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**Forest security:
challenges to be
met by a global
forest convention**

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**FOREST SECURITY:
CHALLENGES TO BE MET
BY A
GLOBAL FOREST CONVENTION**

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FOREST SECURITY: CHALLENGES TO BE MET BY A GLOBAL FOREST CONVENTION

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Summary

There are some good arguments for establishing a global agreement on forests in the long term. It should focus on achieving security of forest goods and services that are important at global level, and/or on those causes of forest problems that are international in scope. However, its precise purpose and approach can be determined only after a review of the possibilities for extending the uses of existing legal instruments; and through discussion in *both* intergovernmental and civil society fora. Further progress is needed on equitable, multistakeholder national forest policy processes - before the risks of a global convention being badly focused, inequitable and a diversion from more pressing activities can be reduced, and before adequate political will can be developed.

Global forest agreements potentially apply to *global forest services* (notably biodiversity and carbon issues) and to *causes of forest problems* that have an international dimension (power imbalances, trade effects, cross-boundary pollution).

There are already many international regulations that seek to increase the *security of global forest services* (the Climate Change, Desertification, Biodiversity and World Heritage Conventions, as well as CITES). But these are not being fully implemented. Nor would they diminish in legal authority were a forest convention to be established. Their real potential to contribute to forests should now be assessed. Once this is done, the case for strengthening them, and/or adding a special forest agreement, will become clearer.

However, there already appear to be many gaps in international agreements that need to be filled, so as to *tackle causes of forest problems*. Two causes are critical: power imbalances between interest groups; and the effects of trade that exacerbate these imbalances. Means to discriminate in trade amongst production processes for achieving social and environmental ends are being discussed through WTO/GATT, although there is still much work to be done. The following are particularly urgently required:

- *to recognise the rights of weaker interest groups* (notably marginalised forest-dependent groups); and to treat them on an equitable basis in both national and global attempts to achieve security of forest goods and services
- *to control asset-stripping corporations* that undermine such security, by seeking out forests subject to weak governmental/social control and deforesting them

However, these issues are to some extent "bigger" than forest issues alone. It would be extremely unlikely that we can create an incorrupt forest sector, that sustains an equitable distribution of goods and services, if this cannot be obtained in any other sector. And, even within the forestry sector, the ways in which the issues can be resolved might be better addressed outside intergovernmental processes (although

intergovernmental approaches will be key for trade). In the last few years, a number of civil society agreements have had significant impacts on forests and people, and may be a good basis for further progress.

In the forestry sector, amongst the most notable is the Forest Stewardship Council's principles and criteria - effectively a multi-stakeholder agreement, between NGOs and leading companies, covering how forests should be managed. Buyers groups' procurement policies and forest sector associations' codes of practice offer other examples of promising voluntary agreements. There are also bilateral agreements on forest conservation and afforestation for carbon sequestration.

Consistent with WCFSD's belief in a civil-society, leadership-based, but bottom-up approach, further *civil society processes, and initiatives amongst individual "leading" countries*, might be encouraged to work out ways to achieve those global purposes that remain unfulfilled. It is likely that many of these will stress principles and criteria of good forest management, and local-level decision-making.

National Forest Plans (NFPs) will be central, both to the building of national capacity and renegotiation of stakeholder roles, and to intergovernmental discussions on development support to countries and mutual obligations. Clearly, NFPs need to learn the lessons of the Tropical Forest Action Programme - they should be country-driven and involve multi-stakeholder processes to define and improve policies, rights, responsibilities and relationships, and not merely forest planners' dreams. Until NFP processes are under way in most countries, and are sorting out the trade-offs between values and interest groups within a country, nations will not be well-prepared to agree analogous trade-offs with other countries.

The key will be to determine when and if these 'bottom-up' civil society and NFP initiatives need to be backed up by the power of a 'top-down' convention negotiated between governments. If this becomes the case, a *framework convention* might then be the best way forward, as it would allow scope for inclusion of further (and changing) areas of agreement as they become necessary. Such a framework convention would *define goals for achieving security of forest goods and services at global, national and local levels*, and therefore the various *principles and criteria* needed to ensure such goals are achieved through SFM under very different local conditions. In its approach, a framework convention would have to be:

- *global* in scope, and *non-discriminatory*;
- designed to sustain the *forest functions* necessary for security of goods and services at *global* level; and/or to minimise the *international causes* of forest problems that affect security of goods and services at any level;
- *complementary* to, and *harmonised* with, other legal agreements that touch on certain of the above forest functions and international causes; in some cases this will mean "*hardening*" existing soft law;
- founded on *principles of sustainable development* (social desirability and equity, environmental acceptability, and economic viability);
- built around *monitoring and learning* systems;
- linked to key *international fora* - especially the continuation of IPF, but also open to civil society processes;

- but also encouraging of *bottom-up initiatives* to further develop and implement the convention; and
- backed up by adequate *financial and secretariat resources*, so that it can be effectively implemented

As to *content*, a framework forest convention should focus on the elements of *forest security*. And, by having a strong focus on *National Forest Plans*, a convention would aim to alleviate the current problems: of 'Northern' governments and NGOs defining the ways that 'Southern' countries allocate forest goods and services; and of elites in any country doing the same within that country. A convention could thus eventually cover one or all of:

- *Compensation, information-sharing and incentive mechanisms* to encourage security of global benefits; this might be linked to e.g. adaptive strategies for climate change, through National Forest Plans
- Obligations of states to respect the *rights of different (local) stakeholders* e.g. so that global benefits are not achieved - and possibly "sold" - at the cost of marginal groups; this might be articulated in terms of how states should operate their National Forest Plans
- *Controls on the international/transboundary causes of forest problems*, notably those resulting from trade, foreign investment and pollution (even so, these might be more powerful if established separately, outside the context of a global holistic forest instrument)

In the short term, however, we believe it is *premature* to negotiate an intergovernmental convention on forests if such negotiation is based on current intergovernmental mechanisms and does not benefit from a searching review of other instruments. To do so may enshrine inequitable objectives (since it would not be negotiated on an equitable basis by all interest groups). It might also include imperfect objectives (lowest common denominators may persist from the UNCED and IPF processes, and the science may not yet be right). Moreover, it would cost time and money to prepare and implement, for which the political will is weak. This would detract from more pressing work in e.g. building national capacity and continuing promising civil society initiatives.

However, intergovernmental processes do tend to trigger serious attention, and we do not suggest that they should cease. In the coming year or so, intergovernmental processes might be best employed in:

- finalising discussions on the common *principles and criteria of good forest management* - which would have practical governmental, NGO and market uses
- exposing the *root causes of forest problems to other appropriate international fora* (for trade in particular)
- working out ways to *build civil society processes* into future intergovernmental discussions
- *reviewing existing instruments* and the gaps which they leave in meeting global forest goals and dealing with global causes of forest problems
- developing *goals for securing global forest values*

1 National forest issues and their global links

Forest problems differ between countries. But they may be summarised as:

- the diminishing quantity and quality of many forest assets;
- consequently, the insecure supply of forest goods and services being produced by these assets; and
- associated welfare losses at household, local, national and global levels.

Behind these problems lie a *multitude of policy and market failures*. These *both* undervalue forests and their goods and services, *and* overvalue the benefits of removing forests and converting them to other uses. Neither policies, nor laws, nor markets ensure that the social and environmental costs associated with forest use are internalised. Investment - by those who might otherwise be interested in good forest management - is rendered unprofitable or *risky* by such policies and by financial markets. Many of the problems arise outside forestry, and forest policy cannot tackle them.

Policy and market failures are exacerbated by *institutional failures*. Most notably there are a lack of: good evidence about what is going on in the forest; recognition of stakeholder rights; means for dialogue, negotiation and partnerships between stakeholders. Unclear or outdated government roles tend to persist, and international instruments and aid often maintain these anomalies. However, because governments tend to be weak, powerful (private sector) operators can appropriate and use forests whilst evading social and environmental costs. The net result is that there is usually considerable inequity in bearing the costs of forest use, and in enjoying the benefits.

Box 1 sets out the policy, market and institutional failures in more detail. It will be noted that many failures emanate from the national level (to do with policy and institutions). But there are also failures that emanate from the global level (especially markets) and at the local level (especially institutions).

The effect of these problems is a loss of security of supply of forest goods and services. Again, the loss is felt most keenly at different levels from local to global (Box 2).

Box 1: Forest problems - root causes

1 Policy/market failures

- *Policies/markets do not signal scarcity* of all forest goods and services
- *undervaluing forests* e.g. low stumpage (Ghana), low land price (Costa Rica), tax breaks on logging (Russia)
- *Overvaluing forest removal* e.g. subsidised agricultural prices (Brazil loans, input subsidies and tax breaks)
- *Social and environmental costs* not included in prices; nor in measurement of economic growth
- *Investments in sustainable forest management unprofitable or risky* e.g. high interest rates and lack of long-term financial stability
- *Trade terms against primary production* (10% finished goods cost)
- *Conflicting foreign policies* (requirements for debt payment and structural adjustment vs. conservation)

Failures affect both *heavily-forested and sparsely-forested* countries

Many of the problems arise *outside the forestry sector* - agriculture, infrastructure, (macro)economic policies

2 Institutional failures

- *Poor information and monitoring* of forest stocks and flows (especially of forest condition and management quality)
- *Differing priorities between stakeholders* - different demands on forests; and different perceptions about good/sustainable forestry
- *Poor participation and consensus* to reconcile differences
- *Uncoordinated decision-making* e.g. frequent mining concessions in forest concessions
- *Unclear or outdated institutional roles* based on anomalous policies
- *Mis-directed international assistance*
- *Technology* to exploit forests exceeds capacity to plan/share costs and benefits
- *Government control mechanisms* inappropriate - too weak or too strong; poorly-handled decentralisation
- *Inequity between and within nations*, in access to forest benefits, and to resources for their management and use
- *Misapplied wealth* and poor control over major corporations
- *Wasteful consumption patterns* especially for wood and energy
- *The "concealed" institution* - covert interactions determine many inequitable outcomes
- *Lack of political will* - influential stakeholders unwilling to compromise between their and others' demands on forests
- *Low political influence of forest authorities*; and consequently few resources at their command

3 Weak / ineffective tenure and rights, and their conflicts with policies

- *Tenure systems which encourage deforestation* in order to obtain title (Latin American land "improvement")
- *Tenure systems which discourage afforestation* in order to keep land title (West Africa)
- *Governments enforcing tenure extremes*, such as nationalisation or privatisation; and not recognising property rights continuum and traditional flexibility
- *Poor recognition of access and user rights* for the landless and people with traditional claims (e.g. during major afforestation)

Box 2: Current beneficiaries of goods and services from the forests

<i>Goods and services from forest</i>	<i>Local Benefits</i>	<i>National Benefits</i>	<i>Global benefits</i>
1. Wood products	X		
2. Non-wood products	X		
3. Maintenance of hydrological cycle	X	X	X
4. Soil and water quality conservation	X	X	
5. Wind and noise control	X		
6. Natural scenery	X	X	X
7. Recreation and ecotourism	X	X	
8. Cultural and religious services	X	X	X
9. Microclimate regulation	X		
10. Climatic change		X	X
11. Maintenance of biological diversity in forest ecosystems	X	X	X

Based on: Segura, O. et al. *Políticas Forestales en Centro America: Restricciones para el desarrollo del sector*. CCAB-AP. San Jose, Costa Rica. 1996.

