

# Appendix I: Preparatory study for the CPF Expert Panel on the International Forest Regime

## Overview of international policy instruments related to forests and their goals and tools

*Christoph Wildburger*

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*Revised and updated on the basis of comments by members of  
the CPF Expert Panel on the International Forest Regime*

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## I Introduction

In October 2009 the Steering Committee of the Collaborative Partnership on Forests (CPF) Global Forests Expert Panels approved the establishment of the Expert Panel on the International Forest Regime. According to its terms of reference, this expert panel is to “carry out a comprehensive assessment of available scientific information about the international forest regime and to prepare a report for use by the UNFF [United Nations Forum on Forests] at its ninth session, and also by the CBD [Convention on Biological Diversity] and other forest-related international processes”. More specifically, the assessment is to cover the following main thematic components:

- An overview of the political actors, policy instruments and institutions, and their forest-related goals and activities (‘mapping’).
- An overview of the shifts in actors, instruments, institutions and discourses related to forests since the United Nations Conference on Environment and Development (UNCED), which was held in Rio de Janeiro in 1992.
- The identification of different interpretations of sustainability with regard to forests, such as sustainable forest management (SFM), and their influence on the choice of instruments.
- The identification of the core components of the international forest regime and of the key instruments (the ‘meta-regime’), including the comparative roles of legally and non-legally binding instruments.
- A scientific assessment of the contribution of existing international policy instruments within the core components to meeting global forest-related goals; synergies and conflicts among them; potentials and gaps; and impediments.
- An examination of the influences of the international forest regime at the domestic level – lessons learned (including the identification of different pathways, such as certification).
- Options for improving the outcomes and impacts of the international forest regime.

On the basis of these provisions the Secretariat of the International Union of Forestry Research Organizations (IUFRO) commissioned this preparatory study. The aims of the preparatory study are to identify the policy instruments relevant to the international regime on forests, compile information on the main characteristics of those instruments, and provide an overview of their forest-related goals and tools for further analysis. In general, the purpose is to support the initial discussions of the Expert Panel on the International Forest Regime by providing a structural framework for the background information essential for analysis of the international forest regime. Within

the limited time available for preparing the study, the strongest possible efforts have been made to ensure that the overview of instruments, goals and tools is as complete as possible.

## 2 Methodological approach

Unless otherwise indicated, information for this study has been drawn from documents released by the institutions that administer the various instruments (usually obtained from their websites, which are listed at the back of this report). Existing compilations of instruments, especially that of McDermott et al. (2007), have been used as a basis for the analysis, updated and complemented according to recent developments. Other relevant scientific literature has also been used.

The study involved the following methodological steps:

1. Selection criteria for intergovernmental instruments relevant to the international forest regime were developed, taking into account the terms of reference of the expert panel.
2. Relevant policy instruments at the global and regional levels were identified according to the selection criteria and were categorised.
3. The relevant structural characteristics of the selected intergovernmental instruments – legal status, year of commencement, the number of participating countries, and geographical scope and institutional structure – were compiled. Not all this information was available, especially for regional-level instruments.
4. Based on available sources the selected instruments were analysed and forest-relevant policy goals and the policy tools identified. Institutional, organisational and structural linkages between instruments and tools were outlined.
5. International instruments involving non-governmental actors as well as current initiatives that may lead to the development of relevant instruments (e.g. REDD) were identified and compiled.

To enable the development of a transparent overview in the short time available for this preparatory study, international agreements and processes are labelled as *instruments*, whereas the mechanisms connected to them are referred to as *tools*. However, in the forthcoming detailed analysis by the expert panel, a more nuanced stratification using respective policy theory might prove useful (see also Howlett 2009).

For the purposes of this study, international instruments have been categorised according to institutional type as either *intergovernmental* or *non-governmental*. The intergovernmental instruments

have been further categorised according to their geographical scope as either *global* or *regional*, as well as according to their legal status as either *legally binding* or *non-legally binding*. The term international is usually used when it is unnecessary to distinguish between global and regional instruments.

## 2.1 Selection criteria

The international community has never agreed on a single mechanism to govern international forest policy. Over the years an array of instruments of considerable complexity has developed in response to evolving challenges, mainly connected to social and environmental aspects of sustainable development (see also McDermott et al. 2007). The lack of cross-sectoral coordination has resulted in an increasingly fragmented forest agenda at the international level.

A wide range of international instruments – inter-governmental agreements, processes and multilateral institutions, as well as non-governmental initiatives – potentially influences forest policy, either directly or indirectly. A complete compilation and assessment of all multilateral instruments and related activities is not feasible within the time available for this study. Therefore, a selection of key instruments that shape the international forest regime was made.

A systematic approach to the selection of relevant instruments is essential for an analysis of the shifts that have taken place in the instruments, actors, institutions and discourses of the international forest regime. The following criteria are therefore proposed for the selection of relevant instruments for analysis. They were chosen based on the relevance of the instruments in regard to access to and the management and protection of forest resources, the number of countries involved, the geographical scope of the instrument, and its legal status.

The proposed selection criteria for governmental instruments are as follows:

- The instrument is based on an intergovernmental agreement between at least three countries recognised by the United Nations.
- The geographical scope of the instrument covers at least three countries recognised by the United Nations.
- The instrument refers to forests in agreed documents and tackles issues related to access to, and/or the management of, and/or the protection of forest resources.

