

Forest Policies for the 21st Century

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International Forest Policies

Jennifer Conje

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- International forest policy landscape is quite complex and highly fragmented. Dynamic not static, constantly evolving.
- Composed of Hard Law (CITES, UNFCCC, UNCCD, Ramsar, WTO, CBD) and Soft Law (Forest Principles, NLBI) instruments, as well as market mechanisms (Certification schemes, legality policies)
- Includes intl. processes that directly address forests (UNFF, ITTO), or those that have core components that deal with aspects of sustainable development of forests and people (UNFCCC, CBD, CITES)
- Increasingly the actors involved in defining governance are becoming more varied (not just the state governmental actors)

HARD LAW

- Traditional treaties and conventions
- Relies primarily on the authority and power of the state in the construction, operation and implementation, including enforcement at international, national, and sub-national levels.
- Legally binding

SOFT LAW

- Rules of conduct, which in principle have no legally binding force, but which nevertheless have practical effects
- Implementation not necessarily state centric (NGOS, regional bodies, global instruments)

Sources: Kirton and Trebilcock (2004), Morth (2004)

HARD LAW

PROS:

- Offers legitimacy
- Strong surveillance, enforcement
- Sometimes attracts a more guaranteed source of resources
- More thorough negotiations which makes behavioral change more likely

CONS:

- Rigid and slow to come to agreement
- Inflexible to changes in society
- Often involves non-inclusive top down approach that favors bureaucratic, hierarchal systems

SOFT LAW

PROS:

- Reinforces new norms and standards
- Effective means for direct civil society participation in global governance
- Greater flexibility and room for innovation during implementation
- Lower global bureaucratic costs to implement

CONS:

- Uncertainty of costs of compliance or non-compliance
- Time consuming (democratic participation)
- Question of legitimacy

Sources: Kirton and Trebilcock (2004), Cashore (2002), Tellecfson (2004), Gunningham & Grabosky (1998), Skjaerseth et al (2006)

Rio Summit (1992)

- Forest Principles
- 1st Global Consensus on Forests
- Two foundations:
 - Sovereign right of nation states to utilize their forests resources acc to their own environmental policies, and emphasis on avoiding transboundary harm;
 - Promoted sustainable forest management of forest resources and forest lands to meet the social and economic, ecological, cultural, social needs of present and future generations

Intergovernmental Panel on Forests (1992) and Intergovernmental Forum on Forests (1997)

- Ad hoc processes – generated 280 proposals for action to enhance the “management, conservation, and sustainable development of all type of forests”

United Nations Forum on Forests (2000)

- Subsidiary body under ECOSOC with universal membership to facilitate national efforts to implement SFM and enhance international coordination (Collaborative Partnership on Forests)
- 2007 – adoption of the Non-Legally Binding Instrument on All Types of Forests (NLBI) – framework for national action and international collaboration and endorsement of four global objectives.
- 2015 – review of the effectiveness of the NLBI

Trends/Factors influencing International Forest Policy Dialogue:

- Other conventions/processes increasingly taking up forest related issues in the context of their own mandates
- Increase in voluntary private sector and NGO performance based measures
- Increased understanding that forest problems cannot be solely solved by the forest sector nor solely by governmental authorities

- Major issues dominating/influencing current international forest dialogue: climate change, green economy, food security, water scarcity, legality of forest products, restoration of ecosystem services
- Emphasis in trade agreements on environmental chapters (TPP)
- Emergence and expansion of timber legality assurance and verification initiatives and mechanisms by both governments and the private sector

- Rapid development of new technologies for RS and mapping of forests, and timber tracking, and social networking to connect people to these technologies
- Growing concerns and reforms related to land tenure, public participation, freedom of information
- Stronger indigenous voice

- Emphasis on the regional approach (ASEAN, SAARC, APEC)
- Growing sophistication in understanding of negotiations by stakeholder groups and negotiating groups
- G-77 (different perspectives) – global paradigm shifting

DISCUSSION

- What issues does your country encounter when undertaking cross-sectoral coordination in preparing for international negotiations or implementing international policies?
- What are the underlying causes for these issues?
- How can these issues be improved?