2 The challenge - improving security of multiple forest goods and services

The *ultimate* challenge faced by all stakeholders is to conserve, develop and manage forests for social, environmental and economic goods/services. In other words, to *achieve security of multiple forest goods and services*. This will require forest management systems which are focused on the goal of sustainability, but which attain this goal through locally-relevant means.

The more *immediate* task is for the many stakeholders to understand the problems and one another's perspectives on them; and then to agree how to cooperate to achieve forest security. What mix of policies and instruments is needed locally and nationally; and what are global roles?

So far, policy discussion (both nationally and internationally) has tended to focus on rather vague goals such as "sustainable forest management", or not particularly meaningful goals such as forest "area" (slowing deforestation, or afforestation targets). We suggest that it may be more useful to take forward the concept of *security of forest goods and services* - since it focuses attention on what the demands on forests are, and at what levels they emanate, from local to global. It is then easier to start to define the possible options for integration or trade-off - between different groups expressing these demands, and the different levels (global to local) from which they demand them.

3 National, international, and civil society approaches for dealing with forest issues

National forest policy and forest laws used to provide the most significant instruments for dealing with forest problems. They used often to be predicated upon extensive government control of forest land, especially in colonies. Where this government control was little-contested (because pressure on forest land was slight) policies were often, in effect, management objectives for state forestry. Now, however, with greater pressures on forest land, both local and global, other instruments have come to the fore. But not all are fully developed.

There are now five basic approaches for tackling forest problems:

3.1 Improving national policies and policy processes:

There has recently been emphasis on making national policy processes more comprehensive and participatory (such as through NFAPs), in order to better identify and deal with problems - both local and global.

Such efforts are key for putting in place basic national policies such as land use plans, schedules of resource rights, and means for stakeholders to reach agreement. Research has shown that these are most effective if they are country-driven, participatory, and based on continuous improvement. The latter describes a continuing process of stakeholders defining the issues, devising new policies and measures to achieve them, monitoring the results, and revisiting the issues. (See Figure 1).

National policies could include four options for securing forest goods and services:

- *Developing and managing a nation's forests (a "Permanent" Forest Estate under many ownerships, with procedures to alienate forests if net benefits can be shown to ensue)*
- *Forest goods and services from farms/ non-forest lands*
- *Imports*
- *Substitutes for forest goods and services.*

Plus, with all options:

- *Increasing the efficiency of production and consumption*

The choice between options will depend on, *inter alia*:

- existing forest values and comparative advantage
- cost-effectiveness of producing the good or service
- price/market trends
- substitutability or uniqueness of forests for producing the good or service
- strategic/military/food security requirements
- assessment of risk and uncertainty

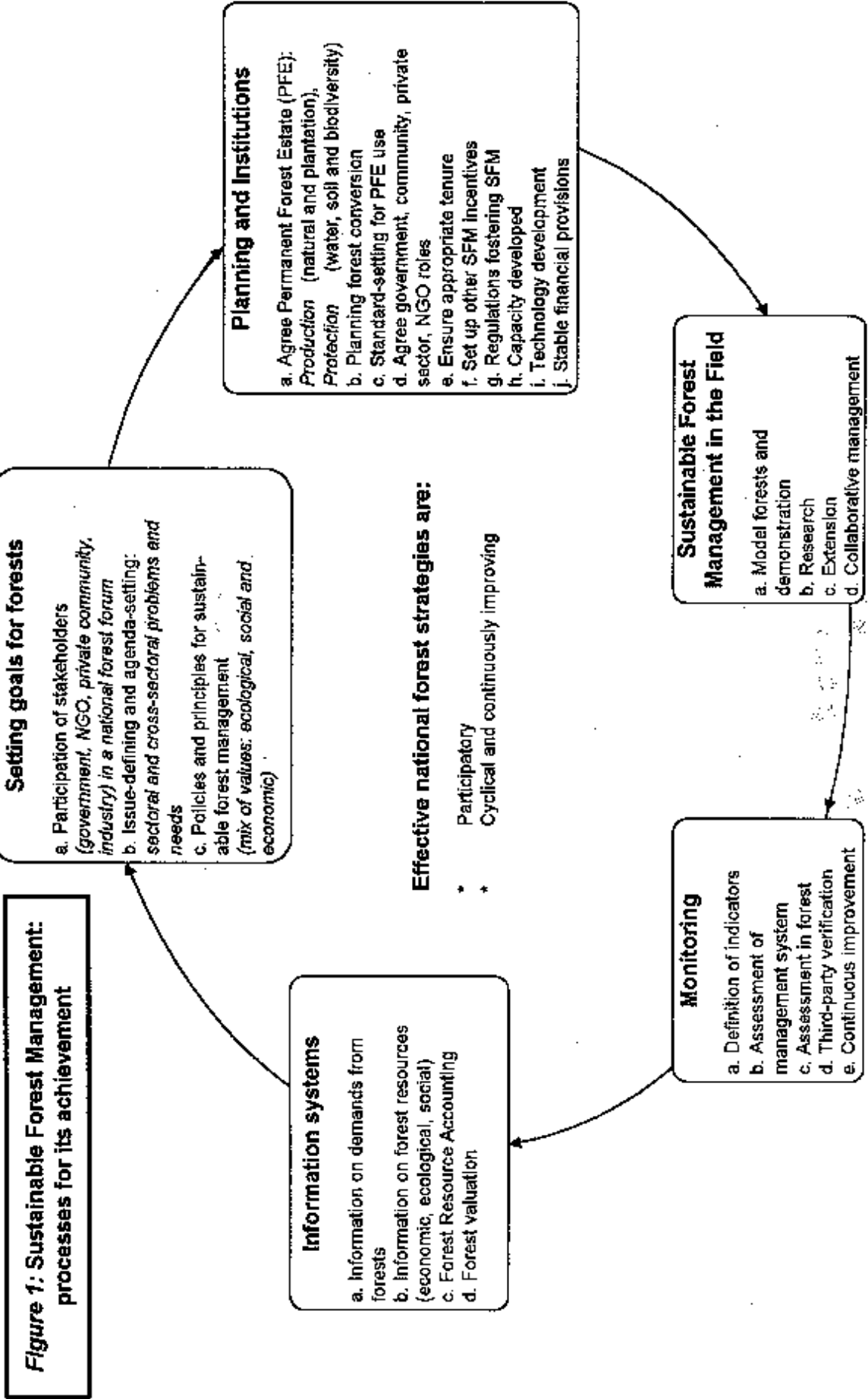


Figure 1: Sustainable Forest Management: processes for its achievement

In practice, most countries will select a balance of all options (forest/non-forest) for achieving security, depending upon the good or service in question. Most countries will decide to invest in at least a minimum PFE - because of limited substitutability of some forest goods and services (support for food security, water supplies and biodiversity), and many economic uncertainties.

Two needs are clear if we are to move towards this approach: to make informed choices, national policy processes need to be based on *better information* about global demands and opportunities; and many countries will need *support to improving their policy processes* in the above manner. Both have implications for global instruments.

National policy processes are also important for global-level forest issues themselves. Whatever the global issue (biodiversity, carbon storage, stakeholder equity) the proximate cause of the problem, or the most efficient lever for change, invariably has a strong national component. National stakeholders need to come together, and national policy decisions need to be made, to value forests properly and get them better-managed. Global benefits, for example, cannot legitimately be provided unless some kind of national stakeholder participation has agreed the mix of local and global benefits that national forests should produce; for example, governments cannot agree to lock up forests for carbon storage if local people really do need the land for agriculture.

3.2 Intergovernmental action programmes:

Since the mid-1980s, there have also been intergovernmental programmes of development assistance to improve national plans and capacity (notably NFAPs and now Forest Capacity 21). As with the original Tropical Forestry Action Plan, most have been given momentum by perceptions of tropical forest "crisis", or more recently, global forest "crisis". They have yet to really make a difference to the way in which stakeholders treat forests; but they have increased national understanding of the issues, and some capacity to address them.

Recent reviews (by IUCN and IIED) suggest that intergovernmental programmes can be highly catalytic of good local activity if they allow local "ownership" and redefinition to suit local needs. At their best, they could potentially help to achieve significant conservation, welfare or development aims:

- maintenance of unique forest ecological and cultural heritage
- development/realisation of comparative advantage for forest production
- development of industries and consumption based on renewable materials
- reduction of inequity between nations
- poverty alleviation within nations

But equally they can be imposed in ways which achieve little more than aid conditionality (as the World Bank has done in insisting on National Environmental Action Plans). Or they can result in lowest-common-denominator commitments (such as the Forest Principles).

The indications are that some conservation and welfare/development achievements may not be realisable without purposeful legal agreements. For example, on a bilateral basis UNDP has developed the idea of Forest Partnership Agreements (bringing together donors, government, and other stakeholders to coordinate funding in response to a country-driven process); this takes the form of a legally-binding agreement.

3.3 Civil society initiatives:

Another area of increasing action in recent years has been by the private sector and civil society (often represented by NGOs). These have been taking the lead in sending signals about forest asset scarcity, and demands for sustainably-produced forest goods and services. Impatient with the lack of action from governmental and intergovernmental efforts, NGOs have campaigned for better accountability of forest management and have attempted to influence the consumer of marketed forest products.

Producers, realising that there are environmental risks in not sustaining broader social and environmental goods (both in terms of degrading their forest resource base, and in losing market share), have implemented new approaches. These include voluntary codes of practice, promotional timber labelling, and the implementation of environmental management systems (EMSs) to secure forestry objectives. There has been a notable acceleration in such private sector initiatives since the 1992 Earth Summit. This has been spurred on by developments in sectors other than forestry, where voluntary efforts have been able to achieve greater progress (especially in environmental matters) than legislation. A number of private sector actors are determined to push forward by example. At the global level, most notable is the World Business Council for Sustainable Development.

