

I Introduction

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1.1 Purpose of the report

In November 2009, the Global Forest Expert Panel (GFEP) Steering Committee established an expert panel on the international forest regime to provide a “scientific assessment of the current global forest regime and identify options for improving the effectiveness of the current regime.” The GFEP Steering Committee is composed of representatives from the Collaborative Partnership on Forests (CPF), a network of 14 international organisations and secretariats with substantial programmes relating to forests. The CPF’s mission is to promote the management, conservation and sustainable development of all types of forest and to strengthen long-term political commitment to this end.

Specifically, the present assessment is intended to contribute to:

- International forest deliberations and international forest related processes
- The improvement of coordination among political actors, policy instruments and institutions
- International Year of Forests 2011 by raising awareness about the role of international instruments and institutions affecting forests

The report and its accompanying policy brief will provide an overview of the complex and diverse elements that currently make up the global forest governance arrangements; will identify and analyse the core components of these arrangements; and propose options for dealing with complexity and improving the effective implementation of forest governance at global, regional, national and sub-national levels.

Following the mandate of the CPF Global Forest Expert Panels, this assessment is based on existing scientific knowledge. It represents the Expert Panel’s understanding of the best available scientific literature. In the case of global forest governance, that literature is, of course, largely drawn from the social sciences, especially political science, law, international relations and policy studies.

1.2 Context for the assessment

1.2.1 Evolution of international forest governance

The 1980’s saw growing international concern about the destruction of tropical forests due to shifting agriculture, cattle ranching and over-exploitation for timber production. At the same time, attention was also focused on the degradation and loss of temperate and boreal forests due to poor forest management and, in some cases, various forms of pollution from intensive agriculture, urban and industrial development. There was a new awareness of the vital importance of forests as renewable sources of a wide range of goods and services at local, national and global levels, including food, medicine, fuel, shelter, clean water, soil stabilisation, flood control, and livelihood support. Forests are home to 70% of the earth’s known terrestrial plant and animal species and many have been identified as biodiversity “hot spots”. Forests are also critical factors in climate change both as sources and sinks of CO₂ and as ecosystems that are vulnerable to climate change.

The World Bank estimates that more than 1.6 billion people around the world depend on forests for subsistence, livelihood and employment. This contribution of forests to human well-being and “sustainable development” first received global recognition in June 1992 at the United Nations Conference on Sustainable Development (UNCED) in Rio de Janeiro when leaders adopted Chapter 11 of Agenda 21 on combating deforestation and the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (the Forest Principles). These documents

In addition to the work of the authors and the contributions of the Expert Panel, this chapter has greatly benefited from comments by Stephanie Caswell

represented the first global consensus on the multiple benefits provided by forests, national policies needed to maintain those benefits for present and future generations, and international cooperation needed to support national efforts.

In 1995, the Commission on Sustainable Development (CSD), which had been created in 1992 under the United Nations Economic and Social Council (ECOSOC) to ensure effective follow up to UNCED, established the Intergovernmental Panel on Forests (IPF) with a time limited mandate to carry forward the Forest Principles. In 1997, the CSD established the Intergovernmental Forum on Forests (IFF), also with a time limited mandate, to continue the work of IPF. The combined output of these two ad hoc processes consisted of more than 280 proposals for action to enhance the “management, conservation and sustainable development of all types of forests.”

In 2000, ECOSOC established the United Nations Forum on Forests (UNFF) as a subsidiary body with universal membership to facilitate national efforts to implement sustainable forest management (SFM) and enhance coordination among international instruments, organisations and institutions with significant forest-related mandates. Shortly thereafter the CPF was established to assist the work of the UNFF. In 2007, the UNFF and the United Nations General Assembly adopted the Non-legally Binding Instrument on All Types of Forests (NLBI). The NLBI creates a framework for national action and international cooperation to enhance implementation of SFM and the achievement of the four global objectives on forests endorsed by the UNFF in 2006. In 2015, the UNFF will review the effectiveness of the NLBI, as well as other efforts to achieve the four global objectives and to implement SFM.