The proposed selection criteria for non-governmental instruments are as follows:

- The geographical scope of the instrument covers at least three countries recognised by the United Nations.
- The instrument refers to forests in agreed documents and tackles issues related to access to, and/or the management of, and/or the protection of forest resources.

In addition to the above criteria, reference is made in this preparatory study to global legally binding instruments that govern the use of natural resources in general or trade in products derived from them, if they have a:

- membership of at least 50 country parties; and a
- membership of the majority of the world's top ten countries in terms of forest cover and value of forest product trade.

Instruments that do not refer to forests and tackle forest-related issues but which might have the potential to influence forest policy are listed separately by name but are not analysed further. Due to the short time available for this preparatory study, not all documents of the various instruments could be obtained in English. Therefore, some instruments might need to be reassessed and possibly shifted into other categories.

## 3 Global-level intergovernmental instruments

At the global level, eight legally binding instruments and one non-legally binding instrument were identified on the basis of the proposed selection criteria.

### 3.1 Legally binding instruments referring to forests

#### 3.1.1 International Tropical Timber Agreement

The International Tropical Timber Agreement (ITTA) is the only global legally binding agreement focusing only on forests and the trade of forest products. The scope of the ITTA is tropical forests and tropical timber trade. Signatories are delineated into two broad categories – producer and consumer countries – on the basis of their focus on the production or consumption of tropical timber. The first ITTA, adopted in 1983, was superseded by a second ITTA in 1994. The most recent ITTA was adopted in 2006

and will enter into force if twelve governments of producer member countries holding at least 60% of the total votes, and ten governments of consumer member countries accounting for 60% of the global import volume of tropical timber, have ratified the agreement. It is expected that the ITTA, 2006 will enter into force by the end of 2010.

#### Goals

The objectives of the ITTA, 2006 are “to promote the expansion and diversification of international trade in tropical timber from sustainably managed and legally harvested forests and to promote the sustainable management of tropical timber producing forests” (ITTA 2006, Article I), by various means, including by providing a framework for policy development and international cooperation, research and information sharing.

#### Forest-related tools

The ITTA establishes the *International Tropical Timber Organization (ITTO)* as the body charged with administering the provisions and supervising the operation of the Agreement. Thus, ITTO develops internationally agreed policy documents to promote SFM and forest conservation and assists tropical member countries to adapt such policies to local circumstances and to implement them in the field through projects. The International Tropical Timber Council is the highest authority of the Organization and consists of all members of the Organization.

According to its mission statement, ITTO “facilitates discussion, consultation and international cooperation on issues relating to the international trade and utilization of tropical timber and the sustainable management of its resource base” (ITTO Action Plan 2008–2011). The Organization’s most recent *action plan* encompasses a period (2008–2011) spanning the extension of the ITTA, 1994 and the entry into force of the ITTA, 2006. It builds on Council decisions and is guided by the provisions of the ITTA, 2006.

ITTO has developed the *ITTO criteria and indicators for the sustainable management of tropical forests*, and collaborated with the African Timber Organization (ATO) in the development of the *ATO/ITTO principles, criteria and indicators for the SFM of African natural tropical forests*.

In collaboration with the International Union for Conservation of Nature (IUCN), ITTO developed the *ITTO/IUCN guidelines for the conservation and sustainable use of biodiversity in tropical timber production forests* as a tool for promoting SFM.

#### Institutional characteristics

There are currently 59 signatories to the ITTA, 1994, with 33 producer members and 26 consumer members. ITTO cooperates at various levels with a wide range of other organisations and instruments, such as the CBD, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the World Trade Organization (WTO), the UNFF and the Association of Southeast Asian Nations (ASEAN). ITTO is a member of the CPF.

#### 3.1.2 United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) is one of three ‘Rio Conventions’ agreed at UNCED.

#### Goals

The ultimate objective of the UNFCCC (and any related legal instruments that the Conference of the Parties – COP – has adopted or may adopt) “is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner” (UNFCCC, Article 2).

#### Forest-related tools

The *Kyoto Protocol* to the UNFCCC addresses forests as sinks for and reservoirs of greenhouse gases; Parties to the Protocol have committed themselves to promoting SFM and afforestation and reforestation. The Kyoto Protocol also defines forestry activities as measures to be accounted for in the greenhouse gas balance of Parties.

The *Marrakesh Accords to the Kyoto Protocol* provide for definitions, modalities, rules and guidelines relating to land use, land-use change and forestry activities under the Kyoto Protocol. The accords also establish specific intergovernmental mechanisms for implementing forest-related activities; these are Joint Implementation and the Clean Development Mechanism.

The COP to the UNFCCC and the Kyoto Protocol adopted several forest-related decisions, including a (non-binding) “good practice guidance for land use, land-use change and forestry (LULUCF) activities” as well as “modalities and procedures for afforestation and reforestation activities”. Forest-related

decisions made by the COP to date focus on the contribution of forests to greenhouse gas removals and the accounting systems and methodology needed to ensure carbon sequestration.

In decision 11/CP.7\* of the Marrakesh Accords, the UNFCCC defines *forest management* as “a system of practices for stewardship and use of forest land aimed at fulfilling relevant ecological (including biological diversity), economic and social functions of the forest in a sustainable manner”. In general, Parties to the UNFCCC are to be guided by the principle that land-use activities should contribute to biodiversity conservation and the sustainable use of natural resources.

Most recently, reducing emissions from deforestation in developing countries (REDD) has been discussed as a forest-related tool in climate change mitigation negotiations. Information about these developments is provided in a later section of this report.

