal, governmental and non-governmental arrangements.

A shift from a focus on ‘compliance’ and ‘effectiveness’ to ‘influence’ facilitates analysis of the combined effects of these international and transnational efforts on domestic or firm policies and practices. This shift is especially important because complex global environmental governance arrangements may contain *both* elements that make strong authority claims clearly demarcated as law *and* means and mechanisms that can influence domestic policies or behaviours but fall short of such claims. However, in all cases the starting point for an examination of such influences is a focus first on purposeful efforts of institutions and actors, by whatever means or mechanisms, to steer policy and behaviour; and second on some claim of authority, exercised either directly or indirectly by actors or institutions that draw on soft law or international norms recognized by targeted actors as having a significant basis in legitimacy.<sup>8</sup> Thus, we aim specifically to open up space for a broader approach to understanding the influences of explicit efforts at ‘governance’ as opposed to just any influence on domestic policy. It is our interest in ‘governance’ that led us to take the effectiveness and compliance literatures and their limits as our jumping-off point.

<sup>4</sup> Underdal, ‘The concept of regime “effectiveness”’, p. 233. In practice, the difficulty of modelling the optimum led those influenced by his work to turn instead to expert evaluations of optimum solutions and attempts to measure distance from them to evaluate effectiveness.

<sup>5</sup> These debates are reviewed in Ronald B. Mitchell, *International politics and the environment* (Thousand Oaks, CA: Sage, 2010), pp. 146–80.

<sup>6</sup> Mitchell, *International politics and the environment*, p. 150; Jon Birger Skjærseth, Olav Schram Stokke and Jørgen Wettestad, ‘Soft law, hard law, and effective implementation of international environmental norms’, *Global Environmental Politics* 6: 3, 2006, p. 105.

<sup>7</sup> e.g. Helmut Breitmeier, Arild Underdal and Oran R. Young, ‘The effectiveness of international environmental regimes: comparing and contrasting findings from quantitative research’, *International Studies Review* 13: 4, 2011, pp. 579–605.

<sup>8</sup> Steering and authority are the constitutive elements of governance, according to James N. Rosenau, ‘Governance in the twenty-first century’, *Global Governance* 1: 1, 1995, p. 13–43.

To facilitate the shift from ‘effectiveness’ to ‘influence’, we develop a framework that distinguishes four pathways of influence, each with its own causal logic: international rules (the traditional focus of regime effectiveness literature); international norms and discourse; creation of or interventions in markets; and direct access to domestic policy processes.<sup>9</sup> By disaggregating analytically the pathways of influence, this framework allows the development of propositions, or conditions under which action along each pathway is likely to produce change in domestic or firm practices—and to what ends, since the various sources of influence may not share a unified set of goals. For this task, we draw on scholarship on transnational relations, international norms, policy diffusion and policy learning, in addition to extant work on effectiveness.<sup>10</sup> Our goal is neither to suggest the superiority of one set of literature over the other, nor to review each set in its entirety. Rather, we seek to provide the broader framework required under contemporary complex global governance that draws from existing strands of *both* sets of literature to tease out the multiple causal logics and pathways of influence to reach their common analytic goal: to explain the domestic effects of global environmental governance.

Our central argument is that domestic influences cannot be studied simply by looking at the international rules pathway, even if one takes into account the fragmentation and institutional complexity of many issue areas to identify different sets of rules. Significant effects also occur along the three other pathways as well as through their interaction. We pay particular attention to the direct access pathway, which is largely unexplored in the current literature. Moreover, in the forestry case with which we illustrate our approach, it shows the most widespread effects, both directly and through interactions with activities along other pathways.

We apply the framework to the case of forestry, a prototypical example of complex global environmental governance. While we believe that the pathways can apply equally to single-issue regimes because they too frequently contain elements relevant to all pathways, cases of complex governance pose the greatest challenge to the traditional compliance and effectiveness literature. The empirical examples draw from the authors’ original research and from an extensive review, overseen by the authors, of international influences on domestic forest policies

<sup>9</sup> For an early articulation of these pathways, see Steven Bernstein and Benjamin Cashore, ‘Globalization, four paths of internationalization and domestic policy change: the case of eco-forestry in British Columbia, Canada’, *Canadian Journal of Political Science* 33: 1, 2000, pp. 67–99.

<sup>10</sup> Peter A. Gourevitch, in ‘The second image reversed: the international sources of domestic politics’, *International Organization* 32: 4, 1978, pp. 881–911, first articulated this wider research agenda. Related early work on the environment focused on policy diffusion from major states, especially via market and coercive power (e.g. sanctions) and domestic coalitions: see e.g. Elizabeth R. DeSombre, *Domestic sources of international environmental policy: industry environmentalists and U.S. power* (Cambridge, MA: MIT Press, 2000). Recent policy diffusion literature tends to focus on explanations of policy convergence through imitation, learning and competition, usually in the absence of direct attempts to influence domestic policies (our focus here), although it also identifies ‘harmonization’ with international law, coercion or ‘imposition’, which are closer to intentional attempts at governance. See Covadonga Meseguer and Fabrizio Gilardi, ‘What is new in the study of policy diffusion?’, *Review of International Political Economy* 16: 3, 2009, pp. 527–43; Katharina Holzinger, Christoph Knill and Thomas Sommerer, ‘Environmental policy convergence: the impact of international harmonization, transnational communication, and regulatory competition’, *International Organization* 62: 3, 2008, pp. 553–87; Beth Simmons, Frank Dobbin and Geoffrey Garrett, ‘Introduction: the international diffusion of liberalism’, *International Organization* 60: 4, 2006, pp. 781–810; Per-Olof Busch and Helge Jörgens, ‘International patterns of environmental policy change and convergence’, *European Environment* 15: 2, 2005, pp. 80–101.

undertaken for the 2010 report of the International Union of Forest Research Organizations Expert Panel on the International Forest Regime.<sup>11</sup>

### The problem: complex governance

The regime effectiveness literature recognized limits to strict analyses of compliance relatively early on, in acknowledgement that international agreements might contain multiple goals and purposes. While some goals might entail relative improvements to an environmental problem, others might reflect a lowest common denominator or agreement *not* to commit to strong action; or goals might be in tension with one another. This recognition led some researchers to disaggregate provisions or components of regimes and investigate their effects separately.<sup>12</sup> However, these limitations of strict compliance analysis created difficulties not only of measurement and evaluation, but in discerning whether similar conditions would lead to outcomes along multiple dimensions or from multiple provisions or mechanisms. While various creative attempts to overcome these limits in the literature remain relevant and productive—including significant advances in the use of quantitative methods to measure the influence of international law<sup>13</sup>—the existing focus on regime effectiveness still assumes discernible binding rules among states to be behind even these disaggregated mechanisms. While single-issue agreements and regimes still exist, the overall structure of environmental and sustainable development governance and of particular pressing global problems is widely recognized to be fragmented, complex and often lacking in coherence.<sup>14</sup>

Studies on effectiveness have started to recognize complexity, but have difficulty addressing it. A recent study on the relative effectiveness of ‘soft law’ norms is typical: it argues that effectiveness is ultimately achieved only if norms strengthen hard law rules and/or encourage states to sign up to hard law treaties.<sup>15</sup> That assumption truncates the possible influence of norms via other pathways, which remain poorly understood. Indeed, that study found that while hard law may be more enforceable, its substance may be significantly watered down from its soft law origins, and that ‘the structures for intrusive verification and review that provide part of the explanation [for effectiveness] can also be created for soft law norms’.<sup>16</sup>

<sup>11</sup> Bernstein and Cashore, ‘Examination of the influences of global forest governance’.