1.2.2 The debate on a legally binding forest agreement and the approach of this assessment

The NLBI stands as the main output of state-centred efforts to create a forests-focused international regime. Ever since the UNCED preparatory process, the issue of whether or not to negotiate a legally binding global forest convention has been a matter of concern to the international forest policy dialogue and United Nations (UN) diplomacy. At Rio, the views of countries were divided, with developed (OECD) countries mainly favoring a convention and developing countries (the G77 and China) opposing one. There were many reasons for the united position of developing countries. At the core was the view that developed countries were pressing for a convention as a way to influence the management of tropical forests, while refusing to acknowledge

the problems in their own forests. The compromise was the adoption of the non-binding Forest Principles which established the notion, still found in the NLBI, that global forest governance concerns “all types of forests”.

The forest convention debate resumed at the CSD meeting in 1995 and was taken up once again at the fourth and final session of the IFF in 2000. Country positions shifted at both meetings, with many developed and developing countries now in favor of a convention. However key countries, including Brazil and other members of the Amazon Cooperation Treaty Organizations (ACTO) and the United States remained skeptical of the benefits of a convention. They were joined by non-governmental organisations (NGOs), who feared that negotiations could only succeed by leveling down forest practices.

The compromise was the creation of the UNFF with a mandate that included a five-year review. The review in 2005–2006 again found no consensus to negotiate a “legally binding agreement on forests”, with more countries, including African and a number of European Union countries, moving away from the idea of convention. Opponents questioned the ability of a convention to generate significant “new and additional financial resources” for developing countries or raise standards of forest management worldwide. Instead, the NLBI was concluded in 2007 and a formal process to examine financing for forests was launched in 2008.

While the issue of a legally binding convention may be raised again in the 2015 UNFF review, this report expresses no opinion on either the likelihood or the desirability of a forest treaty. As already noted, the panel’s chief concern is with developments that are already taking place and the challenge of working with the existing complex and comprehensive governance arrangements that could ultimately improve forest conditions and livelihoods. While the forest policy community has, until recently, devoted so much of its efforts to failed treaty negotiation, other forest-related developments have been proceeding on largely parallel tracks and now challenge the very existence of forests-focused governance.

In the run up to UNCED, for example, the text of two new conventions were developed: the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC). While these conventions were negotiated outside the UNCED preparatory process, they were opened for signature at Rio and subsequently ratified by sufficient numbers of signatories to create binding international law. Over time, the conferences of the parties to these conventions have increasing taken up forest-related issues in the context of their own respective mandates. As chapters 2 and 3 of this report will explain in greater detail, the CBD and the UNFCCC are by no means the only forest-related

treaties; however, they are two of the most important and their development illustrates the current challenge to forests-focused governance.

1.2.3 Forest-related treaties, complexity and fragmentation

The CBD and its work is premised on three core objectives that relate to forest governance: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. These objectives overlap with the concept of sustainable forest management as put forward by the NLBI and are reflected in the Global Objectives on Forests.

In addition, specific provisions of the CBD have a direct bearing on the question of forest governance. For example, Article 8(j) requests Parties to respect, preserve and maintain traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity and promote their broader application with the approval of the holders of such knowledge. This article is complemented by Article 10(c), which asks Parties to protect and encourage the customary use of biological resources through traditional cultural practices that meet conservation or sustainable use requirements. Lastly, Article 15 is also relevant as it sets out modalities for the fair and equitable sharing of benefits arising out of the utilisation of genetic resources. These issues of benefit sharing and the participation of indigenous and local communities often play a central role in forest governance.

As a result of this close connection, sustainable forest management considerations have spilled over into CBD. At the same time, however, spillovers have taken place and are likely to continue to take place in the other direction, especially with respect to the ongoing negotiations for the elaboration of an international regime on access and benefit sharing (ABS). This regime will likely have direct bearing on how forest genetic resources are utilised and how benefits derived from such use are shared. The success of international forest governance is thus more than ever contingent on ensuring that these various international instruments constitute a comprehensive and coherent framework that achieves goals such as ABS without losing sight of the forests themselves.