Although there has been much action, it is not yet clear how far this has actually improved forest management (as opposed to communicating the various stakeholders' positions). There is great scope here for further involvement of NGOs - in acting as watchdogs of industry voluntary codes; and for the WCFSD - as a non-governmental convenor of civil society actors.

3.4 New market instruments:

Building on civil society initiatives, the most significant recent global development aimed at improving forest management is forest management certification and ecolabelling. By linking the concerned "green" consumer to responsive forest producers, these instruments attempt to create incentives for improving forest management. They have come to be at heart of many forest policy debates - about what good management is, who should be held accountable for it, and how transparent and accurate facts about forest stocks, flows and condition can be obtained.

However, there is a not unnatural temptation to assume that the resolution of these debates necessarily involves certification and labelling. It does not - they can only really be effective where there is an environmentally-discriminating market, where

forest management is reasonable, and where there is adequate forest legislation. This rarely coincides with where the *worst* forest problems are.

None the less, market instruments have been instrumental in bringing forest stakeholders together to agree positive ways forward, in ways which cut across the boundaries of sovereignty and institutions, and where weak or anomalous government capacities are not great constraints. Considerable progress has been made on these since the 1992 Earth Summit. They all aim, in one way or another, to take forward the Forest Principles and Agenda 21.

3.5 Intergovernmental agreements:

In the last few years, there have been several efforts by groups of nations to agree general principles of good forest management. These include the ITTO Guidelines, and the Helsinki and Montreal processes for agreeing criteria for good forest management. The UN Forest Principles address all nations. Such initiatives state *common* forest goals to which nations should be working; and some also imply that these are *global* goals.

Global needs can be divided into two types:

Security of forest goods and services required at global level:

- Carbon sink
- Hydrological cycle maintenance
- Global climate moderation
- Reservoir for biodiversity
- Natural heritage (wilderness, landscape)
- Cultural knowledge

All of these may have strong implications for spatial planning of forest cover, both within a state and in relation to other states.

Dealing with cross-border causes that help or hinder national-level security of forest goods and services

- Trade
- Aid
- Foreign Investment
- Pollution - air and water

All of these have implications for policy and investment in sectors outside forestry.

There is already precedent for applying global regulation to some of the global forest security needs - but through *non-forest global agreements*, notably:

- biodiversity conservation (CITES and Biodiversity Convention)

- wilderness heritage (World Heritage Convention)
- carbon storage (Climate Change Convention)

Equally, specific regional goals are contained in regional forest conventions (Amazon, Central America).

The CSD has produced an adequate analysis of the 'Existing international legal instruments related to forests', in tabular form (E/CN.17/IPF/1996, Table II).

Gaps in the CSD analysis include:

- Assessing the significance of air and water pollution treaties (eg ECE Long-range transboundary air pollution convention and protocols, and ECE Convention on the protection and use of transboundary water courses and international lakes)
- International agreements related to the 'economic regime' affecting forests (eg debt reduction agreements through the London and Paris Clubs, guidelines for regulating the activities of transnational companies, and the development assistance trends in general).

As we discuss below, purpose-led intergovernmental agreements appear to be more effective than general default agreements; and there are many purpose-led agreements touching on forest issues. However, they are yet to be exercised fully, partly because some are new. This feeds an impatience amongst some, towards establishing an all-encompassing global forest convention.

The question addressed by this paper is: *is a global legal instrument/convention required? What issues of security of global forest benefits, or of global causes of forest problems, require the regulation and enforcement of obligations that a convention could provide?*

A forest convention has been suggested by a number of parties, beginning with two proposals - FAO (in 1990) and Global Legislators for a Balanced Environment (GLOBE, in 1992). A number of governments - notably the European Commission, many of its Member States, and Canada - have long supported the notion. Most recently, countries 'put their cards on the table' in respect to a forest convention at the Nineteenth United Nations General Assembly Special Session to review the implementation of Agenda 21, the so called Earth Summit II, 23-27 June 1997. The EU, Canada, Russia, Romania, Costa Rica (for all of Central America) and Papua New Guinea called for the immediate setting-up of an intergovernmental negotiating committee (INC) on a legally-binding instrument on all types of forests, arguing that there is sufficient consensus on the issues, and that a clear political signal of intent is now required. Opposing this view, were the G77/China, the US, Japan, Australia, and New Zealand (Earth Negotiations Bulletin, Vol.5.No.88).

One of the reasons why it has proven impossible to date to take the idea of a global forest convention forward has been that there are many different kinds of country, each with different perceptions about:

- *forest security* at global, national and local levels - and which levels are most important
- what are the *global causes* of forest problems
- the extent to which *national sovereignty* can be ceded to increase global forest security, or to tackle global causes of forest problems

A stakeholder analysis of different nations would reveal at least four categories:

High income Forest-scarce	High income Forest-rich
Low income Forest-scarce	Low income Forest-rich

A truly global forest convention would have to address regulatory purposes agreed by all countries. Such purposes, or more probably practical means for their resolution, have proven elusive to intergovernmental processes to date. Coupling this on-the-ground reality with the conceptual confusions and disagreements - even amongst the convention proponents - meant that the decision about a global forest convention was, inevitably, deferred at the New York Earth Summit II. The final outcome of discussions in New York, hailed by some as the only good thing to come out of the meeting, and derided by others as cosmetic, was to establish an Intergovernmental Forum on Forests (IFF). This replaces the Intergovernmental Panel on Forests (IPF), but it is anticipated that it will have more political and renegotiating muscle.

In addition to a broad mandate to encourage the implementation of the recommendations of the IPF:

"The Forum should also identify the possible elements of and work towards consensus for international arrangements and mechanisms, for example a legally binding instrument on all types of forests. The Forum will report on its work to the CSD in 1999. Based on the report and depending on the decision by the Eighth session of the CSD, the Forum will engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forest"
(UNGASS Forest Text approved in New York on 27th June 1997).

This formula allows nation states to talk about a convention as much as they like, with the proviso that no decision will be made on establishing a negotiation process until 1999. Furthermore, there is no guarantee that the process will focus on an international convention.

4 Assessment of how international regulations deal with global forest issues

4.1 Recent studies of international regulation of forest issues

The focus of this paper is the potential and purpose of a Global Forest Agreement. Much has been written on this topic. A useful starting point is to critically review the main arguments and perspectives put forward to date, and to ask whether there is a gathering consensus on the issue.

There are four recent studies/initiatives which together with the CSD and IPF work, encompass the range of views likely to be expressed by opinion formers and policy makers on this issue. These are:

1. Globe International. *Model for a Convention for the Conservation and Wise Use of Forests*. April 1992.
2. EFI, IUCN and CIFOR. *Options for Strengthening the Intentional Regime for Forests: First draft of a study - background report prepared for the European Commission*. October 1996.¹
3. IIED. *Review of the Forest Principles: 20 months after Rio*. Report prepared for UNEP. January 1995.
4. Astrid Skala-Kuhmann. *Legal Instruments to enhance the conservation and sustainable management of forest resources at the international level*. July 1996 (BMZ/GTZ).

These papers and critiques provide a useful baseline from which to separate and identify the arguments being placed for and against a new regulatory instrument for international forest issues. This is presented in *Table One* at the end of this paper.

Other more recent papers have been produced for the Earth Summit 2 meeting in New York, for example, the 'International Declaration for a Forest Convention', and the 'International Citizen Declaration Against A Global Forest Convention', both produced by NGO coalitions. These are not analysed in *Table One*, since they add nothing to existing arguments.

¹ The 'Options' paper (2), also benefits from a process of consultation with a number of critiques written in full from: Anders Erik Billeschou, A.E.Boyle (Edinburgh University Faculty of Law), Chris Elliott (WWF International), Jean-Pierre Kiekens (Environmental Strategies Europe), Jean-Paul Lanly, OAB Libreville, Gabon, Jag Maini (IPF Secretariat), Micha Torres, (FPCN, Peru), Astrid Skala-Kuhmann, Oïman Segura-Bonilla, Markku Simula, Peter H. Sand, Peter Pearse (University of British Colombia), Nils-Erik Nilsson (National Board of Forestry, Sweden), William Mankin (Global Forest Policy Project).

4.2 Comparative analysis of the recent studies:

Of the analyses that attempt to identify the 'gap' that a new international regulatory instrument on forests would fill, none undertakes the logical steps of:

- Identifying and clearly defining the problem that needs to be addressed
- Assessing whether the problem is essentially national or international in nature, that is, defining its global dimension
- Assessing whether the solution requires regulatory action
- Assessing whether there are gaps in existing regulations
- Assessing whether the gap is best dealt with by: improving the effectiveness/enforcement of the existing instrument; extending or adapting the existing instrument; or developing and agreeing a new instrument

Such questions demand a certain sequence to be addressed effectively. They are presented in diagrammatic form in Figure 2. This is useful for addressing, at an early stage the essential question behind WCFSD's consideration of a global agreement:

what is it, which is essential for securing forest benefits, but which cannot be achieved in the absence of a global forest agreement?

Further weaknesses in the views of current opinion-formers include:

- 1 Not taking into account the relative 'youth' of the major international treaties with implications for forests (eg the conventions on climate, biodiversity and desertification): These are not yet "cast in stone" nor have they had time to achieve impacts on the ground.
- 2 Evaluations of existing initiatives such as the NFAP process, regional conventions, and other emerging national processes, have been distinctly lacking.

In short, we are not learning adequately from existing policies, institutions, instruments and interventions. This is variously for: political reasons; inadequate routine monitoring; lack of indicators of institutional effectiveness; lack of resources; or mere haste.

4.3 The international forestry community's priorities for legal regulation

What are the global dimensions of the forest problem? The answer depends upon your starting point. There are three possible starting points:

1. The global initiatives: Forest Principles, IPF, CSD, and Agenda 21
2. The global goods and services which forests provide
3. The international causes of forest problems

Figure 2: notes

- A** What issues are international in forests?
- B** What kind of issues lend themselves to international/ regional regulation?
- 1 *Functions of forests*
 - Carbon sink
 - Hydrological cycle maintenance
 - Climate change (global, regional, micro-) - possible maintenance of 'sufficient forest cover'
 - Adaptive strategies
 - Reservoir for biodiversity
 - Heritage and landscape
 - Soil conservation
 - Cultural knowledge
 - 2 *Cross-border impacts upon forests/ causes of forest problems external to states*
 - Trade, and aid, and foreign investment
 - Pollution - air and water
 - Information
- C** What are the issues of political and technical feasibility?
Can you define precisely the legal commitments themselves, and unambiguous measures of compliance?
- D** In what areas do states seek 'meaningful obligation'?
New and additional financial commitments: New institutions or institutional mechanisms:
Specific targets for achieving forest protection and management goals: Issues of trade
- E** **GAPS:** Analysis of gaps must include careful evaluation and assessment of the performance of existing institutions (policies/ institutions/ practices that work)

Many assume that the Forest Principles and Agenda 21 should be the starting point for a 'hardening' of international forest agreements. In fact, the Principles and Agenda 21 are a mixture of global dimensions, regional dimensions, national dimensions and local dimensions. They may represent a first global *consensus* on forests, but that does not mean that they are a good basis from which to identify the *global dimensions of forests which should be regulated* at an international level.