<sup>12</sup> e.g. Helmut Breitmeier, Oran R. Young and Michael Zurn, *Analysing international environmental regimes: from case study to database* (Cambridge, MA: MIT Press, 2006).

<sup>13</sup> e.g. Beth Simmons, *Mobilizing for human rights: international law in domestic politics* (Cambridge: Cambridge University Press, 2008).

<sup>14</sup> UNEP, ‘The environmental dimension of IFSD: fragmentation of environmental pillar and its impact on efficiency and effectiveness’, *Issues Brief 2* (Nairobi: UNEP, Division of Environmental Law and Conventions, 2011); Frank Biermann, P. Pattberg, H. van Asselt and F. Zelli, ‘The fragmentation of global governance architectures: a framework for analysis’, *Global Environmental Politics* 9: 4, 2009, pp. 14–40; Tadanori Inomata, *Management review of environmental governance within the United Nations system*, JIU/REP/2008/3 (Geneva: UN Joint Inspection Unit, 2008); Kal Raustiala and David G. Victor, ‘The regime complex for plant genetic resources’, *International Organization* 58: 2, 2004, pp. 277–309; Kenneth W. Abbot, ‘The transnational regime complex for climate change’, 2011, <http://ssrn.com/abstract=1813198>, accessed 23 Feb. 2012.

<sup>15</sup> Skjærseth et al., ‘Soft law, hard law’, p. 105.

<sup>16</sup> Skjærseth et al., ‘Soft law, hard law’, p. 119.

At least two other considerations further complicate the picture. First, multiple channels of influence may be synergistic, or they may overlap, perhaps with contradictory authorities and mandates: these possibilities have different implications for effectiveness. One important goal of research on influence and effectiveness may therefore be to find ways to increase coherence and synergies among governance mechanisms. Second, complex global governance interacts with ‘complex sovereignty’:<sup>17</sup> that is, the boundaries between global and domestic politics and policy can be blurred, which means that evaluating influence and effectiveness is not a one-way relationship of regime to implementation.

### **The framework: four pathways of global influences on domestic and firm-level policy change**

Below we identify four pathways of influence and spell out their basic logic. This framework distinguishes the actors and institutions involved in governance arrangements that attempt to influence domestic policy from the pathways of influence themselves. The framework further helps analysts to distinguish transnational actors—ranging from corporations and business associations to activist groups, scientific associations and individuals—as agents of change, from the rules and norms that institutions embody, in order to illustrate how agents interact with rules and norms to influence domestic policy. In so doing, it also allows a greater focus on process and agency than is common in much of the effectiveness literature.

The propositions developed under each pathway are designed to specify conditions under which intentional governance efforts are likely to influence policy decisions and, ultimately, behaviours. Many derive from scholarship on transnational relations, effectiveness, policy diffusion, and international market pressures. However, some, especially under the fourth pathway, have been developed and modified abductively, that is, by going back and forth between inferences identified in the literature on domestic policy change and research findings in the forest case on how influence occurred. The propositions, by focusing on conditions for influence along particular pathways rather than on conditions for particular actors or institutions to have effects, also highlight that transnational actors and international institutions play multiple roles. For example, institutions provide fora for governmental, subgovernmental and transnational actors to interact that facilitate rule creation along path one, but also learning about and promotion of new norms of appropriate behaviour along path two, or coalition-building which may be important along paths three and four. Although many international institutions play multiple roles, the distinctions among different paths highlight the varying degrees to which different institutions play these roles. These distinctions also allow comparisons across cases with different problem structures,<sup>18</sup> which

<sup>17</sup> Edgar Grande and Louis Pauly, *Complex sovereignty: reconstituting political authority in the twenty-first century* (Toronto: University of Toronto Press, 2005).

<sup>18</sup> Ronald B. Mitchell, ‘Problem structure, institutional design, and the relative effectiveness of international environmental agreements’, *Global Environmental Politics* 6: 3, 2006, pp. 72–89.

might lead to further refinements of conditions under which influence can occur or the appropriateness of particular mechanisms for different problems. This kind of disaggregation avoids conflating effects or missing them altogether in what might otherwise appear as a muddle of influences under complex governance arrangements.

The four pathways we identify may not be the only ones, and space limitations prevent us from exploring all the hypotheses that might be generated. Nevertheless, these pathways, and the associated propositions, are offered as a useful start to illustrate the benefits of our approach.

## International rules

The ‘international rules’ pathway highlights the influence of issue-specific treaties and the policy prescriptions of powerful international organizations (e.g. the World Bank), whether perceived as resting on consent (what the diffusion literature refers to as ‘harmonization’) or on coercion.<sup>19</sup> The identification of rules as only one of four (or more) pathways of influence at once recognizes the utility of the existing regime effectiveness literature for analysing and identifying conditions under which rules will produce policy and behavioural change, while also highlighting that the logic of rules may differ from other logics at play in complex governance arrangements.

The logic of this pathway is that rules are binding and create a ‘pull toward compliance’,<sup>20</sup> because they came into being by generally accepted rules of right process, regardless of whether they are enforced (a host of institutional design, domestic and political factors can influence implementation and compliance, but the obligation exists nonetheless). Sometimes even non-governmental organizations (NGOs) or institutions that include non-state representation (such as the International Organization for Standardization and forest certification systems) can be authoritative sources of rules to which states or firms commit.<sup>21</sup> Governance systems that are not mandated by states or intergovernmental agreements exhibit the logic of the international rules pathway when their standards gain broad recognition and come to be understood as binding by firms or other targeted actors that sign up to them.<sup>22</sup> Focusing on the logic of rules rather than starting from an issue-specific regime highlights the point that even when an issue—such as forests—lacks a comprehensive regime, influence along this pathway may occur from rules in related hard and soft law arrangements.