#### Institutional characteristics

The UNFCCC was adopted in 1992 and enjoys near universal membership, with 194 Parties. The Kyoto Protocol was adopted at the third COP, which was held in Kyoto, Japan, in 1997; it entered into force on 16 February 2005 and, to date, has been ratified by 192 Parties. The UNFCCC COP is the decision-making body of both the UNFCCC and the Kyoto Protocol. The Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation provide advice to the COP.

The UNFCCC Secretariat is a member of the CPF and cooperates informally with the UNFF and the Food and Agriculture Organization of the United Nations (FAO). The Joint Liaison Group of the Rio Conventions links the UNFCCC with the CBD and the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD). The SBSTA of the UNFCCC and the CBD’s Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) convened a joint session in 2005.

#### 3.1.3 Convention on Biological Diversity

The CBD was agreed in 1992 and opened for signature at UNCED.

\* FCCC/CP/2001/13/Add.1, Addendum To the Marrakesh Accords, Dec. 11/CP.7, Annex: Definitions, modalities, rules and guidelines relating to land use, land-use change and forestry activities under the Kyoto Protocol, pp 56–58.

#### Goals

The objectives of the CBD “are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding” (CBD, Article 1).

The objective of the CBD’s Cartagena Protocol on Biosafety is “to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements” (Cartagena Protocol, Article 1).

#### Forest-related tools

In 2002 the CBD COP adopted a *strategic plan* in order to guide the further implementation of the Convention. In the mission statement of the strategic plan, Parties committed themselves to achieving, by 2010, a significant reduction in the current rate of biodiversity loss at the global, regional and national levels as a contribution to poverty alleviation and for the benefit of all life on Earth. This *2010 Biodiversity Target* was consequently endorsed by the World Summit on Sustainable Development and the United Nations General Assembly. The strategic plan covers the work of the CBD on all biomes and ecosystems, including forests.

The CBD COP has taken various decisions on forests and forest biodiversity. In 2002 it adopted an *Expanded Programme of Work on Forest Biodiversity* (Decision VI/22) as the main tool for implementing the Convention with respect to forests. This programme consists of three elements: conservation, sustainable use and benefit sharing; institutional and socio-economic enabling environment; and knowledge, assessment and monitoring. The twelve goals, 27 objectives and 130 activities cover a wide range of forest issues. Parties are urged to incorporate relevant objectives of the expanded programme of work into their national biodiversity strategies and action plans (NBSAPs) and national forest programmes. Consequently, the targets have been integrated into the expanded programme of work, the implementation of which has been reviewed by an Ad Hoc Technical Expert Group.

Under Article 6 of the CBD, Parties “shall ... develop strategies, plans or programmes” that reflect the provisions of the CBD at the national level. To date, 171 Parties have developed NBSAPs. Parties



should also, as far as possible and appropriate, integrate the conservation and sustainable use of biodiversity into relevant sectoral or cross-sectoral plans, programmes and policies – such as national forest programmes. Parties should also provide information on measures taken for the implementation of the Convention and the effectiveness of those measures (Article 26).

In Decision IX/5, the CBD COP referred to the use of *genetically modified trees* and reaffirmed, among other things, the need to take a precautionary approach and to authorise the release of such genetically modified trees only after the completion of studies in containment. Currently, an *international regime on access and benefit sharing* is under negotiation within the framework of the CBD in the Ad-hoc Open-ended Working Group on Access and Benefit Sharing.

In several of its decisions the CBD COP addresses cooperation and synergies with forest-related instruments at the global and regional levels.

#### Institutional characteristics

The CBD entered into force in December 1993 and has 193 Parties. The CBD COP is the governing body; it advances implementation of the Convention and provides policy guidance through decisions. To date the CBD COP has made a total of 252 procedural and substantive decisions. It is assisted by SB-STTA, which provides advice and recommendations on the basis of scientific, technical and technological information.

The CBD is a member of the CPF, the Biodiversity Liaison Group (comprising the heads of the secretariats of six biodiversity-related agreements – the CBD, CITES, the Ramsar Convention on Wetlands, the Convention on the Conservation of Migratory Species of Wild Animals, the World Heritage Convention and the International Treaty on Plant Genetic Resources for Food and Agriculture) and the Liaison Group of the Rio Conventions. It develops joint work programmes on specific topics, for example with the Ramsar Convention.

#### 3.1.4 United Nations Convention to Combat Desertification

After being discussed at UNCED, the UNCCD was adopted in 1994.

#### Goals

The objective of the UNCCD is “to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all

levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas” (UNCCD, Article 2).

The UNCCD also states that achieving the objective will involve long-term strategies focusing simultaneously on improved the productivity of land and the rehabilitation, conservation and sustainable management of land and water resources.

#### Forest-related tools

Under the Convention, Parties may prepare *national action programmes* (NAPs) that should include measures to conserve natural resources, such as by ensuring the integrated and sustainable management of forests. NAPs are one of the key instruments for the implementation of the Convention and are strengthened by action programmes at the sub-regional level (SRAPs) and the regional level. NAPs are developed in the framework of a participatory approach involving local communities and spell out the practical steps and measures to be taken to combat desertification in specific ecosystems. Regional activities are being launched through thematic programme networks.

The *ten-year strategic plan and framework* (2008–18) to enhance the implementation of the Convention guides all the actions of the Convention through strategic objectives and related indicators, some of which refer to forests.