It is also doubtful that the Forest Principles would be a good foundation for a definition of particular goals to be sought at the global level - such as 'security of forest goods and services', or 'sustainable forest management' - although they would play a part, in combination with the criteria and indicators debate.

As Skala-Kuhmann (1996) notes:

The Forest Principles summarise the content of the ongoing international discussion and cover all forest-related topics of national and international relevance. However, the levels which are referred to in the principles/elements of the Forest Principles vary in terms of institutions concerned, related issues, addressees or beneficiaries. It is not

conceivable that these principles/elements would be all suitable for international legal regulation.

The Forest Principles may well be a good starting point for the broader political discussion, but if the task is to identify the *specific* gaps requiring international regulation, then the starting point should be an analysis of the transboundary functions and services which forests provide (global and regional), and the transboundary impacts upon forest functions and services (the transboundary causes of both good and bad forest practice, notably the causes of deforestation). These functions and services, and impacts/causes may include some which may best be dealt with in terms of international law - but others which lend themselves better to e.g. voluntary codes, partnerships, financial arrangements and information-sharing.

The clearest legal analysis, concerning the extent to which forests can be subject to international - as opposed to national - law, is contained in Skala-Kuhmann (1996):

The advocates of stringent global forest regulations claim that forests belong to the category of 'global commons' or 'common goods', and should therefore be regulated by a global regime... [in contrast,] it is clear from a legal point of view that forests are national goods and therefore do not belong to the global commons. The present concept of international law only recognises global commons, if the area is beyond the jurisdiction and sovereignty of the state, and exists for the common benefit of all, such as part of Antarctica, the atmosphere, part of the oceans (deep-sea bed) and outer space. Forests, however, are physically located within national boundaries, and many of their functions are local or national in scope, such as wood production, while other functions possess regional or global dimensions, such as the protection of watersheds of rivers or carbon sequestration. Moreover, forests fall under domestic jurisdiction and are regulated by a complex set of national regulations, civil and public law. However a common global concern regarding the global functions of forests, such as climate change, biodiversity, and genetic resources, can be acknowledged.

Although Skala-Kuhmann's text examines the issue only really from a legal perspective, the argument is clear and persuasive. It also rings true with geopolitical realities. However, international law is a broad and rapidly evolving field, which has much potential for development. The UN General Assembly Session to review Rio may provide the conditions for such development.

An interesting twist on the legal argument that forests do not lend themselves to international regulation, starts from the point of local sovereignty. If we are to put the emphasis in Sustainable Forest Management (SFM) on local ownership and control - i.e. local sovereignty - some governments argue (India for example - although somewhat rhetorically), that national governments have no right to negotiate a loss of sovereignty on local peoples' behalf.

In summary, it is only worth considering international regulation for:

- issues of *compensation* for transborder environmental damage
- issues of *global scope and common concern* requiring goals and possibly mutual obligations and rights to be clear
- issues of *global commons* and limits to sovereignty

Although forests as a *whole* may not be appropriate for international regulation, many forests do serve specific global or regional *functions*. Some of these functions clearly lend themselves to the rule of international law (notably carbon storage and biodiversity conservation), especially where they are affected by *causes* external to the forest sector, and external to the nation.

The next questions to consider, is, to what extent are these functions or cross-border factors already covered, through existing mechanisms ('hard' or 'soft' law)? Or to what extent might they potentially be covered through existing mechanisms, without requiring a new instrument?

4.4 Coverage of forest issues by existing conventions/agreements:

Conventions/Agreements that touch on forest goods and services, and causes of forest problems, include:

- Central American Convention on Forests
- Mountain Forest Protocol of the Alps Convention
- International Tropical Timber Agreement (ITTA)
- Climate
- Biodiversity
- Desertification
- Helsinki Process
- Treaty for Amazonian Cooperation
- North American Agreement on Environment Cooperation.
- CITES
- ILO Convention
- Forest Principles
- Agenda 21
- Forest Stewardship Council (FSC) Principles and Criteria
- National Forest Plans (NFPs)
- UNDP Forest Partnership Agreements

Both IIED's previous analyses and the general consensus of opinion is that most of the functions and services are covered, or could be potentially covered, by existing mechanisms. But this is an interpretation from a 'mandate' point of view, and is limited by an incomplete picture of what initiatives are actually working well through existing mechanisms, and which could be built upon. As well as the mandate and content presented by existing agreements, a judgement has to be made with respect to effectiveness, speed, political will, and priority. For example, both the Climate Change Convention and the Convention on Biodiversity have the potential for

addressing forest issues, but are forest issues being treated as technical, let alone political, priorities for the achievement of these conventions' objectives? Such a picture has yet to be built up in a way which truly illuminates potentials and bottlenecks. The Swiss-Peruvian initiative to do so for the IPF has been widely recognised as a failure.

Coverage of forest issues by the Convention on Biological Diversity (CBD):

Many opinion-formers point to the CBD as being broad enough to encompass possible definitions of SFM (since it covers all issues of conservation and sustainable use). Furthermore, the CBD overlaps the Forest Principles and Chapter 11 of Agenda 21, and the signatory states of the CBD are willing to address forest conservation and management issues. However, others argue that the CBD is too narrow to address SFM. The meeting of the Conference of the Parties on the CBD in November 1996 urged the development of common priorities and a focused work programme for the CBD and the Intergovernmental Panel on Forests (IPF). The final text affirmed that "some forests" can play a crucial role in conserving biodiversity and that the CBD will work in a complementary way with the IPF and other forest-related fora (Earth Negotiations Bulletin, Vol.9, 18th November 1996).

As it evolves, the CBD is likely to cover:

- criteria and indicators for the conservation and use of forest biodiversity
- establishment of networks of protected areas representative of different forest types
- targets and incentives for restoration of key habitats
- supporting indigenous peoples and other forest communities in protecting, valuing and integrating their indigenous technical knowledge with evolving intellectual property rights systems
- identifying and promoting means to address the causes of biodiversity loss
- development of incentives for conserving and sustainably using biodiversity

Coverage of forest issues by the Framework Convention on Climate Change (FCCC):

The 1992 FCCC has potential for dealing with the principal interface of forests and climate, that of *carbon storage, sequestration and release*. 'Activities Implemented Jointly' (AIJ) are where countries make a deal with parties in another country to reduce that country's greenhouse gas emissions by, for example, not removing forests. But while the perception persists that AIJ are simply a device for the developed world to evade its responsibilities to reduce greenhouse gas emissions, the potential with respect to whether AIJ could encompass broader objectives of 'maintenance of globally sufficient forest cover' will remain unexplored. AIJ will remain small-scale (as a pilot scheme) and politically bogged-down for some time to come.

More unexplored potential for those who advocate the urgency of ceasing deforestation, and even increasing forest cover, can be found in the FCCC. This is in the area of *adapting to climate change*:

it is extremely unlikely that the Framework Convention will succeed in averting the problem of climate change completely through emission control, so the possibility of adverse impacts in many areas cannot be avoided. Natural or unplanned adaptation may not be sufficient to ensure well-being and, indeed survival. Plans for resource protection and utilisation must include measures that ensure an effective response to the threat of climate change. In other words, long-term development plans must be 'climate proofed' (Charles Secrett, Sustainable Adaptation: A Precautionary Response to an Uncertain Future, Draft Report for IIED, 1996).

The FCCC recognises the importance of planned adaptation, committing the Parties to "cooperate in preparing for adaptation to the impacts of climate change" and more specifically, to "take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimising adverse effects on the economy, on public health and on the quality of the environment, of projects and measures undertaken to mitigate or adapt to climate change" (as quoted in Secrett, 1996).

Forests are critical in adaptive strategies for two main reasons:

- forests are highly vulnerable (climate change will affect their capacity to provide a continued and secure flow of forest goods and services), yet
- they also provide adaptive buffers for other impacts of climate change.

Making forests less vulnerable and more resilient, and strengthening their capacity to act as buffers is likely to have profound implications for forest cover, forest position (geographically), and forest management. Furthermore, how one state manages and plans its own forest will directly affect the vulnerability/resilience, buffering capacities, and functions and services of others. It may be necessary to protect those natural systems most likely to buffer, absorb or otherwise adapt to climate impacts. More attention should then be given to: spatial and complementary planning of permanent forest estate, including buffer zones to decrease forest system vulnerability; promoting a diversity of forest types and functions; and planning for plant and animal species migration corridors as ecozones change.

It is possible that these discussions will be adequately covered through Regional treaties, but it is more likely, that if taken seriously, they will be a key issue for international negotiation and agreement. It is surprising that the potential has not been explored.

Coverage of forest issues by the Global Environment Facility (GEF):

The GEF, which has the potential to expand its remit more broadly into forests, suffers political and conceptual problems. Some recipients find it over-sophisticated and discouraging of sustainable development in its focus on incremental costs and restriction to "global environmental benefits". Peter Sands (Comments on the draft report "Options for Strengthening the International Regime for Forests", 1996) suggests that: the share of forest activity in the GEF be increased in the 1997

replenishment; and that the difficulties over its narrow scope be tackled by supplementation with parallel co-financing arrangements (as in the Brazilian Forest, Rain Forest Trust Fund). It is possible that the GEF and AIJ debates in relation to forests and climate change may touch on issues of the 'maintenance of globally sufficient forest cover'.

4.5 Other gaps in current international forest agreements

Although there may not be gaps with respect to forest *functions*, apart from those related to adaptive climate strategies (which could be key), there are gaps in treating issues of the external causes of forest problems, notably deforestation; namely:

- Pollution - air and water
- Trade
- Aid
- Foreign Investment

Controls over foreign investment, with respect to its social and environmental costs, are particularly lacking. Trade issues are being dealt with in a variety of fora. More notably, the recent forest management certification initiatives are causing as much of a stir in terms of the (generally positive) signals they send to markets and producers, as are GATT and WTO developments.