<sup>19</sup> Similar logics of coercion are explored by Simmons, Dobbin and Garrett, ‘Introduction’, and Busch and Jörgens, ‘International patterns’, who label it ‘imposition’.

<sup>20</sup> Thomas Franck, *The power of legitimacy among nations* (New York: Oxford University Press, 1990).

<sup>21</sup> Steven Bernstein and Benjamin Cashore, ‘Can non-state global governance be legitimate? An analytical framework’, *Regulation and Governance* 1: 4, 2007, pp. 347–71; David Vogel, ‘Private global business regulation’, *Annual Review of Political Science* 11: 1, 2008, pp. 261–82; Errol Meidinger, ‘The administrative law of global private public regulation: the case of forestry’, *European Journal of International Law* 17: 1, 2006, pp. 47–87.

<sup>22</sup> Vogel, ‘Private global business regulation’.

### *Propositions*

1(a) *International agreements influence domestic policy to the extent that they create binding obligations on states through international law.* This baseline proposition emphasizes that binding rules carry their own logic of influence. While we recognize that an extensive literature already exists on an enormous range of conditions for compliance, some of those conditions are addressed along other pathways owing to their logic of influence.

1(b) *Transnational and/or domestic coalitions for change can activate rules in cases of non-compliance.* This proposition focuses on agency through which the pathway is activated, especially when enforcement is weak. The logic of rules can be a resource on which transnational and/or coalitions of domestic actors draw when governments do not comply, although the ability to mobilize may vary across domestic settings. When mobilization is possible, groups can publicize non-compliance, put pressure on governments to live up to their commitments, or press governments to launch disputes against other countries that do not fulfil their obligations.

1(c) *For countries dependent on trade or foreign capital under conditions of increasing globalization, fear of losing market share and investor confidence acts as an added incentive to comply with international rules.*

1(d) *Agreements on international rules with strong compliance mechanisms are more likely when such agreements reflect rules or processes already under way domestically owing to interaction with other pathways.*

### **International norms and discourse**

International norms and discourse, whether embodied in institutions or constituted by broader practices of global governance, can define and regulate appropriate domestic behaviour. Thus they operate through both a logic of appropriateness (norm-guided without regard to consequences) and a logic of consequences (which rests on utilitarian calculations).<sup>23</sup> Although these two logics can be difficult to differentiate when investigating norm-guided behaviour in practice, to the degree that norms operate like regulatory rules with consequences for violations, a logic of consequences prevails when actors calculate the consequences of obeying or disobeying the prescribed or proscribed behaviour. To the degree that norms define appropriate practices, they operate more according to a logic of appropriateness. While rules also have elements of both logics, the non-binding nature of international norms (when not entrenched in hard law) means influence along this pathway relies more heavily on a logic of appropriateness. Thus the difference from the rules pathway is one of degree more than kind.

While discourse can operate through productive power,<sup>24</sup> we are especially interested in deliberate efforts by transnational actors to diffuse or implement

<sup>23</sup> James G. March and Johan P. Olsen, 'Institutional perspectives on political institutions', *Governance* 9: 3, 1996, pp. 247–64; James G. March and Johan P. Olsen, 'The institutional dynamics of international political orders', *International Organization* 52: 4, 1998, pp. 943–69.

<sup>24</sup> Productive power is at work when "socially existing and, hence, historically contingent and changing understandings, meanings, norms, customs, and social identities . . . make possible, limit, and are drawn on for action": Michael Barnett and Raymond Duvall, 'Power in international politics', *International Organization* 59: 1, 2005, p. 56.

norms. In this regard, Keck and Sikkink outline a series of strategies that transnational actors can undertake to encourage states to follow norms—the politics of information, symbolism, leverage and accountability.<sup>25</sup> According to their model, domestic policy-making structures or networks matter only to the degree that they cause a ‘boomerang’ effect: that is, when they are closed or resistant to influence from agents of change, they induce domestic actors to resort to the international level to seek allies and bring scrutiny to bear.<sup>26</sup> However, others have argued that global norms can be mediated by domestic structures<sup>27</sup> or, as Acharya finds, by the ability of local actors to reconstruct international norms to fit with local norms or to reinforce local beliefs or institutions.<sup>28</sup> This idea of fit is consistent with a logic of appropriateness, though the degree to which domestic factors change norms remains a matter of some debate. Acharya’s view, for example, differs slightly from Keck and Sikkink’s argument that ‘dynamic’ factors in domestic politics—such as how proposals for change ‘fit’ with other related policies, the changing positions of government, and the dominant ideologies or cultural discourse and practices—account for the success of transnational campaigns for change. Learning gained through interaction in transnational networks, explicit efforts at dialogue, and/or participation in formal and informal international gatherings or conferences and transgovernmental networks<sup>29</sup> also seems relevant for the dissemination of, and possible transformation of, norms.

### Propositions

2(a) *Norms agreed to in international fora and promoted by powerful or influential organizations influence the direction of policy change when governments or firms face external pressures to change policies.*

2(b) *Strategies for change based on international norms and discourse depend on the moral vulnerability of the target state or firm (i.e. how sensitive it, or its brand, is to challenges to its international reputation).*

2(c) *Success depends on resonance with domestic ideology, culture and broader policy goals, not on targeting particular actors or domestic policy networks.*

2(d) *The importance of learning networks suggests success along this pathway is more probable when the fourth pathway (direct access) is also travelled.*

<sup>25</sup> Margaret E. Keck and Kathryn Sikkink, *Activists beyond borders: advocacy networks in international politics* (Ithaca, NY, and London: Cornell University Press, 1998).

<sup>26</sup> Keck and Sikkink, *Activists beyond borders*.

<sup>27</sup> Thomas Risse-Kappen, ed., *Bringing transnational relations back in: non-state actors, domestic structures and international institutions* (Cambridge: Cambridge University Press, 1995).

<sup>28</sup> Amitav Acharya, ‘How ideas spread: whose norms matter? Norm localization and institutional change in Asian regionalism’, *International Organization* 58: 2, 2004, pp. 239–75.

<sup>29</sup> Holzinger et al., in ‘Environmental policy convergence’, group learning processes under the heading of ‘transnational communication’, and use mutual membership in international organizations as a proxy explanation for it. Here we are able to focus more explicitly on the mechanisms through which learning occurs, and the conditions under which they are effective. See also Anne-Marie Slaughter, *A new world order* (Princeton, NJ: Princeton University Press, 2004).