#### Institutional characteristics

The UNCCD entered into force in 1996 and has 193 Parties. The UNCCD COP is the Convention’s supreme decision-making body, comprising all Parties; it oversees the implementation of the Convention. Sessions of the COP are held biennially, alternating with sessions of the subsidiary body, the Committee for the Review of the Implementation of the Convention (CRIC). A second subsidiary body, the Committee on Science and Technology, supports the COP.

The UNCCD is a member of the Joint Liaison Group of the Rio Conventions. Within this framework, it convened, together with the CBD and the UNFCCC, a workshop to explore synergies in the implementation of the three conventions on issues related to forests and forest ecosystems. The UNCCD and the CBD also agreed on a common work programme. The UNCCD is a member of the CPF.

### 3.1.5 Convention Concerning the Protection of the World Cultural and Natural Heritage

The Convention Concerning the Protection of the World Cultural and Natural Heritage (the ‘World Heritage Convention’) was adopted in 1972 and is hosted by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

#### Goals

The main goals of the World Heritage Convention are the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage around the world considered to be of outstanding value to humanity (World Heritage Convention, articles 2, 4 and 5).

#### Forest-related tools

The Convention establishes the World Heritage Fund, which provides international assistance, and the World Heritage Committee, which maintains the World Heritage List and the World Heritage in Danger List. The *Operational Guidelines for the Implementation of the World Heritage Convention* include, among other things, precise criteria developed by the World Heritage Committee for the inscription of properties on the World Heritage List and for the provision of international assistance under the World Heritage Fund. The Operational Guidelines make reference to forests and forestry.

The *World Heritage List* contains a number of forested areas and has the potential for many more designations. State Parties to the Convention have the obligation to prepare regular reports about the state of conservation and about the various protection measures put in place at their sites. The World Heritage Committee may decide on specific measures, for example the inclusion of a property in the List of World Heritage in Danger.

#### Institutional characteristics

The World Heritage Convention entered into force in 1975 and has 187 Parties. The General Assembly of States Parties to the World Heritage Convention meets during sessions of the General Conference of UNESCO and elects members to the World Heritage Committee. The World Heritage Committee has 21 members, who are also State Parties to the Convention, and meets once a year. The Committee is responsible for the implementation of the Convention, the allocation of funds and the inclusion of properties in the World Heritage List. A Bureau of seven members coordinates the Committee.

Three international non-governmental or inter-governmental organisations are named in the Con-

vention as Advisory Bodies to the Committee: they are IUCN; the International Council on Monuments and Sites; and the International Centre for the Study of the Preservation and Restoration of Cultural Property. The World Heritage Convention is a member of the Biodiversity Liaison Group.

### 3.1.6 Ramsar Convention on Wetlands of International Importance

The Convention on Wetlands of International Importance, especially as Waterfowl Habitat, also called the Ramsar Convention, was adopted in 1971 in Ramsar, Iran. It is an intergovernmental treaty that provides a framework for the conservation and wise use of wetlands and their resources. It is the only global environmental convention that deals with a specific type of ecosystem.

#### Goals

Under the Convention, Contracting Parties “shall designate suitable wetlands” within their territories for inclusion in the List of Wetlands of International Importance (the keystone of the Convention) and ensure their effective management. They should also work towards the wise use of all their wetlands through national land-use planning, appropriate policies and legislation, management actions and public education; and cooperate internationally concerning transboundary wetlands, shared wetland systems, shared species and development projects that may affect wetlands (Ramsar Convention, articles 2–5).

According to its current strategic plan, the Convention’s mission is the “conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”. The “wise use” of wetlands is defined as “the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development”. The Convention uses a broad definition of wetlands, which includes forested wetlands such as mangroves.

#### Forest-related tools

The Convention requests Parties to designate suitable wetlands in their territories for possible inclusion on the List of Wetlands of International Importance. Numerous forested wetlands are included in the List. The scope and focus of the Convention’s work is coordinated by means of a strategic plan, which provides guidance to the Contracting Parties and Convention bodies and sets out, in the context of the priority objectives, the actions expected of or

requested by them. The most recent strategic plan, *The Ramsar Convention Strategic Plan 2009–2015*, refers to the integration of wetland policies with national forest programmes and to the strengthening of partnerships with forest-related agreements.

*Official Guidelines* have been formally adopted by the Ramsar Conference of the Contracting Parties; they cover a range of advice on technical and management issues. *National reports* measure progress in the implementation of the Convention.

#### Institutional characteristics

The Ramsar Convention came into force in 1975 and has 160 Contracting Parties. The decision-making body of the Convention, the Conference of the Contracting Parties, meets every three years and is supported by a Standing Committee, a Scientific and Technical Review Panel, and a Secretariat. Currently, 1899 sites are designated for the List of Wetlands of International Importance covering about 186 million hectares.

The secretariats of the Ramsar Convention and the CBD have a memorandum of understanding, and joint work plans help to coordinate the work of the two institutions. The Secretariat of the Ramsar Convention also has a memorandum of understanding with the Secretariat of the World Heritage Convention and a memorandum of cooperation with the Secretariat of the UNCCD, and it cooperates with the UNFCCC Secretariat on an informal basis. It is a member of the Biodiversity Liaison Group.

#### 3.1.7 Convention on International Trade in Endangered Species of Wild Fauna and Flora

CITES was agreed in 1973 and entered into force in 1975. It has since been amended.

#### Goals

The main goal of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of those species. The Convention regulates the trade of threatened species by their inclusion in one of three appendices. The Parties “shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention” (CITES, Article II).