Table Two (at the end of this paper) summarises what forestry commentators consider are the current gaps, which might be addressed by international regulation. Those gaps which they consider to be priorities can be summarised as:

- Lack of coordination in policy, decision-making and institutions
- Insufficient capacity to deal with cross-sectoral impacts
- Lack of movement of finance to forest management, and lack of control over what types of forest operations receive finance
- Lack of a forum to define and agree SFM and other goals such as forest security
- Information deficit (on both forest quality and quantity); and lack of incentives to provide accurate information
- Lack of regulation of private sector (TNC codes of conduct)
- Insufficient attention to indigenous people and knowledge
- Need to create an economic climate supportive of SFM (aid, trade, debt, SAPs)

With these gaps setting the context, *Table Three* reviews the range of options for an International Forest Agreement, and the arguments for and against the various options.

4.6 The potential offered by a focus on "forest security"

It is interesting that few 'pro-convention' advocates, or even those keen to 'harden' soft international forest law, such as the Forest Principles, state outright that a

specific goal should be to *maintain forest cover, expand forest cover, or even cease deforestation*. Only the draft FAO document on the 'Possible main elements of an instrument (convention, agreement, protocol, charter) for the conservation and development of the world's forests' (Johnson, October 1990), lists 'no loss of global forested area' as a specific goal of an instrument.

The issue is controversial, with a spectrum of opinion. Some hold that the central goal of any international forest agreement should be to cease deforestation altogether. Others want to create a framework which includes building the capacity for informed decision-making around the necessary conversion of forest for agriculture. This is an issue which may be reconciled through the further development of, and advocacy for, the concept of the *security of forest goods and services* introduced in section 2. In other words, it is what people get out of forests - and the equitable distribution of associated costs and benefits - which matters more than the presence/absence or precise area of forests and their "types". The concept is discussed further at 7.2, in which it is suggested that WCFSD takes a lead role.

5 Stakeholder attitudes towards a global forest convention

5.1 The case for a single 'holistic' forest instrument

This paper has already reviewed the arguments against 'forests as a whole' being subject to international regulation, and agreed with them except insofar as adaptive strategies for climate change could act as a vehicle for improving many aspects of forest policy, planning and management.

There is also a gap in relation to the *'big picture'*. Some argue that the *multiplicity of scattered initiatives on forests is the problem*, that 'in order to achieve the desired level of coordination and nexus to policy issues, the elaboration of a new legal arrangement might be useful' (EFI, IUCN and CIFOR, 1996). This is also an argument that things are proceeding too slowly in existing (individually-weak) forest and forest-related agreements. Without one major legally-based effort, the necessary coordination and high policy profile for forests will never appear. One holistic instrument is needed to pull all of the initiatives together, to realise synergies, to cut duplication, and generally to raise the profile of forests:

the time is ripe for hardening of international forest law
(Sands, 1996)

A Global Forest Convention appears to be a necessary condition to assert, at international level, once and for all the importance of forest conservation and development for present and future generations. It will give a status to the sustainable management of forest worldwide, giving the sector a less miserable and more consistent profile than it has so far in most countries. A Global Forest Convention is needed to (i) arrive at a common definition of sustainable forest management and (ii) to make significant progress in achieving it worldwide. (Lanly, 1996)

Some commentators such as Hemmo Muntingh (Africa Regional Hearing: Supplementary Note No. 7; Some Elements in Favour of Establishing a Forest Convention. WCFSD 1997), argue strongly that Forests are a 'global commons', "so there should be a mechanism to deal with the forests from the global point of view".

5.2 The case against a single 'holistic' forest instrument

While coordination and proliferation are undoubtedly problems, of themselves, they do not provide a sufficient rationale for embarking on the years and expense of negotiating a new forest instrument. The following views (made in response to EFI/IUCN/CIFOR, 1996) counter the 'holistic argument':

The argument that existing concepts and instruments have so far not had sufficient impact is irrefutable. However, there is simply no indication nor proof that a holistic and integrated approach, which is actually nowhere specified, will ensure long-term progress towards sustainable forest management. No analysis has shown so far how one framework instrument could encompass all the relevant issues. Given the enormous complexity of forest related problems, it seems practically impossible to cover the whole range of issues, such as social, economic, trade, environment, development and financial issues, by any instrument of international law... a global forest convention would certainly be also unable to simply harmonise existing forestry-related instruments which were already binding under international law... Statements in other conventions would still remain in force alongside the new convention and would have equivalent legal status. (Skala-Kuhmann, 1996)

Location specificity of forestry and heterogeneity of forest ecosystems and socio-economic situations mean that, at international level, only a framework type normative regime would be appropriate. Interpretation and enforcement at national level would be necessary. (Simula, 1996)

If there is to be something, let it be focused on the loss of forests and committing signatories to do something about deforestation. Resist pressures to include issues which although important and related are not central to the main issue. (Pearse, 1996)

Many are now concerned that to pursue a Forest Convention now is highly risky. Bill Mankin of the Global Forest Policy Project is firmly of this view. He argues (in response to EFI/IUCN/CIFOR, 1996) that we need to recognise just how far we have come with the 'soft route', eg Criteria and Indicators and certification. The point is that the 'soft route' reaches for the highest common denominator, and is pushed by leaders with vision, rather than those involved in global jousting or the creation of escape clauses. We must recognise the risks of losing such pioneering approaches through rushing into global negotiations:

- *Conventions might further freeze/undermine existing agreements (through IPF or CBD, FSC)*

- *Conventions may enshrine weak definitions of SFM, and give the green light to bad practice.*
- *Conventions may unacceptably absorb human and financial time and resources better applied elsewhere.*
- *Conventions are unlikely to tackle the really hard issues such as indigenous peoples rights, TNCs, sustainable trade, reforestation targets etc.*

This concern is shared by Skala-Kühmann (1996):

From a legal standpoint, indeed such an instrument represents the highest form of commitment, and conventions are much-used instruments in public international law. The main problem of a new legally binding instrument, especially a global forest convention, may indeed be that consensus on substantive issues is not ripe yet and the risk of enshrining weak or vague obligations is very real.

Skala-Kühmann concludes that legally binding instruments should be pursued only if (a) gaps in the existing international regime of instruments are sufficiently important or numerous to justify this, and (b) there is a good chance of reaching global consensus on meaningful obligations. We would agree with this, and with Pearse (1996), who suggests that:

Although legally binding may be more effective than non-legally binding, States resist legal measures and are therefore likely to weaken/dilute them. A good non-binding may be better than a bad non-binding.

An alliance of ninety non-governmental organisations, opposing a Global Forest Convention, released an 'International Citizen Declaration Against a Global Forest Convention' in New York City in February 1997. Set against this, a roughly equal number of organisations signed an 'International Declaration for a Forest Convention' in June 1997. Both groups broadly agree on the areas where action is needed (for example, extending protected areas, stopping illegal logging, regulating transnationals, protecting indigenous peoples rights, etc), and share a similar strategic approach to forests. The basic disagreement is one of tactics.

6 IIED's preliminary conclusions

A new holistic global forest regulation covering multiple aspects is not the main requirement *at this stage*. More important is a focus on practical international cooperation and incentives for **forest security** at all levels, including the global level. However, there is a need for focused regulation to deal with the cross-border or supranational **causes** of forest problems.

- 1 The arguments *against negotiating a super-convention* (holistic approach) in the short term are strong. A global instrument may actually undermine the case for SFM, forest security, or other higher-common-denominator goals; it may enshrine imperfect goals. The time and effort taken to negotiate it could, in the

medium term, be better spent on developing and implementing practical, purpose-led incentives and programmes.

- 2 There are strong arguments both that *the existing mechanisms and initiatives are inadequate* to deal with the identified gaps, and that there is *much that could be done better* through them. The "inadequacy" arguments put too much emphasis on spectacular failures; and the "potentials" place too much stress on 'hope' over experience. We cannot go much further until we really learn what policies, institutions, and mechanisms work (whether intergovernmental, NGO, government, private sector, or through partnerships) - and then put in place mechanisms to continue such learning. What works, as well as what fails, should underpin our decisions on gaps, and where they may be filled. *Existing agreements and initiatives need critical and independent evaluation.*
- 3 Overall, it is clear that there will *not be an 'either/or' option, but 'and/and'*. Once critical and independent evaluations of existing instruments and initiatives have been undertaken, the potential for expanding and adapting them, or even 'hardening' them if they are soft law, will be clearer.
- 4 There is a need to strengthen and agree the conceptual underpinning of SFM, its relation to other land uses, and the relative costs and benefits at different levels from local to global. *Developing the concept of forest security would be beneficial.*
- 5 In terms of improving the security of forest goods and services, the primary focus for improvement should be at the *national level*. The concept of National Forest Plans (NFPs) promoted through Agenda 21 will be central to intergovernmental discussions on mutual support and obligations. National-level progress will often, of course, require some *international support* - backed up in some cases by regulation. (Clearly, NFPs need to learn the lessons of the Tropical Forest Action Programme - they should be country-driven and involve multi-stakeholder processes to define and improve policies, rights, responsibilities and relationships, and not merely forest planners' dreams). Until NFP processes are under way in most countries, sorting out the trade-offs between values and interest groups, countries will not be very well-prepared to agree analogous trade-offs with other countries.
- 6 There are *some global forest security issues which are suited to legal treatment*. Some, to do with forest functions, have already been defined through the CBD and the FCCC. Others, to do with regulation against the (global) causes of forest problems - such as asset-stripping transnational corporations - have yet to be well-addressed.
- 7 There is unexplored potential for dealing with the causes of unwarranted deforestation, and for creating incentives for maintaining and expanding forest cover, through developing and promoting *adaptive strategies for forest viability in climate change*. This would work through the FCCC. It would provide a good focus for dealing with multiple forest issues. The kinds of adaptive strategies

which are required tend to be of general utility for a country - as well as contributing global benefits.

- 8 There is potential for resolving some of the above by analysis, consultation and consensus-building at the *regional level*. Regions have shown themselves to be a suitable basis for agreeing both cross-border issues, and common concerns and needs with respect to the global level as a whole.