## **Markets**

The markets pathway encompasses processes or tactics that attempt to manipulate, work with or leverage markets to create domestic policy change. It includes direct action such as boycott campaigns that target foreign export markets to put pressure on exporters, indirect action such as certification systems that attempt to regulate markets or otherwise embed them in social and environmental values or goals directly without state mediation, and the use of market mechanisms in general. Direct and indirect action may also be combined. For example, certification systems with established standards may influence behaviour by means of carrots, such as the provision of market access, firm recognition and price premiums, as well as sticks, such as the conferring of negative attention on non-joiners.

## *Propositions*

3(a) *Relative dependence on foreign markets and the success of transnational actors in persuading consumers to exercise preferences are key determinants of policy influence.*

3(b) *Boycott strategies give the appearance of short-term success, but long-term efforts require more enduring forms of non-state authority, such as certification. Normative change is unlikely as a result solely of direct market pressure.*

3(c) *Use of market mechanisms is more likely to produce policy change when combined with elements of other pathways, especially when institutions are able to generate their own legitimate authority, as in the case of some third-party certification systems.*

## **Direct access to domestic policy-making processes**

Influence along this pathway can occur through direct funding, education, training, assistance and capacity-building, and possibly even through attempts at co-governance via partnerships between domestic and international public and private actors and authorities. Any attempts at influence along this pathway must navigate concerns about sovereignty and the risk of being viewed as foreign or international intrusion. Thus, non-domestic actors should avoid direct lobbying or other perceived challenges to state autonomy in favour of strategies that alter the balance of power among existing domestic organized interests or their participation in policy networks. Transnational actors may accomplish their mission by sharing resources, ideas, knowledge and expertise with existing groups, or by facilitating the creation of new groups or coalitions.

Apart from a general concern with capacity-building—mainly with reference to facilitating implementation in developing countries rather than influencing policy—the current effectiveness literature has for the most part neglected this pathway, which leads us to focus on it more. Moreover, in the forests case (and we suspect in other cases) our review of global sources of domestic policy change suggests it is the most important avenue of influence.<sup>30</sup>

<sup>30</sup> Bernstein and Cashore, 'Examination of the influences of global forest governance'.

## Propositions

4(a) *Influence can operate through the provision of financial resources to assist existing civil society organizations or to help create new organizations. These efforts can help shift the balance of power in domestic policy processes and provide access to often marginalized or disempowered organizations.* However, broader questions of democracy, transparency, openness and accountability are prerequisites for the successful use of this strategy. Meeting such preconditions may take time, since they are not sector-specific (for example, it may be hard to democratize forest policy-making in isolation).

4(b) *Direct influence on the domestic policy process can result from international efforts to build learning fora and training about how to produce improved environmental, social and economic performance ‘on the ground’.* Learning is often promoted through multi-stakeholder networks, which diffuse their knowledge via network members involved in government, firm and community decision-making. Policy learning is influential when it uncovers win–win opportunities that otherwise would fail to emerge owing to perceived conflicts.<sup>31</sup>

4(c) *Policy learning is likely to have influence when it addresses specific questions that improve particular practices (e.g. forest management practices) rather than larger issues, such as economic demands to convert natural forests to plantations.*

4(d) *Interventions aimed to help governments enforce or implement their own laws are more likely to succeed than attempts to directly influence the passing of new legislation. Direct access through enforcement/implementation strategies can yield swift and immediate results, as long as international actors and organizations do not make additional requirements to which the domestic government does not agree.* The potential impact of this strategy is significant because—unlike other strategies—it reinforces policy objectives of the national government which, owing to a lack of capacity and resources, it is unable to enforce or implement. The corollary is that transnational groups require detailed knowledge of policy networks to be effective on this path.

## Illustrative application to forest governance

We chose forests to illustrate the utility and plausibility of this framework for two reasons. First, the primary goal of forest governance is to influence domestic policy-making processes rather than simply to constrain or modify the external behaviour of states. The reason is simple: while the consequences of forest use, preservation or degradation have global implications ranging from biodiversity loss to effects on the carbon cycle, forest resources lie within state borders. Thus, any governance of forest lands or practices must also take account of local consequences and needs. Second, as described by a recent international expert

<sup>31</sup> Paul Sabatier, ed., *An advocacy coalition lens on environmental policy* (Cambridge, MA: MIT Press, 1999); Peter Hall, ‘Policy paradigms, social learning, and the state: the case of economic policy-making in Britain’, *Comparative Politics* 25: 3, 1993, pp. 275–96; Michael Howlett and M. Ramesh, ‘The policy effects of internationalization: a subsystem adjustment analysis of policy change’, *Journal of Comparative Policy Analysis* 4: 3, 2002, pp. 31–50; Michael Howlett and Jeremy Rayner, ‘Globalization and governance capacity: explaining divergence in national forest programs as instances of “next-generation” regulation in Canada and Europe’, *Governance: An International Journal of Policy, Administration, and Institutions* 19: 2, 2006, pp. 251–75.

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panel on forest governance, 'the current set of international forest governance arrangements is best seen as a complex hybrid mix of international law, soft law, and non-government performance-based measures. Some are forest focused and others forest related.'<sup>32</sup> It thus offers a prototypical example of the complex governance arrangements that increasingly characterize global environmental governance.

In applying the framework, we are interested first in whether the evidence supports the argument that policy change can occur via each pathway. In terms of government policy, we focus mainly on decisions (statutes, regulations and policy statements that carry the force of the state) that conform to the goals or values promoted internationally. Although formal policies are just one element of the policy-making process, anything less fails to indicate the actual choices of governments. The effects of policy change on behaviour 'on the ground' and on performance (for example, reducing environmental degradation) are also important, but often more difficult to demonstrate. Similarly, for firms, we are interested in whether they adopt a norm or standard, and ultimately whether they comply with a standard or change a practice.

### *The four pathways*

*International rules* In the absence of a comprehensive forest treaty, the international agreements that most fit the logic of the rules path (particularly in accordance with proposition 1(a)) are non-forest treaties with provisions that directly or indirectly target forests. Examples include the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and, less directly, World Trade Organization treaties and regional trade agreements. CITES best displays this logic. It monitors and restricts the trade in species facing extinction by, among other things, identifying and listing species in which international trade is banned (in Appendix I) or may be conducted only with a CITES export permit (Appendix II). The impacts of CITES are often region-specific, determined by the location of the protected species. In Latin America, for example, several important timber species, including bigleaf mahogany (listed in Appendix II in 2003),<sup>33</sup> have been listed following concerns over illegal harvesting and research by international scientific and conservation bodies.<sup>34</sup> Such listings have led many producer countries to establish national CITES management authorities, often by adapting legislation.<sup>35</sup>

While trade agreements are primarily designed to promote liberalization and frequently face criticism from environmentalists for ignoring trade impacts or

<sup>32</sup> Rayner et al., *Embracing complexity*, p. 15.