#### Forest-related tools

Numerous tree species are included in the *appendices* of CITES; for example, bigleaf mahogany (*Swietenia macrophylla*), which is of significant timber value, is listed in Appendix II (see also McDermott et al.

2007). *Appendix I* covers all species threatened with extinction that are or may be affected by trade; trade in specimens of such species is permitted only in exceptional circumstances. *Appendix II* lists all species “which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation” (CITES, Article II); other species may be listed in Appendix II if necessary to bring trade in specimens listed in Appendix II under effective control. *Appendix III* includes species “which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade” (CITES, Article II).

All trade of listed species must be authorised through a *licensing system*. Each Party to the Convention must designate “management authorities” in charge of administering the licensing system and “specific authorities” to advise them on the effects of trade on the status of the species.

A set of *biological and trade criteria*, agreed by the COP, provides the basis for determining whether a species should be included in Appendix I or Appendix II, with the COP making the final decision. Each Party is entitled to make unilateral amendments to Appendix III.

The CITES and ITTO secretariats are collaborating on a *joint programme of activities* aimed at ensuring that international trade in CITES-listed timber species is consistent with their sustainable management and conservation. The project goals are to help countries strengthen their capacities to make non-detriment findings, enhance national legislation and enforcement, and generally ensure the proper implementation of CITES.

#### Institutional characteristics

CITES has 175 Parties. The CITES COP is the Convention’s decision-making body, supported by a Standing Committee, an Animals Committee, a Plants Committee and the CITES Secretariat. The CITES Secretariat is a member of the Biodiversity Liaison Group.

### 3.2 Other relevant legally binding instruments

#### 3.2.1 World Trade Agreement

The World Trade Agreement (WTA), which establishes the WTO, was agreed in 1995; it focuses on the promotion of global trade liberalisation. The WTA does not refer to forests directly, but it affects the policies of all sectors to a greater or lesser extent.



The WTO has 153 members, including most of the world's top ten countries in terms of forest cover and value of forest product trade (McDermott et al. 2007).

#### Goals

The purpose of the WTO is to promote global trade liberalisation by requiring national-level changes in trade policy. The WTO is a forum in which governments may negotiate trade agreements and oversee the operation of their rules.

#### Forest-relevant tools

The WTA has two principal forest-relevant subsidiary tools: the General Agreement on Tariffs and Trade (GATT), and the Agreement on Technical Barriers to Trade (ATBT). The GATT requires Parties to revise their national-level policies to remove discriminatory rules of trade (GATT, articles I, III and XI) with exceptions for, among other things, non-arbitrary and non-trade discriminating measures “relating to the conservation of exhaustible natural resources” (GATT, Article XX(g)). According to its Article 2.4, the ATBT requires Parties to avoid the use of national-level policies to protect domestic industry from competition, and encourages Parties to harmonise their trade policies with global standards (McDermott et al. 2007). WTO rules on intellectual property rights and sanitary and phytosanitary measures may affect forest policies related to invasive alien species, genetic diversity and genetically modified trees. The very strict WTO regulations potentially conflict with restrictions connected to conservation and health.

McDermott et al. (2007) conclude that the assessments of the extent and significance of the role of the WTA and its subsidiary instruments in the framework of legally binding, global forest-related instruments remain controversial. On one hand it is argued that the objectives of the WTA and its subsidiary instruments may conflict with existing and proposed trade-related measures of the global legal framework for forests, particularly CITES and the ITTA. They could also interfere with the certification of forest products and related green-procurement initiatives. On the other hand, both GATT and ATBT provide exceptions for environmental management initiatives.

#### Institutional characteristics

The WTO is governed by a Ministerial Conference and a General Council, assisted by various thematic councils, committees, working parties and working groups.

### 3.3 Non-legally binding instruments referring to forests

#### 3.3.1 United Nations Forum on Forests

In October 2000 the Economic and Social Council of the United Nations (ECOSOC) established the UNFF as a subsidiary body. The Forum has universal membership comprising all member states of the United Nations as well as specialised agencies.

#### Goals

The main objective of the UNFF is to promote “the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end” based on the *Rio Declaration*, the *Forest Principles*, *Chapter 11 of Agenda 21* and the outcome of the *Intergovernmental Panel on Forests (IPF)/Intergovernmental Forum on Forests (IFF) processes* and other key milestones of international forest policy (ECOSOC Resolution 2000/35, Paragraph 1).

#### Forest-related tools

In 2007 the Seventh Session of the UNFF negotiated the *Non-Legally Binding Instrument on All Types of Forests (NLBI)*, which was subsequently adopted by the United Nations General Assembly in December 2007. The purpose of the NLBI is to strengthen political commitment and action at all levels to implement the sustainable management of all types of forests and to achieve the shared global objectives on forests; to enhance the contribution of forests to the achievement of internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability; and to provide a framework for national action and international cooperation.

The NLBI sets out four *Global Objectives on Forests*, which are to: 1) reverse the loss of forest cover worldwide through SFM, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation; 2) enhance forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people; 3) increase significantly the area of protected forests worldwide and other areas of sustainably managed forests, as well as the proportion of forest products derived from sustainably managed forests; and 4) reverse the decline in official development assistance for SFM and mobilise significantly increased, new and additional financial resources from all sources for the implementation of SFM. The NLBI also sets out

various measures to be adopted at the national and international levels to achieve its purpose.