The Conference of the Parties (COP) to the CBD has certainly taken steps to promote the conservation of forest biodiversity, placing the theme of forest biodiversity at the forefront of its agenda. As early as 1996, COP 2, aware of the discussions taking place at the IPF, developed their first work programme on forest biological diversity. In 1998, COP 3 went

further and adopted forest protection and conservation as a priority theme for future activities and also established a technical expert group on forest biological diversity.

This was followed by Decision VI/22 of COP 6 in 2002 which instituted and articulated the thematic components of an expanded programme of work on forest biological diversity. The expanded program of work contains an extensive set of goals, objectives and activities for the conservation of forest biodiversity, the sustainable use of its components and the fair and equitable sharing of benefits arising from the utilisation of forest genetic resources. Furthermore, it explicitly recognises the complementary roles of the CBD and UNFF in stemming the loss of forest biodiversity and recognises that collaboration will promote beneficial synergies in guiding immediate and effective action by governments and other international bodies.

Many of the organisations that form the core of the international forest regime, whose work is analysed in chapter 3 of the report, recognise the need for coordination. In particular, the Secretariat to the CBD signed a memorandum of understanding (MoU) with the UNFF for a programme of work to address biodiversity in forests. The agreement followed UNFF Resolution 8/1, which requested the Secretariat to explore a format and opportunities for collaboration and cooperation with the secretariats of the Rio Conventions and develop joint activities related to sustainable forest management, the Global Objectives on Forests and the NLBI. Nonetheless, the central relevance of the CBD and its protocol to forest governance is undeniable, creating complex new linkages between institutions and actors.

Climate change represents another critical strand in this web of linkages constituting the system of global forest governance. Until recently, political discussions about climate change paid scant attention to forests. Most policymakers viewed emissions resulting from forest loss as hard to measure, monitor and control. They felt that any benefit from efforts to reduce deforestation would be short-lived (the problem of ‘permanence’) and suffer considerable ‘leakage’ (i.e. less carbon emissions in one place would lead to more emissions somewhere else). Many worried that focusing on tropical deforestation would reduce pressure on richer countries to lower their emissions. There were fears that including forests in trading schemes would flood the carbon markets and make other mitigation measures unprofitable. As a result, it comes as no surprise that the Kyoto Protocol provided few incentives for afforestation and reforestation and none to maintain existing forests (Eliasch 2008).

Both the Stern Report (Stern 2006) and the Intergovernmental Panel of Climate Change (IPCC) report (IPCC 2007) contributed to shifting political

attention and the international forest agenda toward the notion that forests will play a key role in any cost-effective climate change mitigation arrangement. By the end of 2008, the Eliasch Review reinforced the central proposition that urgent action to tackle the loss of forests worldwide needs to be a central part of any future international deal on climate change (Eliasch 2008). The Review claimed that a deal that provides international forest financing not only reduces carbon emissions significantly, but also benefits developing countries, supports poverty reduction and helps preserve biodiversity and other forest services (Hoogeveen and Verkooijen 2010).

However, given the scale of emissions from forests, forest mitigation measures pose a daunting challenge. As UN Secretary General Ban Ki-Moon has stated:

“Climate Change cannot be won without the world’s forests. This, however, will be a complex and challenging feat in terms of setting up incentive structures and implementation mechanisms, and will require a long-term commitment. But nonetheless, it is one of the best large-scale investments we can make against climate change that could result in an equally large dividend” (Norway 2008).