7 Emerging priorities and options for the WCFSD

IIED would encourage WCFSD and its partners to work towards a combination of the following:

- Continuation and development of IPF's work
- Developing the linkage between poverty alleviation strategies, forest related activities, and global benefits: Forest Security
- Greater emphasis on adaptive strategies for climate change, and the central role of forests in them
- Further development of compensation mechanisms
- Partnership initiatives involving the private sector and NGOs
- Steering an eventual forest convention towards: defining global goals and principles based on the concept of forest security; agreements on national obligations towards forest stakeholders; and eventually global payment transfers

These ideas are explored further below:

7.1 Development of the IPF's work through the Intergovernmental Forum on Forests (IFF).

The IPF has been a remarkable forum, although it has dealt with too comprehensive a range of issues over too short a time. Many parties, including IIED, would like to see it's work programme and 'style' continuing, and addressing issues in a more strategic manner (e.g. in light of the decision framework in Figure 2). Consensus-building should cover:

- *criteria and indicators* evolving to better suit their different purposes (national-level for international reporting, and forest-level for certification), with harmonisation and mutual recognition as appropriate

- *clarification of goals and concepts* which would help a convergence of national and global purpose - such as the concept of the 'Security of Forest Goods and Services' (below)
- *specific purposes for firmer cooperation in future*, including on legal obligations to deal with cross-border or supranational causes of forest problems (particularly the financing and conduct of international companies impacting upon forests)

As Markku Simula (1996) notes:

The continuation of IPF's work, within a clearly defined mandate and established deadlines for its future outputs, would institutionalise global cooperation ensuring also integration of forestry into, and coordination with, the existing related instruments. This option is easy to justify based on the criteria related to effectiveness, efficiency and political feasibility. Open-endedness is an additional important asset. The forum should remain inter-governmental to ensure high-level political participation.

At the Earth Summit 2, it was decided to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended Intergovernmental Forum on Forests (IFF) under the aegis of the United Nations Commission on Sustainable Development. The mandate of the IFF is as follows, although the detailed Terms of Reference have yet to be decided:

1. *promoting and facilitating the implementation of the Panel's proposals for action;*
2. *reviewing, monitoring and reporting on progress in the management, conservation and sustainable development of all types of forests; and*
3. *considering matters left pending by the programme elements of the IPF, in particular trade and environment in relation to forest products and services, transfer of technology and the need for financial resources.*

The differences between the *Panel* and a *Forum* will emerge once the terms of reference have been agreed. *Forum* implies action orientation (the Panel leaving it with 130 recommendations for action), rather than exchanges and information gathering. In a world where diplomats can be earnestly engaged for hours in disputing commas, adjectives and brackets, we should not underestimate the significance of 'mere' name changes.

7.2 Developing the linkage between poverty alleviation, forests, and global benefits: Forest Security

Throughout WCFSD's hearings, interest groups have been stressing concerns over:

- the reduction of forest resources, from local to global levels
- the many ways that these resources are valued by different groups (as economic assets, as "home" and livelihood, etc)

- the conflicting demands between interest groups for the resources
- the inequities between groups in their ability to express demand (e.g. through the market), to exercise rights, or otherwise to gain access to the resources

In other words, interest groups at different levels are experiencing insecurities in supplies of forest goods and services. These insecurities will worsen as population - or more particularly as consumption - increases.

The challenge for the WCFSD is to encourage means to ensure security of supply of the goods and services that are needed at different levels. For example: at local level, to ensure energy, fibre, food and cultural securities from forests; at national level, to secure watershed regulation services from forests; and at global level, to secure carbon storage and biodiversity services.

Already, certain groups have made attempts to increase security. There has been *spontaneous forest protection, and afforestation, by local communities*. Some attempts to secure forest goods and services have had negative impacts: certain *companies* have stripped natural forest assets, or have planted vast areas with little regard for the way that this might reduce goods and services sought by other groups (such as water supplies and landscape value). Some *nations* have attempted to achieve security of supply by importing forest goods, often with a heavily negative ecological or social 'footprint' on other countries. An area that requires *international* agreement is the means to achieve security of supply of global services from forests. A beginning has been made with the Climate Change Convention (for carbon storage and sequestration) and the Biodiversity Convention.

By focusing its attention on goods and services from the forest, and on ways to secure supplies, the WCFSD will be able to unite its concerns for forests and people. *It is what people get out of forests, including their spiritual and cultural security as well as material benefits, that counts for interest groups. The actual forest area or percentage cover are not meaningful.* The concept of 'Forest Security' helps to sort out the conceptual confusion in addressing whether a Forest Instrument is addressing 'sustainable use', 'conservation', 'sustainable management', 'sustainable use of land', or 'forestry for sustainable development', each of which tend to imply only certain goods and services, and yet are rarely specific about them.

It may also offer a way of reconciling the extremes of views between those advocating stopping deforestation and expanding forest cover, and those who see an absolute necessity to convert forest for agriculture.

Being explicit about needs for goods and services also helps in relating forest policies to: policies for poverty alleviation; policies in other sectors that can also provide some of these needs (such as trees in agriculture) or substitutes for them (such as metals, plastics, or service-oriented replacements for paper); and import policies.

The concept of security may offer clarity in assessing the gains and losses from these various courses of action. Negotiation and planning can then be meaningful.

Finally, the concept of security signals scarcity in policy debates, implies both control and permanence, and offers a basis for dealing with intergenerational equity.

Hence, at the global level, an exploration of the concept opens up possibilities for international payments/transfers for global benefits linked to national (policy) obligations to sustain those benefits. It also opens up possibilities for international payments/transfers, linked to national (policy) obligations to alleviate poverty.

Forest security might, in fact, be developed first within the WCFSD rather than through intergovernmental processes. It addresses all actors' rights and responsibilities (including the private sector and NGOs which influence consumption patterns), rather than merely national sovereignty concerns. It can provide a conceptual basis for dealing with trade and aid, both of which require attention if they are to become instruments of sustainable development rather than causes of forest problems.

7.3 Greater emphasis on adaptive strategies for climate change, and the central role of forests in them

Forests will almost certainly be a central component in adaptive strategies for climate change. Both because some forests are vulnerable (especially some global services such as biodiversity) and because others can help buffer other land use systems against climate change. A recent draft IIED Report (Secrett 1996) reviews the state of knowledge and action in respect to forest strategies, and shows how little has been done in practice, or in research, to link forestry to the need to adapt and mitigate against the impacts of climate change. This is surprising, because adaptive forest strategies could be a major rationale for moving forward an international regulation involving forests, and could make the link between the global issue of climate change and the national issues of forest cover and spatial planning.

7.4 Further development of compensation mechanisms

Three areas might be suggested:

- Specific and appropriate legal development of *compensations for excluding forests from consumptive use* through the CBD (if certain components of the SFM debate justifiably fit within the CBD frame).
- Issues of *compensation for carbon sequestration/storage* being incorporated into the FCCC, and possibly - and more powerfully - adaptive strategies.
- *New and innovative compensation mechanisms* (Jean-Pierre Kiekens mentions 'tradeable forest protection obligations', and 'production compensatory agreements'), including perhaps, far simpler grants which recognise, publicise, and hopefully spread good practice by example and peer pressure.

The first two options are considered to be very far on the horizon at best - indeed, they may be mirages. Yet it is in the interests of the most-forested countries to explore them (WCFSD might encourage a group of such countries to assess their bargaining positions). The third set of options could be adopted on trial bases initially, either bilateral or regionally.

7.5 Partnership initiatives involving the private sector and NGOs

There are many areas of action which should not be encumbered by inter-governmental constraints. Indeed, some of the most progressive - forest management *certification* and independent *labelling* of the products of certified forests - have recently evolved as civil society initiatives, with little governmental and almost no intergovernmental inputs. Yet they appear already to be offering powerful and well-targeted incentives towards SFM.

By not being bound by intergovernmental ways of operating, WCFSD may be able to generate and promote partnerships amongst progressive and willing partners. They could cover:

a. Reviews of international and national institutions, mechanisms and policies. There is a need to critically take stock of "what works" and "what doesn't", both nationally and globally. This is essential for identifying the gaps that might need filling, and where to focus international support. Such work would be better performed by WCFSD than by intergovernmental bodies, because of the critical position, and therefore independence, required.

b. Promoting private sector investment in achieving forest security: There is a tremendous need for private sector leaders to forge paths for the majority of the private sector to follow. The issue is not so much: can the private sector assure security of fibre supplies? Rather it is: can the private sector also assure that it will contribute positively to social and environmental goods and services other than fibre?

As IIED's work on the Sustainable Paper Cycle (1996) has shown, a few corporations have undertaken a major environmental "clean-up" in their forestry practices. Ways need to be explored to extend such progress globally. However, even the more progressive companies have been found lacking in terms of social performance (equity in sharing costs and benefits, and in supporting cultural goods and services) - NGOs need to apply carrots and sticks. Finally, there remain corporations which travel the world seeking policy conditions allowing them to asset-strip forests - cooperation of governments, NGOs, private sector forestry associations and financing bodies is required to ensure that such "forest mining" is brought to a halt.

Globalisation dominates many aspects of private sector forestry, and global solutions need to be sought to the problems that this brings. There is a dearth of cooperation in this area. It is a matter for governments, civil society, and the market to resolve, through partnership and example. This is almost a "carte blanche" awaiting WCFSD action.

7.6 But supposing consensus builds for a Forest Convention, what should it contain?

Dependent upon what an assessment of the potentials of existing instruments reveal, there will be various long-term arguments for states to go forward with a Forest Convention, despite the arguments weighed against it in the medium term - legal, technical, practical and intellectual. In practice, the reasons for such a push towards a convention could be unpredictable, geo-political (possibly un-related to forest, social or environmental issues and/or the performance/potentials of existing instruments). It may, however, depend upon an analysis of progress and gaps in the related conventions, particularly the FCCC, and issues such as the current levels of development assistance and debt servicing, and the balance of power in organisations such as the WTO.

We should perhaps recognise that 'left-field' elements of international geo-political negotiations may suddenly result in a consensus to harden international forest agreements.

Although this paper argues that the WCFSD should not make a Global Forest Convention its short-term focus, it is still valid to ask, 'if further analysis, and civil society/intergovernmental discussions begin to become more conducive to a global agreement, how should it *operate* and what should it *contain*?'