The IPF, which was convened from 1995 to 1997, and the IFF, which was convened from 1997 to 2000, both under the auspices of the United Nations Commission on Sustainable Development, were the main post-UNCED intergovernmental fora for international forest policy development. The IPF/IFF processes produced a body of more than 270 proposals for action towards SFM, known collectively as the *IPF/IFF Proposals for Action*. These proposals form the basis of the UNFF Multi-Year Programme and Plan of Action.

#### Institutional characteristics

The UNFF is guided by a bureau and serviced by a secretariat. Country-led and organisation-led initiatives also contribute to the development of UNFF themes. Informal cooperation links the work of the UNFF to the CBD and several regional intergovernmental processes.

## 4 Regional-level intergovernmental instruments

### 4.1 Legally binding instruments referring to forests

According to the chosen selection criteria, eleven legally binding instruments referring to forests at the regional level were selected for analysis. In addition, the forest-related legislation of the European Union (EU) has been taken into account.

#### 4.1.1 Africa

##### 1) Yaoundé Declaration/COMIFAC

The Yaoundé Declaration on the Conservation and Sustainable Use of Tropical Forests, which was signed in 1999 in Yaoundé, Cameroon, by the Central African heads of state, constitutes the basis of the treaty establishing the Central African Forest Commission (COMIFAC). The scope of both the Yaoundé Declaration and COMIFAC is the conservation and sustainable management of forests in Central Africa.

#### Goals

In the Yaoundé Declaration the heads of state declare: their commitment to the conservation of biodiversity and the sustainable management of forest ecosys-

tems in Central Africa and the right of people to rely on forest resources; their support for the need to reconcile economic and social development with biological diversity conservation; their interest in the establishment, by the international community, of an international mechanism for financing a trust fund to support the sub-region's efforts to manage, conserve and conduct research on forest ecosystems; and their support for and solidarity with the Sahelian countries of Central Africa in controlling desertification.

#### Forest-related tools

To facilitate the implementation of the commitments laid down in the Yaoundé Declaration, COMIFAC was established in 2005 under the *Treaty on the Conservation and Sustainable Management of Forest Ecosystems and To Establish the Central African Forests Commission*. COMIFAC decides on, directs and coordinates subregional initiatives and actions pertaining to forest ecosystems in Central Africa; its aim is to encourage the conservation and sustainable management of forest ecosystems in Central Africa. Signatories commit to comprehensively addressing issues of policy harmonisation and coordination as well as cooperation regarding conservation and SFM. The provisions of COMIFAC cover the vast forest resources of the Congo Basin.

The *COMIFAC Convergence Plan*, adopted in 2005 to operationalise the commitments made in the Treaty, identifies priority actions to be carried out at the subregional and national levels. It has ten strategic axes: the harmonisation of forest and tax policies; knowledge on forest resources; ecosystem management and afforestation; the conservation of biological diversity; the sustainable valorisation of forest products; the development of alternative activities and poverty alleviation; capacity reinforcement, stakeholder participation, information and education; research and development; the development of financing mechanisms; and cooperation and partnerships. The Plan's *Tri-annual Action Plan 2009–2011* entered into force in July 2009. It presents a logic framework, setting out purpose, objectives and indicators of impact, as well as the expected results for each strategic axis.

#### Structural characteristics

Ten Central African countries are both signatories to the Yaoundé Declaration and members of COMIFAC. The Council of Ministers is the decision-making body of COMIFAC and is responsible for policy coordination and implementation. Guidelines for the implementation of the commitments were endorsed by the Summit of Heads of State and Government. The Council of Ministers is assisted by the Executive Secretariat.

COMIFAC has a memorandum of understanding with the CBD and has established partnerships with 15 organisations and initiatives, including the ATO and the Network of Central African Protected Areas.

## 2) *African Convention on the Conservation of Nature and Natural Resources*

The African Convention on the Conservation of Nature and Natural Resources was adopted in 1968 in Algiers, Algeria, and revised in Maputo, Mozambique in 2003 with the amendment of elements related to sustainable development. The overall scope of the Convention is the conservation of nature and natural resources in all African countries; it is hosted by the African Union.

### Goals

The objectives of the Convention are to: enhance environmental protection; foster the conservation and sustainable use of natural resources; and harmonise and coordinate policies in these fields with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes (Article II).

### Forest-related tools

The Convention addresses (in its *principles* and further *binding commitments*) the following: sustainable forestry practices; the conservation of forested areas; the adoption of scientifically based and sound traditional conservation, utilisation and management plans for forests; the establishment of forest reserves and afforestation programmes; the limitation of forest grazing to seasons and intensities that will not prevent forest regeneration; and the preservation of species, including forest trees.

### Structural characteristics

The original Convention has 30 Parties. The revised Convention has been signed by 36 countries, of which eight have ratified. The revised Convention will enter into force 30 days after the deposit of the 15th instrument of ratification. \*

\* African Union website ([www.africa-union.org](http://www.africa-union.org)), accessed 9 December 2009.

## 3) *Common Market for Eastern and Southern Africa*

The Common Market for Eastern and Southern Africa (COMESA) Treaty was signed in 1993 and COMESA was established in 1994 as an organisation of sovereign states. Under the Treaty, member states agree to cooperate in the development of their natural and human resources for the good of all their people.