In UNFCCC negotiations, countries are working towards a comprehensive, legally binding, global agreement to tackle climate change. Reducing emissions from deforestation and forest degradation in developing countries (REDD+) has emerged as a potentially crucial instrument to pursue the ultimate objectives of UNFCCC in holding the increase in global temperature rise below 2 degrees Celsius above pre-industrial levels. REDD+ also holds the potential to reduce greenhouse gas emissions, improve the livelihoods of forest-dependent people, to conserve biodiversity and to inject substantial new funding into forest management. Although it is widely noted that to implement REDD+ within the framework of sustainable development strategies will require broad institutional and governance reforms, it remains to be seen whether this transformational change in the sector will be initiated. More to the point of this Report, it is still unclear how REDD+ is going to be coordinated with the other forest related initiatives to achieve forests-focused goals. Forests certainly are a means of storing carbon and a pool of genetic resources and a source of livelihoods but they are much more than this. Coordinating these goals – along with many others – while remaining clearly focused on this ‘more’ is the challenge of forest governance

1.3 Understanding international forest governance

1.3.1 Regimes and regime theory

The original focus of this assessment was the international forest regime. A “regime” is a set of governance arrangements. The term is a commonly-used one in the social sciences, in particular in political science, and is applied at various spatial scales from the local level to the international. In contrast, “governance” is the broader term, denoting any effort to coordinate human action towards goals. “Regime” is the narrower term, used to characterise a particular means or mode of coordination

At the local level, ‘commons’ regimes, sometimes called ‘common property regimes’, are terms developed to capture the set of agreed upon rules and arrangements that govern access to and the use of natural resources, such as crops, fish or forests, for a particular community (Ostrom 1990). Local commons regimes are designed to coordinate resource use in an effort to eliminate problems such as ‘free-ridership’ leading to the degradation of the resource.

At the national level the term ‘regime’ is traditionally used to denote a particular type of government such as military regime, socialist regime, and democratic regime. While this usage has been common in political science since Aristotle, it is a source of confusion in discussion of forest governance, where mention of a ‘regime’ is sometimes taken to mean coercive coordination. This is not the sense of regime used in this report.

The development and application of the regime concept to *international* affairs by international relations scholars dates only from the mid-1970s. In 1975 John Ruggie defined an international regime as “a set of mutual expectations, rules and regulations, plans, organisational energies and financial commitments, which have been accepted by a group of states” (Ruggie 1975: 570). Building on Ruggie’s approach, Oran Young later defined international regimes as “social institutions governing the actions of those interested in specifiable activities (or meaningful sets of activities) ... regimes are social structures” (Young 1980: 332).

However the most often-cited definition of an international regime is one put forward by the Stanford scholar Stephen Krasner in the early 1980s when he argued that international regimes are “sets of implicit or explicit principles, norms, rules and decision making procedures around which actors’ expectations converge in a given area of international relations” (Krasner 1982: 186). The Krasner definition formed the basis of a collection of papers on international regimes published in the journal *International Organization* (guest edited by Krasner). Ruggie’s definition is explicit that the members of

an *international regime* are states (i.e. governments) and only states. But later definitions, including that of Krasner, were broader, stressing that regimes are agreed to and constructed by a range of 'actors', thus admitting non-state actors such as business, non-governmental organisations (NGOs) and private financial institutions.

Despite the emergence of this broader notion of regime, discussions based on the Krasner definition tended to refer almost exclusively to collective arrangements agreed by states, such as the binding General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO) international trade regime or the non-binding G7/G8/G20 regime for international finance (for example: Breitmeier et al. 2006; Dimitrov 2003; Downie 2005; Downs 2000; Hansenclever et al. 1997; Helm and Sprinz 2000; Miles et al. 2002; Rittberger 1993; Vogler 2000; Young 1999). There was also often an assumption among regime theorists that an international regime requires a multilateral legal framework overseen by an institution of some sort, such as an international organisation or treaty or a conference of parties. For example, the Vienna Convention on Ozone Depletion of 1985 and Montreal Protocol to the Convention of 1987 and are usually considered synonymous with the 'international ozone regime'. The CBD, whose relevance to forest governance has already been noted, is often used to denote the 'international biodiversity regime', even though there are other binding agreements that address biodiversity, including the Convention on International Trade in Endangered Species of Flora and Fauna and the Ramsar Convention on Wetlands of International Importance.