<sup>33</sup> Timber species listed in Appendix I include Brazilian rosewood (*Dalbergia nigra*) and Guatemala fir (*Abies guatemalensis*). Those listed in Appendix II include Pacific coast mahogany (*Swietenia humilis*), Caribbean mahogany (*S. mahogoni*) and bigleaf mahogany (*S. macrophylla*).

<sup>34</sup> James Grogan and Paulo Barreto, 'Big-leaf mahogany on CITES Appendix II: big challenge, big opportunity', *Conservation Biology* 19: 3, 2005, pp. 973–6.

<sup>35</sup> Ivan Tomaselli and Sofia R. Hirakuri, 'Converting mahogany', *ITTO Tropical Forest Update* 18: 4, 2009, pp. 12–15.

limiting domestic regulation, they increasingly incorporate environmental provisions. The best example in forestry is the 2009 United States–Peru Trade Promotion Agreement.<sup>36</sup> An accompanying annex (annex 18.3.4) requires Peru to increase its administrative, monitoring and enforcement staff; implement specific measures to reduce corruption; provide criminal and civil liability for a range of activities that undermine the sustainable management of Peru’s forest resources; implement provisions to combat illegal logging; adopt and implement specific policies to protect tree species listed in the CITES appendices; promote capacity-building; and ensure that the views of indigenous groups and other stakeholders are considered in decision-making.<sup>37</sup> Annex 18.3.4 also includes a series of measures for compliance, joint monitoring and enforcement, among them third-party audits of producers to ensure compliance with laws, regulations and verification procedures, as well as penalties for non-compliance (e.g. banning of exports) and a dispute resolution process. The United States–Peru Trade Promotion Agreement has already ‘been a driving force to change the Peruvian Forest Law, as well as to introduce other changes that are generally in line with CITES requirements’.<sup>38</sup> However, explicit language on forests is still the exception in trade agreements. Consistent with proposition 1(d), of all the trade agreements between the United States and Latin American countries, the only one with strict rules on forests involves Peru, which had initiated reforms in the early 2000s in advance of the treaty.

For forest-related agreements, the closest fit to the rule path are initiatives to build regional forest law enforcement and governance (FLEG) agreements and international commitments on forests within the climate change regime. Although neither is strictly speaking treaty-based or binding, both are evolving in that direction. For example, the ‘reducing emissions from deforestation and degradation’ (REDD) concept may lead, eventually, to one of the first sets of rules in international forest governance to have a binding impact on domestic practices such as land-use change and logging.

FLEG agreements and processes emerged initially as co-hosted by producer and consumer countries and the World Bank. Many of the FLEG processes focused on building greater capacity for the enforcement of existing laws,<sup>39</sup> reducing contradictory legal regimes, enlisting NGOs to monitor on-the-ground activities, and reducing high levels of illegal logging through labelling and market access arrangements.<sup>40</sup> While many FLEG processes relied on soft agreements, the EU introduced EU FLEGT (forest law enforcement, governance and trade) to effectively

<sup>36</sup> <http://www.ustr.gov/countries-regions/americas/peru>, accessed 23 Feb. 2012.

<sup>37</sup> [http://www.ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset\\_upload\\_file953\\_9541.pdf](http://www.ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset_upload_file953_9541.pdf), accessed 23 Feb. 2012.

<sup>38</sup> Tomaselli and Hirakuri, ‘Converting mahogany’, p. 13.

<sup>39</sup> Luca Tacconi, ed., *Illegal logging: law enforcement, livelihoods and the timber trade* (London: Earthscan, 2007).

<sup>40</sup> David Brown, Kate Schreckenber, Neil Bird, Paolo Cerutti, Filippo Del Gatto, Chimere Diaw, Tim Fomete, Cecilia Luttrell, Guillermo Navarro, Rob Oberndorf, Hans Theil and Adrian Wells, *Legal timber: verification and governance in the forest sector* (London: Overseas Development Institute, 2008); FAO and ITTO, *Best practices for improving law compliance in the forest sector* (Rome: FAO, 2005); World Bank, ‘FLEG: forest law enforcement and governance’, *FLEG News* (Washington DC: World Bank, 2005).

harden the requirements owing to scepticism that regional voluntary cooperative efforts would address the causes of corruption and forest degradation. The EU has negotiated FLEGT 'voluntary partnership agreements' with exporting countries in Africa and South-East Asia. The 'voluntary' feature accommodates WTO rules that trade restrictions are permitted when importing and exporting countries agree. However, once signed, these agreements amount to de facto binding law. Perhaps most interesting is that the success of FLEGT has largely depended on domestic support, and thus the direct access pathway (discussed below).

Forest certification—despite being a process directed largely by non-state actors—is also showing signs of affecting policy along an international rules pathway, in two ways. First, some systems are seeking recognition for their standards as equal in status to other international standards recognized under international trade law.<sup>41</sup> Second, there are signs that support for forest certification may not just be a result of market pressure such as boycotts; it may also be based on the perception that certification systems themselves are a legitimate authority through which to develop appropriate standards.<sup>42</sup>

*International norms and discourse* A strong consensus prevails within academic and policy circles on three procedural principles that define good forest governance:<sup>43</sup> inclusiveness,<sup>44</sup> transparency<sup>45</sup> and accountability.<sup>46</sup> Equity is also emerging as a substantive global norm in resource<sup>47</sup> and forest governance.<sup>48</sup> A closely related and increasingly salient norm of 'subsidiarity' prescribes granting greater access to forest resources to indigenous and forest-dependent communities, although

<sup>41</sup> Steven Bernstein and Erin Hannah, 'Non-state global standard setting and the WTO: legitimacy and the need for regulatory space', *Journal of International Economic Law* 11: 3, 2008, pp. 575–608.

<sup>42</sup> Bernstein and Cashore, 'Can non-state global governance be legitimate?'

<sup>43</sup> For general overviews see World Bank, *Guidelines for formulating and implementing national action plans to combat illegal logging and other forest crime* (draft) (Washington DC: World Bank, 2006); Benjamin Cashore, 'Key components of good forest governance in ASEAN', *Exlibris*, no. 6, 2009, ASEAN–German Regional Forest Programme.

<sup>44</sup> e.g. Jill M. Belsky, 'Forest policy and politics in the Philippines: the dynamics of participatory conservation', *Journal of Asian Studies* 62: 3, 2003, pp. 1027–8; Arnoldo Contreras-Hermosilla, Hans M. Gregersen and Andy White, *Forest governance in countries with federal systems of government: lessons and implications for decentralization* (Bogor, Indonesia: Center for International Forest Research, 2008); Jesse C. Ribot, 'From exclusion to participation: turning Senegal forestry policy around', *World Development* 23: 9, 1995, pp. 1587–99; Luca Tacconi, Marco Boscolo and Duncan Brack, 'National and international policies to control illegal forest activities', report prepared for the Ministry of Foreign Affairs of the Government of Japan (Bogor, Indonesia: CIFOR, 2008).