### Goals

The COMESA Treaty establishes a Common Market for Eastern and Southern Africa with the following objectives: to attain sustainable growth and development for member states; to promote joint development in all fields of economic activity and the joint adoption of macro-economic policies and programmes; to cooperate in the creation of an enabling environment for foreign, cross-border and domestic investment; to cooperate in the promotion of peace, security and stability among member states; to cooperate in strengthening relations between the Common Market and the rest of the world and the adoption of common positions in international fora; and to contribute towards the establishment, progress and realisation of the objectives of the African Economic Community (COMESA Treaty, Article 3).

### Forest-related tools

COMESA's strategy for the agricultural sector stresses, among other things, the importance of cooperation and coordination in the exploitation of marine and forest resources. The *Forestry Management Strategy of COMESA* outlines key priorities for investment in the forest sector, such as in payments for ecosystem services, combating illegal trade in forest products, and capturing the value of the sector in national economies.

### Structural characteristics

COMESA has evolved a comprehensive decision-making structure at the top of which are the heads of state of the 20 member countries. The Council of Ministers is responsible for policymaking, assisted by twelve technical committees and a series of other advisory bodies (including specific relations with partner countries and the business community). In addition, each member state appoints liaison persons in their appropriate ministries, who form part of the day-to-day communication process. Overall coordination is achieved through a Secretariat, which is based in Lusaka, Zambia.

#### 4) South African Development Community

The South African Development Community (SADC) was founded in 1992 with the adoption of the Windhoek Declaration and Treaty. It has 15 member states in southern Africa.

##### Goals

The specific aims of SADC are set out in various documents, including the Windhoek Declaration and Treaty and various protocols, development and cooperation plans, and declarations. In general, the Community is intended to provide for both socio-economic cooperation and political and security cooperation among its member states, from the coordination of national activities and policies to more far-reaching forms of cooperation, such as the harmonisation of trade and economic policies (see also McDermott et al. 2007).

##### Forest-related tools

SADC agreed on a Forestry Protocol in 2002, the objectives of which are to: “promote the development, conservation, sustainable management and utilisation of all types of forests and trees; promote trade in forest products throughout the Region in order to alleviate poverty and generate economic opportunities for the peoples of the Region; and achieve effective protection of the environment, and safeguard the interests of both the present and future generations” (SADC Forestry Protocol, Article 3). To achieve its objectives, the Protocol also sets out measures and guiding principles for cooperation.

##### Structural characteristics

SADC has eight principal bodies and is governed by the Summit, comprising heads of state or heads of government, and the Council of Ministers.

#### 4.1.2 America

##### 1) Regional Convention for the Management and Conservation of Natural Forest Ecosystems and Development of Forestry Plantations

The Regional Convention for the Management and Conservation of Natural Forest Ecosystems and Development of Forestry Plantations (the ‘Central American Forest Convention’) was agreed in 1993. It was one of the first treaties focusing specifically on forests and comprises six signatory states in Central America.

##### Goals

The objectives of this Convention are: preventing land-use changes in forested areas located on properties that are suitable for woodlands; restoring deforested areas; establishing a standard soil classification system; readjusting settlement policies in forested areas; discouraging the destruction of forests in lands that are suitable for woodlands; and promoting land management and sustainable options (Central American Forest Convention, Article 2).

##### Forest-related tools

The Convention establishes the *Central American Council for Forests and Protected Areas* as an advisory body of the Central American Commission on Environment and Development (CCAD), a subsidiary body of the Central American Integration System. The Convention is responsible for the implementation of CCAD policies and strategies on the sustainable use of forest resources and the conservation of biological diversity. It works under several strategic implementation mechanisms and action plans related to cooperation on forests in the subregion. \*

##### Structural characteristics

No information could be obtained about the entry into force of the Convention. Implementation of the Convention is coordinated by the Central American Council for Forests and Protected Areas.

#### 2) Treaty for Amazonian Cooperation

The Treaty for Amazonian Cooperation (ACT) was agreed in 1978 by eight South American states as a legally binding framework for cooperation regarding economic development and environmental protection in the Amazon Basin. To administer the Treaty’s provisions, the Amazon Cooperation Treaty Organization (ACTO) was established in 1995 under an amendment protocol to the ACT.

##### Goals

The goals of ACT are the development of the Amazonian territories of member countries in an equitable and mutually beneficial way, the preservation of the environment, and the conservation and rational utilisation of the natural resources of those territories with a view to maintaining the ecological balance within the region and to preserving its species (ACT, articles I and VII).

\* CCAD website ([www.ccad.ws](http://www.ccad.ws)), accessed 3 December 2009.

### Forest-related tools

The *Strategic Plan 2004–2012* has been developed to guide ACTO in the implementation of the Treaty. It refers to the need to observe the commitments arising from relevant multilateral conventions, such as the CBD, CITES, the World Heritage Convention, the UNFCCC, the UNCCD, the Ramsar Convention and others. The strategic plan is structured according to strategic axes. Under the axis *Conservation and sustainable use of renewable resources*, the aim is to develop an alternative framework that will encourage the sustainable use of Amazonian forest services and products and discourage the unsustainable patterns of use that characterise the Amazon today. Consequently, the Treaty lays down a guiding framework for the management of Amazonian forests and for forest-related cooperation in inter-institutional networks. Thus, ACTO tackles all forest issues and activities.

In 1995 the Member Countries of the Treaty drafted the *Tarapoto Proposal of Criteria and Indicators for the Sustainability of Amazon Forest* at a regional workshop held in Tarapoto, Peru. The proposal initiated a process – the Tarapoto Process – to develop criteria and indicators for the sustainable management of forests that take into account the particular features of the ecosystems in the region.