Thus, in the regime theory literature since Krasner, there has been a distinct tendency to picture an international regime as a state-centric form of international cooperation grounded in 'hard' or binding international law, such as a convention, protocol, agreement or other legally binding instrument. On this reading of regimes, soft law alone is insufficient to constitute a regime and non-state actors have tended to be relegated to the role of 'stakeholders' to be consulted but hardly central players. This has led some observers to describe the international arrangement on forests as a 'non-regime' - defined as "transnational policy arenas characterised by the absence of multilateral agreements for policy coordination among states" (Dimitrov et al. 2007: 231).

In the opinion of this panel, the current framework for international forest governance is more accurately described as a 'regime complex': a set of specialised regimes and other governance arrangements more or less loosely linked together, sometimes mutually reinforcing but at other times overlapping and conflicting (Keohane and Victor 2010). A regime complex exists somewhere towards the middle of a spectrum between a comprehensive regime based on

a single legally-binding instrument at one end and a very loose and barely coordinated set of governance arrangements at the other (Alter and Meunier 2006; Raustiala and Victor 2004).

The extensive debate over the nature of international regimes is by no means merely academic. The debate grew out of a desire to understand and explain the development of multilateral governance arrangements over the last 30 years. Its conclusion that there are few, if any, comprehensive hard law regimes in the narrowest sense of the original regime concept is a very important one for understanding forest governance. If regime complexes are the most common type of governance arrangement, then the international forest regime complex is not so different from the other multilateral regime complexes. Attention turns to meeting the particular challenges of international forest governance rather than seeking to make the regime conform to an ideal that turns out to be largely imaginary.

1.3.2 Emerging views on an international forest regime complex

By the mid-1990's a view of an international forest regime complex had emerged that allows for international policy dialogue and cooperation on an issue to take place between a variety of state and non-state actors in the absence of a single multilateral legal agreement. This view found support from international forest policy experts and international environmental lawyers. In 1995, the same year that the IPF was created, for example, Richard Tarasofsky argued that an international regime on forests existed, comprising international and regional legal instruments and non-legally binding soft law ones. Tarasofsky later defined the international forest regime as "the totality of norms, rules, standards and procedures, as expressed in international institutions and other acts" (Tarasofsky 1999: 3). At that time, he identified three options for the future development of the regime: negotiating a convention on forests; negotiating a protocol on forests to the Convention on Biological Diversity; and making better use of existing instruments (Tarasofsky 1995).

In 1997 the existence of an international forest regime complex along these lines was recognised by the European Commission, in the context of a report by the European Forest Institute on how the regime could be further strengthened. The authors of this report argued that 'legal regime' in this context should not be used to imply a need for a specific legal instrument, but rather should be understood as encompassing the sum total of international instruments and institutions that create the framework for international action" (Glück et al. 1997:9).

Over a decade ago, David Humphreys argued that the international forest regime was founded upon three broad sources:

- a) the growing body of soft international law focused on forests;
- b) hard international legal instruments with a forest-related mandate (such as the CBD and UNFCCC); and
- c) voluntary private sector regulation, such as the Forest Stewardship Council principles for forest management (Humphreys 1999).

As the access and benefit sharing and REDD+ developments clearly demonstrate, the international forest regime complex is a dynamic rather than a static entity. It is constantly evolving as new international declarations and instruments are agreed, often of the forest-related rather than the forest-focused kind. However, what has really made an accurate characterisation of the international forest regime complex so much more difficult has been the development already noted by Humphreys in connection with voluntary private sector regulation. A key driver of change is the growing acceptance of the view that forest problems cannot be addressed purely by governmental and intergovernmental agreements. While the role that states play through intergovernmental organisations remains an important component of the forest regime, the regime complex now includes non-governmental actors, both for-profit and not-for-profit. A state-centric definition of international regimes is increasingly questioned, both in the international relations literature (Betsill and Corell 2007; Cutler 2002; Falkner 2003; Humphreys 1996; Joyner 2005; McCormick 1999; O'Neill 2009) and in international institutions themselves. The role of non-nation state actors in international politics and policy is the starting point for discussions of a broader concept of forest governance.