<sup>45</sup> e.g. Daniel C. Esty, 'Toward good global governance: the role of administrative law', *Yale Law Journal* 115: 7, 2006, pp. 1490–562.

<sup>46</sup> David Held and Mathias Koenig-Archibugi, *Global governance and public accountability* (Oxford: Blackwell, 2005).

<sup>47</sup> Joseph E. Aldy, Randall A. Kramer and Thomas P. Holmes, 'Environmental equity and the conservation of unique ecosystems', *Society and Natural Resources* 12: 2, 1999, pp. 93–106.

<sup>48</sup> Michael Asch, ed., *Aboriginal and treaty rights in Canada: essays on law, equity, and respect for difference* (Vancouver: University of British Columbia Press, 1997); Esteve Corbera, Katarina Brown and Neil W. Adger, 'The equity and legitimacy of markets for ecosystem services', *Development and Change* 38: 4, 2007, pp. 587–613; Patricio Meller, Raul O'Ryan and Andres Solimano, 'Growth, equity, and the environment in Chile: issues and evidence', *World Development* 24: 2, 1996, pp. 255–72; Calvin Nhira, Sibongile Baker, Peter Gondo, J. J. Mangono and Crispen Marunda, *Contesting inequality in access to forests: policy that works for forests and people* (Harare, Zimbabwe: Centre for Applied Social Sciences and Forestry Commission, 1998); Madhu Sarin, 'Regenerating India's forests: reconciling gender equity with joint forest management', *Institute of Development Studies, IDS Bulletin* 26: 1, 1995, pp. 83–91.

implementation remains a challenge.<sup>49</sup> Finally, the broader normative trend to view environmental protection as compatible with liberal economic goals also prevails in forestry. It translates into support for market-based policies and instruments, public–private partnerships, privatization, open markets and free trade.<sup>50</sup>

The most prominent example of norm diffusion is the promotion of Sustainable Forest Management (SFM),<sup>51</sup> which in practice captures many of the normative trends just noted. While (as with ‘sustainable development’) its exact meaning is contested, it can be characterized generally as the suite of practices that aim to ensure goods and services derived from forests meet present-day needs while at the same time securing forests’ continued availability and contribution to long-term development. It is now supported in virtually every country in which forests play a key role.

The pathway of influence is complex because it involves formal and informal processes. For example, the International Tropical Timber Organization (ITTO), created by the International Tropical Timber Agreement, has played a major role in the development of criteria and indicators (C&I) for SFM. Unlike hard law, however, C&I processes aim to define and assess rather than mandate SFM. The hope is that such processes will help states to develop internal standards. In addition, a series of UN-sponsored initiatives since 1992 have promoted high-level commitment to the monitoring, reporting and assessment of SFM;<sup>52</sup> currently there are nine such processes, encompassing 150 countries and nearly 90 per cent of the world’s forests.

To take just one regional example of the effects, in Africa, Eba’a Atyi et al. report in a comprehensive review that, following the 1992 Earth Summit, ‘all of the Central African countries have embarked on a revision of their forest laws in order to make them compatible with the needs of sustainable forest resources management’.<sup>53</sup> The raising of awareness and reporting of corruption in the subregion by international NGOs such as Transparency International, Global Witness and Resource Extraction Monitoring have been also been key drivers, supporting the proposition on the importance of moral vulnerability. The results in practice are muted, however, because such initiatives focus mainly on the formal forest industry, which is usually the smallest part of the sector. Moreover, the influ-

<sup>49</sup> Shashi Kant and Doug Brubacher, ‘Aboriginal expectations and perceived effectiveness of forest management practices and forest certification in Ontario’, *Forestry Chronicle* 84: 3, 2008, p. 389.

<sup>50</sup> Steven Bernstein, *The compromise of liberal environmentalism* (New York: Columbia University Press, 2001); David Humphreys, ‘The politics of “avoided deforestation”: historical context and contemporary issues’, *International Forestry Review* 10: 13, 2008, pp. 433–42.

<sup>51</sup> Benjamin Singer, ‘Putting the national back into forest-related policies: the international forests regime and national policies in Brazil and Indonesia’, *International Forestry Review* 10: 3, 2008, pp. 523–37.

<sup>52</sup> David Humphreys, *Logjam: deforestation and the crisis of global governance* (London and Sterling, VA: Earthscan, 2006); Constance L. McDermott, Benjamin Cashore and Peter Kanowski, ‘Setting the bar: an international comparison of public and private forest policy specifications and implications for explaining policy trends’, *Journal of Integrative Environmental Sciences* 6: 3, 2009, pp. 217–37; Don Wijewardana, ‘Criteria and indicators for sustainable forest management: the road travelled and the way ahead’, *Ecological Indicators* 8: 2, 2008, pp. 115–22.

<sup>53</sup> Richard Eba’a Atyi, Didier Devers, Carlos de Wasseige and Fiona Maisels, ‘State of the forests of Central Africa: regional synthesis’, in Carlos de Wasseige, Didier Devers, de Paya Marcken, Richard Eba’a Atyi, Robert Nasi and Philippe Mayaux, eds, *The forests of the Congo basin: state of the forest 2008* (Luxembourg: Publications Office of the European Union, 2008), p. 24.

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ence of international normative discourse may be limited in countries where there is widespread poverty. In such cases, short-term measures to ensure subsistence may demand a higher priority on both ethical and sustainability grounds. Caution is therefore warranted in attributing too much power to norms and discourse relative to pressures of economic need.

*Markets* Three trends characterize efforts along the markets pathway over the past 30 years.

(1) *Boycott/targeting campaigns*: Transnational environmental advocacy groups have had some success in creating negative impressions of tropical timber products.<sup>54</sup> Wong, for example, found that ‘no-buy’ pleas helped reduce timber exports from Indonesia to Japan and subsequently helped account for an Indonesian government decision to review the performance of logging companies and withdraw their concessions if their forest operations were below a certain standard.<sup>55</sup> Boycotts have also targeted countries with temperate forests, most notably Canada. They put pressure on British Columbia in the early 1990s to end clear-cut logging by targeting European and US markets,<sup>56</sup> and contributed to a series of agreements in the last decade to conserve Canada’s boreal forests, including the biggest forest conservation deal in history, signed in May 2010.<sup>57</sup>

However, the body of research on targeting and boycotts shows very uneven success overall. In the late 1980s and early 1990s, for example, transnational actors attempted to use global markets to force policy responses in Latin America and other tropical forested regions by threatening boycotts of tropical timber. These attempts largely failed, owing in part to their ‘limited latitude for action’ within the international trade regime and the subsequent threat of trade sanctions from producer countries.<sup>58</sup> Without direct evidence from political leaders that boycotts have affected their decision-making, it is also difficult to know if they are necessary or sufficient for policy change, since the same changes may be the result of domestic dynamics or action taken along other pathways that coincided with market campaigns.