It is easier to answer questions of *style and principle*. Any Forest Convention should be:

- *global* in scope, and *non-discriminatory*;
- designed to achieve a purpose: to do with the *forest functions* necessary for security of goods and services at *global* level; and/or the *international causes* of forest problems that affect security of goods and services at any level;
- *complementary* to, and *harmonised* with, other legal agreements that touch on certain of the above forest functions and international causes; in some cases this will mean "*hardening*" existing soft law;
- founded on *principles of sustainable development* (social desirability and equity, environmental acceptability, and economic viability);
- built around *monitoring and learning* systems;
- encouraging of *bottom-up initiatives* to further develop and implement the convention;
- linked to key *international fora* - especially the continuation of IPF, but also open to civil society processes;
- backed up by adequate *financial and secretariat resources*, so that it can be effectively implemented

As to *content*, a Forest Convention should focus on the elements of *forest security*. And, by having a strong focus on participatory *National Forest Plans*, a convention would aim to alleviate the current problems: of 'Northern' governments and NGOs defining the ways that 'Southern' countries allocate forest goods and services; and

of elites in any country doing so within that country. A Convention might eventually cover:

- *Compensation, information-sharing and incentive mechanisms* to encourage security of global benefits; this might be linked to e.g. adaptive strategies for climate change, perhaps through National Forest Plans
- Obligations of states to respect the *rights of different (local) stakeholders* e.g. so that global benefits are not achieved (and possibly "sold") at the cost of marginal groups; this might be articulated in terms of how states should operate their National Forest Plans e.g. ensuring they extend beyond one electoral period and encompass longer-term forest and social goals
- *Controls on the international/transboundary causes of forest problems*, notably those resulting from trade, foreign investment and pollution (even so, these might be more powerful if established separately, outside the context of a global holistic forest instrument)
- Enshrined in a framework convention which *defined global goals of forest security*, and therefore the various *principles and criteria* needed to ensure such goals are achieved through SFM under very different local conditions

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Table 1: Global Forest Agreement Analysis - Comparing Analyses to Date²

	<p>1. Commission on Sustainable Development (E/CN.17/PPF/1996/13.)</p>	<p>2. GLOBE convention draft GLOBE International April 1992.</p>	<p>3. Options for strengthening the International Regime for Forests European Commission, First draft, October 1996</p>	<p>4. Astrid Skala-Kuhman, BMZ, 1996. Legal instruments to enhance the conservation and sustainable management of forest resources at the international level.</p>
<p>The problem global dimension</p>		<p>The common problem of rapid forest area depletion. Depletion due to cross-border air and water pollution. Biodiversity concentrated in forests. Loss of indigenous populations - "significant moral issues of human rights" and loss to global human society and culture (including landscapes) Climate: sequestration services, earth's buffering capacity, local and regional climate disruption. National causes area entrenched in international economic inequalities</p>	<p>Global loss of forests Pollution Biodiversity Indigenous peoples Climate Extra-sectoral impacts, including trade Cooperation in funding</p>	
<p>Suggested component of cooperation</p>	<p>CSD analysis of agenda of IPF, Principles, Agenda 21: Conservation, management and sustainable use. Protected areas establishment, unique ecosystems Protection of soil, water, climate functions of forest lands Restoration of forest ecosystems affected by drought/ pollution</p>	<p>Define common goals - conserve, regenerate, afforest</p>	<p>EFI elements of an international forest regime: Conservation and sustainable use</p>	<p>The international forestry community's priorities for legal regulation: Maintenance of globally sufficient forest cover</p>

² This is not a comprehensive analysis but a quick overview of key issues

	<p>Sustainable use, forest and land use plans</p> <p>Participation of all stakeholders in decision-making</p> <p>Protection of traditional forest-related knowledge and practices</p> <p><u>Trade in forest products</u></p> <p>Supportive relationship between trade and SFM, cost internalisation</p> <p>Market access, non-discrimination</p> <p>Certification of sustainably managed forests and forest products</p> <p>Forest quality and quantity (national and international)</p> <p>Valuation of multiple benefits</p> <p>Criteria and indicators, agreed globally, implemented nationally, and local</p> <p><u>Finance, policy, institutions</u></p> <p>Financial resources and mechanisms (national and international levels)</p> <p>Technology transfer</p> <p>Capacity building, institutional reform and policy formulation (national)</p> <p><u>Cooperation and coordination</u></p> <p>Intersectoral coordination</p> <p>Cross-sectoral coordination; Impacts on forests (national and international)</p> <p>International institutional cooperation and policy coordination</p>	<p>Shift from government centred to forest-user centred (participation)</p> <p>The rights of forest people</p> <p>International standards, guidelines and obligations for achieving common goals</p> <p>Regulating harmful foreign economic relations</p> <p>Information: global forest inventory; monitoring status and use, sharing and disseminating</p> <p>Funding - forest services trade, increased funding</p> <p>Technology transfer</p> <p>Empower forest users to ensure compliance with standards</p> <p>National strategies</p> <p>Complement and coordinate with related conventions</p> <p>Coordinate and revise existing international institutions/ mechanism</p>	<p>Forest land use</p> <p>public participation</p> <p>indigenous peoples</p> <p>Establishing agreement on principles and objectives</p> <p>minimum standards, modalities for international support</p> <p>International trade</p> <p>Information, monitoring and capacity</p> <p>C&I</p> <p>financing</p> <p>capacity building</p> <p>National Forest Programmes</p> <p>Cross sectoral linkages</p> <p>global forest institutions</p>	<p>Certification and trade</p> <p>Diversification of forest products and services</p> <p>Definition of SFM criteria and indicators</p> <p>Cost distribution for SFM</p> <p>Access to information and technology</p> <p>Planning, coordination and decision-making processes</p>
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Table 2: Global Forest Agreement Analysis - Analysis of Gaps³

	1. Commission on Sustainable Development (ECN: 17/IPF/1995/13.)	2. GLOBE convention draft GLOBE International April 1992.	3. Options for strengthening the International Regime for Forests European Commission, First draft, October 1996	4. Astrid Skala-Kuhman, BMZ, 1996. Legal instruments to enhance the conservation and sustainable management of forest resources at the international level.
Analysis of gaps	<p>Lack of international coordination</p> <p>Lack of coordinated policy formulation at a global level</p> <p>Lack of coordinated financial assistance for conservation and sustainable management</p> <p>Lack of provision for reliable information on forest quality and quantity, including multiple benefits</p> <p>Gap in incentive systems, involvement of the private sector, multinational codes of conduct, EIAs for cross-sectoral impacts</p> <p>Protection and use of traditional forest related knowledge and application to SFM is not covered</p> <p>Also, gap in respect to countries with low forest cover, and effects of air pollution on forests</p>	<p>There are many but 'fractionated'. None of the legal mechanisms or their totality yet covers the required scope of global cooperation on forests.</p> <p>No integration of initiatives. International political mechanisms have not yet established precedents on forest issues, standards and responsibilities</p> <p>No independent monitoring and evaluation</p>	<p>Gap is insufficient political will to improve effectiveness of international regime (funds, institutions etc. fragmented, no coordination).</p> <p>Gap in following up Principles 9 & 10 on new and additional sources of finance</p> <p>Global information deficit</p> <p>Gap in rules aimed at creating an economic climate supportive of sustainable use (debt, TNCs, SAPs, trade).</p> <p>*International regime has not sufficiently dealt with indigenous peoples component*</p> <p>Gap on airborne pollution damage</p>	
Other gaps not identified by CSD			<p>Gap on internationally agreed rules on what sustainable use of forests means</p> <p>Little existing on forest land use per se. Gap in C & I</p> <p>*There are no international instruments dealing with C & I* (all trade measures require consensus on what SFM is).</p>	

³ This is not a comprehensive analysis but a quick overview of key issues

	Gap in information on effectiveness of existing initiatives.			
Gaps in TFAP		<p>Does not cover forests outside tropics. No balance of national/extra-national activities. Oriented to governments, not forest user. Cannot discriminate on basis of global priority. No authority to deal with conflicts between users. Lacks standards.</p> <p>Restricted focus - trade and tropics</p>		
Gaps in ITTO The particular argument for regulation	<p>* In order to achieve desired level of coordination and nexus to policy objectives the elaboration of a new legal arrangement might be useful" ie. lack of coordination and links to policy such a mess that legal action is required.</p>	<p>The need to establish a monitored regime. Which becomes more acute as forests shrink and global impacts are risked. Law is needed for mechanism for avoidance and minimisation of disputes</p>		<p>In respect to the issues to be regulated all are covered by existing mechanisms except for the issue of compensation for renouncing the over-use of forest resources.</p>

Table 3: Global Forest Agreement Analysis - Options⁴

Source: >>	LOBE	Options for strengthening the International Regime for Forests	Comments on 'Options' paper	CSD Process perspectives
The problem summarised	Cooperation is necessary to fill a capacity gap to solve problems and realise full forest potential. Agree mainly a national problem, but capacity weak, even if will strong	The Forest Crisis. Capacity gap (national and especially global issues): complex and synergistic, many causes lie outside forest sector. Problems are national, regional, and international, but incentives needed to realise the potential of international cooperation. Fragmentation of institutions at national/ regional/ international level resulting in inefficiencies. "It appears that although much exists in relation to forests, improvements can be made in respect to virtually every element of the international regime".	AS-K suggests that since they admit that understanding of current initiatives is poor - their analysis is flawed. They have no real knowledge on gaps, upon which options are based.	
The spin (if applicable)	Global, comprehensive, regulatory - but spin regulation to be seen as a service not hindrance. Flexibility in national response. Strong emphasis on administrative strength in convention.	Regime covers the sum total of instruments and voluntary measures - not just one agreement. Actions are needed both in the forest sector and beyond (international economics). <i>Starting point is Forest Principles. This assumes any next step must start here.</i>		
The heart of the suggestion	Formal incentive system for trading forest services. "Focus on mutual cooperation - in meeting common goals by information, technologies, ideas and experiences". Monitoring regime and dispute resolution.	Global action should focus on establishing agreement on principles and objectives, minimum standards, modalities for international support. Conceptual issue - promotes national forest programmes (NFPs) -	IED's security of forest goods and services	