*Beyond the International Regime Complex:
the evolving role of non-government actors*

Beginning with UNCED, there has been a recognition that problems and issues related to sustainable development, including forest issues, cannot be addressed solely by governments through intergovernmental agreements, and that non-government actors, both for-profit and not-for-profit, have a vital role to play other than as sources of advice and legitimisation for state-led processes. The growing significance of policy coordination at a global level by actors without formal authority to do so is captured by the term 'governance'. Governance is conducted by international organisations, but also by "global social movements, NGOs, transnational scientific

networks, business organisations, multinational corporations and other forms of private authority" (Okeke et al. 2009: 60). As such, the actions of NGOs in global governance parallels similar developments at the level of regions and states, where the practice of governing on the basis of hierarchical authority is often observed existing side by side with new forms of coordination. Significantly, such new forms of coordination or 'governance arrangements' are very often found in response to challenges arising from the complexities of environment and sustainable development (Lemos and Agrawal 2006) and have been observed in forestry-related contexts at national and subnational levels (Howlett et al. 2009).

Section III of Agenda 21 states that "one of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making", and that "the commitment and genuine involvement of all social groups" is "critical to the effective implementation of the objectives, policies, and mechanisms agreed to by governments in all programme areas of Agenda 21." The CSD, further enshrined the important role of major groups in intergovernmental deliberations and as such represented a significant change in the attitude of the United Nations system to stakeholder participation in intergovernmental policy discussions. Since the CSD's creation in 1992, CSD meetings have provided innovative spaces for the participation of the range of non-government actors with the overall purpose of informing the Commission's decision-making processes.

The IPF/IFF proposals for action reflected this recognition of the important contribution of a range of stakeholders in sustainable forest management, including forest owners and managers and forest dependent local and indigenous communities. Many countries participating in criteria and indicators processes have operationalised this recognition by involving national and subnational stakeholders in criteria and indicator (C&I) implementation. The UNFF has followed the CSD model of inclusiveness interacting with major groups by convening multi-stakeholder dialogues with governments, organising panels on key issues to major groups, supporting side events and providing financial support to participants from developing and transition countries.

In addition to efforts at broader inclusion in intergovernmental processes, public-private partnerships and corporate-NGO partnerships have become common in the forests arena. Inclusion has generated funding and capacity for policy implementation on the ground and supported moves towards decentralised implementation of SFM. For example, the Congo Basin Forest Partnership (CBFP) and the Asia Forest Partnership (AFP) were both launched at the World Summit on Sustainable Development in Johannesburg in 2002, which gave special attention

Box 1.1 Key terms

Governance: any effort to coordinate human action towards goals. In the common distinction between government and governance, the latter is usually taken to refer specifically to coordination mechanisms that do not rest on the authority and sanctions possessed by states (Stoker 1998), but the report uses “governance” in the broadest sense of coordination.

International regime: a set of governance arrangements for an issue area usually based on some form of agreement by states. The standard definition is provided by Krasner (1982): “sets of implicit or explicit principles, norms, rules and decision making procedures around which actors’ expectations converge in a given area of international relations”. An international regime is thus much more than just a set of organisations and could in principle exist without any formal organisations at all.

Regime complex: a set of specialized regimes and other governance arrangements that are more or less loosely linked together, sometimes mutually reinforcing but at other times overlapping and conflicting (Keohane and Victor 2010).

Institutions: the rules of the game in society or, more formally, are the humanly devised constraints that shape human interaction (North 1990:3).

Organisations: very distinctive institutions with formal rules of membership and practice, embedded in the larger context of institutions as rules and expectations. For example, the institutionalised behaviour of seeking to conclude international agreements to solve common problems rather than acting unilaterally has created a number of organisations, most notably those that make up the UN system. Institutions in the broad sense used here are thus to be distinguished from the much narrower sense of institutions as organizations.

to the roles of public-private partnerships in promoting sustainable development. The CBFP, currently facilitated by Germany, has generated significant additional funding to support forest conservation and sustainable forest based livelihoods in the region.