(2) *Certification*: While certification first met with resistance from tropical producers, it has since gained in influence. It tapped into emerging normative support for win–win solutions by simultaneously championing markets, the protection of environmental functions in the world’s forests, poverty alleviation, indigenous rights and community participation. This normative underpinning may explain the longstanding World Bank support for certification through the Forest Stewardship Council, which represents an opportunity to support socially

<sup>54</sup> Art W. Klassen, ‘Reduced impact logging: the tropical forest foundation experience in Indonesia’, paper presented to meeting on Sustainable Production of Wood and Non-Wood Forest Products, March 2003, Rotorua, New Zealand, in *Proceedings of IUFRO Division 5 Research Groups 5.11 and 5.12*.

<sup>55</sup> A. Wong, ‘The anti-tropical timber in Japan’, in A. Kalland and G. Persoon, eds, *Environmental movements in Asia* (Richmond: Curzon, 1998).

<sup>56</sup> Bernstein and Cashore, ‘Globalization, four paths of internationalization and domestic policy change’.

<sup>57</sup> Christopher Pala, ‘Pact protects Canadian forests’, *Nature* 465: 7296, 2010, p. 279.

<sup>58</sup> Steven Bass and Stéphane Guéneau, ‘Global forest governance: effectiveness, fairness and legitimacy of market driven approaches’, in Sophie Thoyer and Benoît Martimort-Asso, eds, *Participation for sustainability in trade* (Aldershot, UK: Ashgate, 2007), p. 170.

and environmentally responsible practices in ways that are consistent with the Bank's broader neo-liberal goals. While most industrialized countries in North America and Europe gradually came to embrace third-party certification such as that operated by FSC, many supported competitors initiated by forest owners' or industry associations. The standards of the latter are generally more flexible and their governance structures have tended to downplay, relative to the FSC, the role of environmental groups. Many now come under the umbrella of the Programme for the Endorsement of Forest Certification (PEFC).<sup>59</sup>

Despite individual cases of success, aggregate data reveal that, after more than a decade, less than 5 per cent of the global area of certified forests is found in the tropics, initially the target of many proponents of certification.<sup>60</sup> Efforts to provide additional incentives to companies in the tropics suggest this pathway intersects with both market incentives and direct access and learning, and requires active agency for success (consistent with proposition 3(c)). For example, the Tropical Forest Trust works with and gives companies access to FSC markets in return for a commitment from companies to become certified.

(3) *Legality verification*: Recently the focus has shifted from certification to promoting baseline governance through the verification of legality, in which third-party auditors assess forest practices to determine whether they meet baseline legality requirements. Legality verification largely reinforces sovereignty rather than bypassing it as certification has attempted to do. We discuss this option in more detail under the direct access pathway to illustrate how three pathways towards policy change have intersected to produce innovative effects.

*Direct access to the domestic policy process* Although the least studied of the four pathways, direct access of international forest institutions and transnational actors to domestic policy processes has arguably had the biggest impact.

This pathway captures those processes by which non-domestic financial resources, technical knowledge, expertise, training and learning can dramatically shape domestic politics. It works by mobilizing and funding societal interests, generating new coalitions or confronting existing ones, and providing resources for effective and enduring impacts on domestic governance and policy networks. As Singer's assessment of the impacts of global forest governance in Cameroon, Indonesia and Brazil finds, 'What makes the strength of the IFR [international forest regime], therefore, is not its formal framework or the official negotiations ... but rather its informal aspects. In particular, principles and policy networks ... have transcended spheres and contributed to shaping Brazilian, Cameroonian and Indonesian FRPs [forest-related policies], and vice-versa.'<sup>61</sup> Similarly, informal policy networks, such as the Association of Southeast Asian Nations' (ASEAN) regional knowledge network, seem to be particularly effective in Asia because of 'a cultural aversion to formal institutional arrangements and a reflection of an

<sup>59</sup> Humphreys, *Logjam*.

<sup>60</sup> Richard Eba'a Atyi and Markku Simula, *Forest certification: pending challenges for tropical timber* (Kuala Lumpur: ITTO, 2002).

<sup>61</sup> Singer, 'Putting the national back into forest-related policies', p. 363.

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Asian style of governance and diplomacy'.<sup>62</sup> A range of international aid agencies, NGOs and educational institutions have travelled this pathway in the last 20 years under the rubric of capacity-building, which often works to reinforce, rather than to directly challenge, domestic sovereign authority.

One of the most intriguing sources of influence along this pathway is the use of resources from external foundations, environmental NGOs, companies and government agencies to leverage or otherwise augment resources and staff for existing domestic organizations and/or to create new domestic organizations or coalitions.<sup>63</sup> For example, foundations and environmental NGOs in the United States influenced Canadian forest policy beginning in the 1980s. Working first in British Columbia and then expanding to include the Canadian boreal forests, these groups combined market-based and direct access approaches. The latter included the granting of financial resources to environmental NGOs and marginalized groups, including First Nation groups, which provided them with the staff, time and expertise to become active in the domestic policy-making process.<sup>64</sup>

Similarly, in Indonesia, a range of non-domestic groups took advantage of the fall of the Suharto regime to strengthen civil society with a view to fostering new ideas and interests within domestic policy-making. Organizations such as the Nature Conservancy successfully became involved in policy networks, partly because of the fragmentation of authority that followed the decentralization of the government administration.<sup>65</sup> In addition, donor agencies, including the UK Department for International Development and Norway's Partnerships, as well as transnational environmental NGOs, have actively sought to promote social and environmental values in forest management in Indonesia. Initially, the focus was on forest practices, illegal logging, democratic decision-making and forest governance, poverty alleviation among forest-dwellers, resolving tenurial problems and increasing local forest management. Recently, many donors have begun to focus on climate change mitigation and adaptation.

However, owing to the dynamic nature of these efforts in Indonesia, and the broader market forces of economic globalization, which have resulted in the significant conversion of natural forests to plantations, the results achieved through this direct access pathway have been mixed. Although these influences succeeded in building NGO and academic coalitions that influenced the content of a new Indonesian forest law, significant implementation challenges, including the fragmentation of authority, have limited impact on the ground. The private sector remains highly influential, and disentangling the interests of business and

<sup>62</sup> Helen Nesarurai and Diane Stone, 'Southeast Asian research institutes and regional cooperation', in Diane Stone, ed., *Banking on knowledge: the genesis of the global development network* (London and New York: Routledge, 2000), p. xx.