⁴ This is not a comprehensive analysis but a quick overview of key issues

<p>What is the global dimension?</p>	<p>The common problem of rapid forest area depletion. Depletion due to cross-border air and water pollution. Biodiversity concentrated in forests. Loss of indigenous populations - "significant moral issues of human rights" and loss to global human society and culture (including landscapes). Climate: sequestration services, earth's buffering capacity, local and regional climate disruption. National causes are entrenched in international economic inequalities.</p>	<p>Integration of forest management within the context of sustainable land management, and participation of stakeholders. International cooperation to promote concept of NFPs, national criteria and indicators of SFM. Help develop regional approaches (economy of scale). <i>BUT - analysis suggests much being done, but improvements possible everywhere (though admitting a gap in assessment of existing initiatives). With such an analysis, anything can go in respect to 'options', as it does (see below).</i></p>	<p>Supported by many</p>	<p>CSD analysis of agenda of IPF, Principles, Agenda 21: <u>Conservation, management and sustainable use:</u> Protected areas establishment, unique ecosystems Protection of soil, water, climate functions of forest lands Restoration of forest ecosystems affected by drought/ pollution Sustainable use; forest and land-use plans Participation of all stakeholders in decision-making Protection of traditional forest-related knowledge and practices</p> <p><u>Research and assessment:</u> Forest quality and quantity (national and international) Valuation of multiple benefits Criteria and indicators, agreed globally, implemented nationally and locally.</p>
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<p>In more detail: components of agreement and cooperation</p>	<p>Define common goals - conserve, regenerate, afforest All forest agreement international standards, guidelines and obligations for achieving common goals. International cooperation. Shift from government centred to forest user centred. Public participation The rights of forest people Regulating harmful foreign economic relations Information: global forest inventory; monitoring status and use, sharing and disseminating Research: encourage research on uncertainties Technology Transfer Complement and coordinate with relation conventions Coordinate and revise existing international institutions/ mechanisms Empower forest users to ensure compliance with standards Funding - forest services trade; increased funding. National strategies.</p>	<p>[see options discussions] [Note EFI twelve elements of an international forest regime: Conservation and sustainable use scope of the regime cross-sectoral linkages forest landuse C&I international trade financing global forest institutions public participation indigenous peoples information, monitoring and reporting capacity building</p> <p>Strong emphasis on cross-sectoralism - causes outside forest sector (economy, poverty, human rights, agriculture)</p>	<p>Peter Pearse argues to maintain focus, eg. to end deforestation, and cautions against including issues, which though important and related, are not central to the main argument. Elliot suggests improve effectiveness of TFAP, ITTO, etc; develop possibilities of CBD; clarify relationship between WTO and international environmental agreements; provide increased research funding. Jag Maini argues to consider scope (high forest nations or low forested nations?) Mankin supports monitoring, assess, reporting, sharing, which does not step on sovereign sensitivity - but how? Making highlights what could be learned from best practice, eg. in spreading lessons of resolving land-use conflict</p>	<p><u>Trade in forest products</u> Supportive relationship between trade and SFM, cost internalisation Market access, non-discrimination Certification of sustainably managed forests and forest products <u>Finance, policy, institutions</u> Financial resources and mechanisms (national and international levels) Technology transfer Capacity building, institutional reform and policy formulation (national) Cooperation and coordination Intersectoral coordination Cross-sectoral coordination: impacts on forests (national and international) International institutional cooperation and policy coordination</p> <p>AS-K analysis it in respect to his perception of the international forestry communities priorities for legal regulation: Maintenance of globally sufficient forest cover; definition of SFM and C&I: Certification and Trade: cost distribution for SFM; Access to information and technology; Diversification of products and services: Planning, coordination and decision-making processes</p>
<p>Gaps: views of existing mechanisms General</p>	<p>There are many by 'fractionated'. None of the legal mechanisms or their totality yet covers the required scope of global cooperation on forests.</p>	<p>Gap is insufficient political will to improve effectiveness of international regime. (funds, institutions etc. fragmented, no coordination). Gap on airborne pollution damage. Gap on internationally agreed rules on what sustainable use of forests means.</p>	<p>There is confusion over whether the overall objective is: conservation; sustainable management/ development/ use; note: Forest Security</p>	<p>Lack of international coordination, lack of coordinated policy formulation at a global level, lack of coordinated financial assistance for conservation and sustainable management (the result is national bureaucracies loaded with multiple implementation</p>

		and rules aimed at creating an economic climate supportive of sustainable use (debt, TNCs, SAP's, trade) Little existing on forest land use per se. Gap in C&I. International regime has not sufficiently dealt with indigenous peoples component.	plans). Lack of provision for reliable information on forest quality and quantity, including multiple benefits. Also: "incentive systems, involvement of the private sector, multinational codes of conduct, EIAs for cross-sectoral impacts. Also "protection and use of traditional forest related knowledge and application to SFM is not covered. Also, gap in respect to countries with low forest cover, and effects of air pollution on forests.
Gap	International political mechanisms have not yet established precedents on forest issues, standards and responsibilities. No integration of initiatives No independent monitoring and evaluation.	"There are no international instruments dealing with C&I" (all trade measures require consensus on what SFM is. Global information deficit. Gap in following up Principles 9&10 on new and additional sources of finance. Gap in information on effectiveness of existing initiatives.	
The particular argument for regulation	The need to establish a monitored regime. Which becomes more acute as forest shrink and global impacts are risked. Law is needed for mechanism for avoidance and minimisation of disputes.	"In order to achieve desired level of coordination and nexus to policy objectives, the elaboration of a new legal arrangement might be useful" i.e. lack of coordination and links to policy such a mess that legal action is required.	
TFAP	Does not cover forests outside tropics. No balance of national/ extra-national activities. Oriented to governments, not forest user. Cannot discriminate on basis of global priority. No authority to deal with conflicts between users. Lacks standards.	AS-K in respect to the list of issues to be regulated, all are covered by existing mechanisms except for the issue of compensation for renouncing the over-use of forest resources.	

ITTA	Restricted focus - trade and tropics	Gap in finance. More innovation needed in private sector mechanisms -J, debt swaps as part of NFPs. Generally reviewed funding initiatives (multi and bilateral) and ruled them insufficient. GEF not designed to provide funding for SFM per se.	Markku Simula - first internalise environmental and social costs to ensure the full compensation of forest services. Peter Sands argues to extend forestry in GEF, and supplement 'global environmental benefits' with parallel financing arrangements. Elliot (WWF) emphasises that the old compensation division of labour (north pays, south does) is not applicable, both have to do	Kiekens mentions several innovative mechanisms - 'tradable forest protection obligations', 'production compensatory agreement', etc.
Options discussion	GLOBE	OPTIONS PAPER	ASTRID SKALA-KUHMANN	OTHER COMMENTS
1. Maintain status quo (improve effectiveness of existing mechanisms)	This argument is integral to the substance of the proposed convention.	All could be theoretically absorbed in existing mechanisms (absorb the gaps). What is lacking is political will. A key mechanism for synergy identified is Agenda 21 - which is thought to hold more potential than a specific forest agreement. Pro: quick to apply and avoids risk of lowest common denominator for new action. Con: not enough - coordination crisis requires new legally binding instrument.	Consolidation and integration: much more could be explored. Skeptical that a holistic instrument is possible, or desirable (no proof it will bring progress towards SFM)	
2. New non-legally binding agreement		'Soft law' progresses where there is not the consensus or political will for "hard law". This is in effect what is happening already through the Forest Principles and the IPF. But the argument is weak because it is not based on a clear notion of the regulatory gaps (beside a boost on coordination). Con: not enforceable (enforced coordination?). Cannot deal with finance.		

3. Charter or declaration	Ruled out as merely exhortatory, although which to negotiate		Might be an appropriate form to crystallise important conclusions of IPF	
4. New legally binding instruments	<p>The need is for a new legal instrument which is a combination of being global and comprehensive in scope, legal in nature, and with good financial and administrative resources.</p> <ol style="list-style-type: none"> 1. Global because forests globally are degrading and disappearing, and because causes are transboundary. 2. Comprehensive in seeking to maintain the multiple human and ecological benefits 3. Agreed in law to establish a framework within which activities affecting forests could take on a monitored regime, and to provide a mechanism for the avoidance and resolution of disputes. 	<p>A rather tautological argument "an appropriate option when sufficient agreement is achieved on the content of obligations intended to be legally-binding". Says that a new agreement should support, not duplicate existing agreements. Again, argument suffers by not identifying what is the global regulatory gap - so lists generalities on qualities of international agreements.</p> <p>Cont: duplication and hence weakening of existing instruments.</p>	<p>Consensus not yet ripe enough to risk enshrining weak action. Complexity cannot be accommodated in one instrument. Problems with existing legal instruments which would stay in force. Framework or 'super-convention'. Latter is undesirable.</p>	<p>Jean-Paul Lamy is a pro-convention advocate: the need is to give forest political profile, and to arrive at a SFM definition. He says that a mixture of scattered approaches, some not even relating to forests, will in no way facilitate conflict resolution - instead a partial self-deceiving solution, not giving justice to the diversity of goods and services provided by the forests". He suggests a phased implementation, drawing countries on board when they're ready. Sands also argues there are new process elements in international law which can contribute to international forest problems; innovative active treaty management, empowering government institutions to ascertain standards, to upgrade capacity, and to cope with change. Mankin makes a strong case for an "evolving, synergistic suite of mutually supportive initiatives and instruments, pulling each other along to a 'higher common denominator'". Super-convention likely to be too complex, time-consuming, unproved benefit.</p>
5. Protocol to CBD		Builds on a holistic convention in specific areas of forests. Believes broad enough to cover all issues of conservation and sustainable use. Has existing financial instrument		
6. Jakarta mandate on		Builds on 1995 Jakarta COP in relation to marine biodiversity -		

forests		developing a set of recommendations for encouraging particular actions. <i>There seems little point to this - it does not address an identified regulatory gap, and would be no good for coordination.</i>		
7. Protocol to framework convention on climate change		An addition to a properly synergised mix focusing on one function - carbon.	Yes but only addresses ways in which forest stabilise climate. But also ways in which forest provide adaptive buffers, and the ways in which forest spatial planning and area are critical in adaptive strategies - issues which cross boundaries.	
8. Intergovernmental Panel on Forests				<p>MK - build on IPF - strengthen consensus by addressing coordination towards a 'global action plan', a new systematic mandate for IPF.</p> <p>Continue dialogue process within IPF</p> <ul style="list-style-type: none"> - In respect to coordination. - IPF is seen as performing well - people want it to continue.
9. Multiple approaches				<p>Mankin - permutations of options.</p> <p>Don't suffer from single-option bias.</p>



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The Programme addresses needs for productivity, sustainability and equity in forestry and land use. Its research and capacity-strengthening work focuses at the national level in developing countries. It involves:

- **policy processes:** supporting participation of multiple interests in policy analysis, formulation and monitoring;
- **sustainability assessment** of forest management and use;
- **capacity development** of government bodies, NGOs and communities for sustainable forest management;
- **the development and monitoring of incentives** for sustainable forest management.

World Commission on Forests and Sustainable Development (WCFSD)

Following the Earth Summit in 1992, and in view of persisting global deforestation and forest degradation, the InterAction Council — a group of former heads of Government and State — decided to establish an independent World Commission on Forests and Sustainable Development to:

- increase awareness of the dual function of world forests in preserving the natural environment and contributing to economic development;
- broaden the consensus on the data, science and policy aspects of forest conservation and management; and
- build confidence between North and South on forest matters with emphasis on international co-operation.

The Commission's two Co-Chairs are Ambassador Ola Ullsten, former Prime Minister of Sweden, and Professor Emil Salim, Indonesia's former Minister of Population and Environment.

The Commission comprises a group of 25 eminent persons representing both North and South and combining scientific, socio-economic and political experience.

To develop a better understanding of stakeholders' perceptions of how forests could be sustainably and more equitably managed and of possibilities for achieving consensus on the more divisive issues, the Commission is conducting a series of five regional public hearings on forests in Asia and North America, Latin America, Africa and Russia. Each attracted more than 300 persons covering a wide spectrum of stakeholder interests. They included representatives of forest dwelling communities, forest industrial corporations and environmental advocacy groups.

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