A number of regional and international initiatives have also emerged that are focused on grass roots and community approaches to engaging local people in addressing forest issues. These include, inter alia, Forest Connect (IIED, FAO, PROFOR, NFP Facility), Growing Forest Partnerships (FAO, IUCN, World Bank, IIED), Rights and Resources Initiative, Responsible Asia Forestry and Trade, and The Forests Dialogue (in partnership cooperation with UNFF). Existing grass roots initiatives are also strengthening their international engagement, especially in the REDD context, including the Asia-Pacific Center for People and Forests, Coordinating Association of Indigenous and Community Agroforestry in Central America, Global Alliance of Community Forestry and International Family Forestry Alliance, to name only a few.

However, the introduction of new actors and new ideas, while important, can often obscure the challenges that a more participatory kind of global forest governance entails. Governance as coordination necessarily involves institutions. Participatory governance relationships are being institutionalised in a variety of ways, creating new structures, such as transnational policy networks and partnerships. While the blurring of boundaries between public and private in these networks and partnerships has raised concerns about legitimacy, new kinds of ‘entanglements’ (Porter 2009) are constantly being generated and subsequently institutionalised through

rule-making and the development of norms and expectations. The private rule making found in the various certification schemes for sustainably-produced forest products is only the tip of the iceberg in this respect.

Thus, while it may have been possible in the past to conduct an assessment of the international forest regime by focusing solely on the actors, institutions and instruments found at the core of the regime complex (Tarasofsky 1999), a broader kind of assessment is now required. This assessment seeks to accommodate the rapidly expanding and increasingly diverse set of actors, institutions and ideas seeking to coordinate action with respect to forests. While, in the technical language of political science, it may still be appropriate to refer to them as components of the international forest regime complex, we use the more accessible phrase ‘international forest governance’. The definitions of the key concepts used in this report are given in Box 1.1.

1.3.3 Expert panel’s view on international forest governance

The panel takes the view that the current set of international forest governance arrangements is best seen as a complex hybrid mix of international law, soft law, and non-government performance-based measures. Some are forest focused and others forest related. As discussed in chapter 2, these arrangements are now much more numerous and more complex than those considered in previous reviews and assessments. They include:

- a) *Non-legally binding* declarations, principles, statements, decisions, resolutions and other instruments reflecting political commitments focused on forests, including the NLBI, other decisions of the UNFF, IPF/IFF proposals for action, the Forest Principles and Chapter 11 of Agenda 21
- b) *Legally binding* conventions, agreements and other instruments with significant forest-related provisions, including the CBD, UNFCCC, UNCCD, CITES, Ramsar, as well as legally binding agreements and other instruments with the potential to influence forests indirectly, such as LRTAP
- c) *Treaty-based organisations and institutions* with significant forest-related mandates and programs or with the potential to affect forests, including CIFOR, FAO, ICRAF, ITTO, World Bank, GEF, NFP Facility and WTO
- d) *Other relevant organisations, institutions, networks and processes*, including GBIF, IUCN, IUFRO, UNEP and UNDP
- e) Performance-based international initiatives of *NGOs and other Major Groups*, including international certification schemes, such as FSC, Smartwood, and PEFC and industry codes of conduct, such as the work of WBCSD
- f) *Regional* organisations, institutions, instruments, processes, initiatives and networks, including ACTO, African Forest Forum, AFP, ASEAN, ATO, SADC, CBFP, Forest Europe, EFI, regional C&I initiatives, regional FLEG processes, FLEGT and regional certification programmes such as SFI
- g) *New 'entanglements'* – clubs of states, learning platforms and collaborations, including REDD+ partnerships, round tables, IBPES.