<sup>63</sup> Cristina Balboa, *When non-governmental organizations govern* (New Haven, CT: Yale Graduate School of Arts and Social Sciences, 2009).

<sup>64</sup> Irene Scher, *Internationalization and the Canadian boreal campaign* (New Haven, CT: Yale University Environmental Studies Program, 2008).

<sup>65</sup> Christopher Barr, Ida A. P. Resosudarmo, Ahmad Dermawan and Bambang Setiono, 'Decentralization's effects on forest concessions and timber production', in Christopher Barr, Ida A. P. Resosudarmo, Ahmad Dermawan and John McCarthy, eds, *Decentralization of forest administration in Indonesia: implications for forest sustainability, economic development and community livelihoods* (Bogor, Indonesia: CIFOR, 2006).

government is often difficult. Domestic challenges in the implementation of new laws, and the short attention spans of international donors—who move quickly from one instrument (such as forest certification) to the next (such as REDD)—have placed sometimes confusing and conflicting demands on government policy-makers.

To be sure, not all these intersecting pathways produce uniform results across time or space. The EU's efforts on illegal logging a decade ago can be seen as a reaction to the market pressure (including attempted boycotts) exerted by NGOs. However, this outcome stands in contrast to the limited public policy impact of similar market campaigns in Japan and China. Likewise, public policy responses in Indonesia to EU market pressure were 'paper' edicts only.<sup>66</sup> These limited effects provided a major impetus to legality verification through the FLEG and FLEGT processes. While these are no panacea, and can have the unintended effect of increasing unsustainable legal logging,<sup>67</sup> the combination of the markets, international rules and market access pathways appears to hold promise in ways that a single pathway may not.

Fostering learning across domestic coalitions is also a major mechanism of influence along this pathway. For example, the C&I processes dominant in the 1990s focused NGOs, governments and industry organizations on 'how things work', which led to a realization of the importance of collaborative learning, especially on such complex issues as forest management. For example, through its support of FLEG processes, the German Technical Cooperation (GTZ) agency funds numerous local agencies in Indonesia to research the impacts of different logging practices, while another organization, the Tropical Forest Foundation, helped to provide the government of Indonesia with a scientifically sound foundation for reduced impact logging, leading to the development of guidelines for better forest practices.<sup>68</sup> Meanwhile, across ASEAN, the 2001 Bali Declaration promoted region-wide deliberations in which member states committed to building and fostering cross-national ties to promote FLEG, combat corruption and improve enforcement, which led to new initiatives and experiments within and across countries.<sup>69</sup>

These efforts linked transnational and domestic networks focused on helping governments meet their own domestic standards and norms, even though these may have had international roots. They drew on notions of sovereignty and self-interest, avoiding confrontation that could be exploited by oppositional forces decrying 'foreign' influence. In this case, international NGOs were enlisted to help train and foster learning about 'on the ground' auditing. Meanwhile, EU and US legislation banning imports of illegally harvested wood from these countries created synergies between the 'international rules' and 'direct access' pathways,

<sup>66</sup> Environment Investigation Agency and Telepak, 'Timber trafficking: illegal logging in Indonesia, South East Asia and international consumption of illegally sourced timber', Environmental Investigation Agency and Telepak Indonesia, Sept. 2001; Tacconi, *Illegal logging*.

<sup>67</sup> Sam Lawson and Larry MacFaul, *Illegal logging and related trade indicators of the global response* (London: Chatham House, 2010).

<sup>68</sup> Klassen, 'Reduced impact logging'.

<sup>69</sup> Brown et al., *Legal timber*.

reinforcing grand global coalitions of ‘bootleggers and Baptists’ in which most government, business and NGO actors were united around reducing illegal logging.<sup>70</sup> These efforts created better supply chain tracking on the one hand, and the emergence of global networks on the other hand. We expect these outcomes to reinforce progress on other pathways, including markets (as a result of more efficient tracking) and norms (through generation of new global communities rooted in redefined interests and changing identities of actors previously situated in opposing coalitions).

## Conclusions

This article has attempted to make the argument for opening up the scholarship on effectiveness to take account of how global governance of the environment has actually evolved. To state the issue bluntly, approaches to the influence and effects of global environmental governance have not kept pace with changes in how governance is actually done. The purpose of separating the pathways is *not* to suggest a choice between them in terms of institutional design or strategy, especially because in practice all or most of the pathways are active in attempts to address any given environmental problem. Rather, it is to isolate the logics of influence in order to better identify causal processes that condition desirable policy change.

The framework further suggests that simple comparisons of governance mechanisms are of limited value. Rather, it is often the interaction of mechanisms and processes, sometimes along multiple pathways, that create collective influence. Further research—within and across other issues—could help reveal in particular cases the contradictions and synergies of complex institutional arrangements through which policy change occurs. Influences and interactions along the direct access pathway in the forests case were particularly revealing in this respect.

Along those lines, one major concern across many areas of complex global governance is growing fragmentation, which militates against effectiveness. The resultant desire for greater cohesion in the institutional framework for sustainable development is also one of the main drivers of the institutional reform agenda of the Rio+20 conference.<sup>71</sup> Examining cohesion from the dual perspective of identifying how particular mechanisms and processes influence outcomes and ways in which pathways are often simultaneously travelled may offer some clues on how to improve cohesion across multiple institutions and processes. For example, analyses of this kind can assess whether different influences along different pathways reinforce one another, interact in productive ways to increase

<sup>70</sup> DeSombre, ‘Domestic sources of international environmental policy’ also notes the possible impact of ‘Baptist and bootlegger’ coalitions, but in her case with a greater focus on the internationalization of US environmental policy than the reverse.

<sup>71</sup> Steven Bernstein with Jutta Brunnée, ‘Consultants’ report [for the UN Conference on Sustainable Development Secretariat] on options for broader reform of the Institutional Framework for Sustainable Development (IFSD): structural, legal, and financial aspects’, <http://www.uncsd2012.org/rio20/index.php?page=view&type=400&nr=211&menu=45>, accessed 23 Feb. 2012; UNEP, ‘The environmental dimension of IFSD’.

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effectiveness, or, conversely, produce fragmentation or work at cross-purposes. In addition, findings regarding learning and its conditions may offer insight into creating greater coherence at multiple levels in complex institutional environments—working with complexity rather than against it. Attention to learning and how pathways interact may be just as important as, if not more important than, heroic attempts to simplify or streamline the intergovernmental institutional architecture, a strategy that pays insufficient attention to the complex governance arrangements that reflect how global environmental and sustainable development is actually conducted in the twenty-first century.