1.4 The challenge of complexity: why international forest governance matters

The report's main message is that global forest governance matters. It matters now because, while there are valuable new initiatives in play with real potential to sustain the world's forests, many, if not most of these initiatives will have a forest impact but not a forest focus. Whether their focus is actually climate change mitigation, human development, biodiversity conservation or trade, they require a more effective approach to coordination if they are ultimately to improve forest conditions and livelihoods as well as achieve their own goals. These developments will continue to take place and the global forest policy community does not have the luxury of waiting to address the resulting governance challenges in its own time.

Often, of course, governance problems are identified at national and subnational levels in the context of 'good governance'. In many developing countries, for examples, the distribution of rights to forestlands and resources is unclear and the laws governing forest use may be incomplete and poorly enforced. The report argues that the establishment of institutions and decision-making processes that are widely accepted as just and legitimate is a necessary condition to the solution of these problems. International forest governance, by developing consensus about the institutional and procedural measures necessary to improve forest conditions and livelihoods is a key part of this process. For example, the desire by an increasing number of diverse stakeholders to have their voices heard before outcomes are regarded as legitimate is both endorsed and given practical expression in international forest governance. International forest governance contributes to the setting of global goals that define key forest problems as worthy of attention and provides a number of procedures and venues for learning about the appropriate choice of policy instruments to solve them. An important feature of is often complex governance is the 'spillover' effect among its components, whereby the objectives, principles and decisions elaborated in one international instrument may subsequently be expressed in later international instruments.

Nonetheless, the complexity of forest problems rules out simple governance solutions. The international forest policy community has pursued a number of these 'quick fixes' over the last two decades with equally disappointing results. This report will argue that the immediate effect of the developments described in the previous section has been to intensify the value conflicts generated by an increasingly diverse group of stakeholders making it more difficult to achieve agreement on either goals or the most appropriate means to achieve them. This kind of complexity generates the familiar phenomenon of wicked problems. Emerging "at the juncture where goal-formulation, problem definition and equity issues meet" (Rittel and Webber 1973: 156), wicked problems are open ended, defying efforts to delineate their boundaries and preventing disaggregation into a series of less complex and more easily manageable components (Ludwig 2001; Nie 2003). Current trends suggest that forests are increasingly likely to be found at the intersection of an ever-more-complex web of cross cutting issues. These complex interlinkages will likely persist and become even more complex over time (Hoogeveen and Verkooijen 2010). The wicked problems of international forest governance thus demand that we embrace complexity rather than attempt to simplify and disaggregate.

With the goal of embracing complexity in mind, the report is organised into six chapters:

- Chapter 2* maps the core actors, objectives, decisions and priorities of international forest governance by using a framework of six generic environmental and socio-economic themes, and discusses the potential for constructive and destructive interplay among regime components.
- Chapter 3* identifies and discusses the core components of the international forest regime, and assesses their consistency and compatibility.
- Chapter 4* reviews and analyses the main discourses that shape forest issues and policies by distinguishing between three forest-related types of discourses: meta, regulatory and forest discourses.
- Chapter 5* explores the relationship between forest sustainability and forest management, focusing on the emergence of sustainable forest management and the obstacles that have arisen in defining and implementing SFM.
- Chapter 6* assesses the level of integration exhibited by the current governance arrangements and explores ways to manage an intrinsically fragmented set of arrangements through multi-level governance approaches.
- Chapter 7* examines the pathways through which international forest governance affects national and sub-national policies and actions and the options for promoting international forest governance goals.
- Chapter 8* draws on the main points, messages and conclusions from previous chapters to identify measures and options for improving the effectiveness of the current international forest regime.

The challenge that this report seeks to address is how to embrace the complexity and richness of the international forest regime, especially its multi-level aspects, without encouraging the worst effects of fragmented governance: ambiguity, overlap, duplication and inefficiency. The report focuses particularly on the potential for positive interactions between key elements of the existing global forest governance architecture without adding either new elements or attempting over-ambitious plans for greater integration among the parts. Our proposals recognise the urgency of the need to create forest focused governance arrangements that include within their scope the full range of actors and institutions with the potential to solve forest problems. We call this all-round forest governance approach 'Forests+'.

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