### Structural characteristics

ACTO entered into force in 1998. It is governed at different levels by the Meeting of Ministers, the Amazon Cooperation Council (CCA), and the CCA Coordination Commission. In its implementation, ACTO takes into account the relevant provisions of global treaties and cooperates with several regional organisations and the UNFF.

### 3) Central American Convention for the Protection of the Environment

The Central American Convention for the Protection of the Environment was signed in 1989 by five Central American states, with the option of renewing the Convention every ten years. No information could be obtained on the date of the Convention's most recent renewal.

### Objectives

The main objectives of the Convention are coordinated action for sustainable development and conservation, and the determination of priority areas for action, including for tropical forest management (Central American Convention for the Protection of the Environment, Article II). \*

The specific objectives are to:

- instil respect for and protect the region's natural heritage, which is characterised by a high level of biological and ecological diversity;
- establish collaborative relations among the countries of Central America in the context of the quest for and adoption of methods of sustainable development, with the participation of all entities involved with development;
- promote coordinated action by governmental, non-governmental and international bodies in order to ensure the optimal and rational use of the region's natural resources, pollution control and the restoration of the ecological balance;
- manage the collection of the regional and international funds necessary to achieve the objectives of the present system;
- strengthen the national bodies responsible for the management of natural resources and the environment;
- promote the compatibility of the principal areas of national policy and legislation with the strategies for sustainable development in the region, and, in particular, to incorporate environmental considerations and parameters into national development planning processes;
- determine the priority areas for action, including environmental education and training, the protection of shared watersheds and ecosystems, tropical forest management, pollution control in urban areas, the import and management of toxic and dangerous substances and waste, and other aspects of environmental degradation that affect the health and quality of life of the population;
- promote participatory, democratic and decentralised environmental management in the countries of the region (Central American Convention for the Protection of the Environment, Article II).

Information on implementation activities and structural characteristics were unavailable for this study.

\* untreaty.un.org, accessed 4 December 2009.



### 4.1.3 Asia-Pacific

#### 1) Association of Southeast Asian Nations

ASEAN was established in 1967 in Bangkok, Thailand, with the signing of the Bangkok Declaration (also known as the ASEAN Declaration). The work of ASEAN is now based on the ASEAN Charter, a legally binding agreement among the ten ASEAN member states. An aim of ASEAN is the establishment of an ASEAN Community comprising three pillars: the ASEAN Political-Security Community; the ASEAN Economic Community; and the ASEAN Socio-Cultural Community. Cooperation among the member states is already organised according to this structure. ASEAN agreements apply to the territories of the member states and include, therefore, the large areas of tropical forest in Indonesia and Malaysia.

#### Goals

As set out in the ASEAN Declaration, the aims and purposes of ASEAN are to: accelerate economic growth, social progress and cultural development in the region; promote regional peace and stability; promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields; provide assistance to each other in the form of training and research facilities; collaborate more effectively for the greater utilisation of agriculture and industries, the expansion of trade, the improvement of transportation and communications facilities, and the raising of the living standards of the peoples of the member states; to promote Southeast Asian studies; to maintain close and beneficial cooperation with existing international and regional organisations with similar aims and purposes; and to explore all avenues for even closer cooperation among member states.

#### Forest-related tools

Forest-related tools are mostly developed in the framework of the ASEAN Economic Community under the guidance of the *ASEAN Ministerial Meeting on Agriculture and Forestry* (AMAF). The basic objective of ASEAN cooperation in food, agriculture and forestry is to formulate and implement regional cooperation activities to enhance the international competitiveness of ASEAN's food, agriculture and forestry products, as well as to further strengthen joint positions in international fora. AMAF identified priority areas, which are documented in the *Ministerial Understanding on ASEAN Cooperation in Food, Agriculture and Forestry*.

For the forest sector, ASEAN has developed five strategic thrusts: SFM and the conservation of natural resources; strengthening ASEAN cooperation and

joint approaches in addressing international and regional forestry issues; the promotion of intra- and extra-ASEAN trade in forest products and private-sector participation; increasing productivity and the efficient utilisation of forest products; and capacity building and human resources development. AMAF has endorsed the *ASEAN Strategic Plan of Action for 2005–2010 on Forestry*.

The *ASEAN Statement on Strengthening Forest Law Enforcement and Governance* was agreed in 2007 to further prevent and combat illegal logging and its associated trade through enhanced cooperation. The *ASEAN Multi-Sectoral Framework on Climate Change: Agriculture and Forestry Towards Food Security (AFCC)* was endorsed in 2009 to tackle issues of climate change and climate change response policies. Knowledge networks – the *ASEAN Knowledge Network on Forests and Climate Change* and the *ASEAN Regional Knowledge Network on FLEG* – have been established to facilitate exchanges at the technical level.

Some forest-related tools have been developed within the ASEAN Socio-Cultural Community. The *ASEAN Agreement on the Conservation of Nature and Natural Resources* was agreed in 1985 with the goals of maintaining essential ecological processes and life-support systems, preserving genetic diversity, and ensuring the sustainable utilisation of harvested natural resources. The binding commitments in Article 6 specifically refer to forest resources and set out measures in the context of these goals. The *ASEAN Declaration on Environmental Sustainability*, agreed in 2007, promotes the sustainable management of forests; calls on the international community to contribute to afforestation and reforestation and to reduce deforestation, forest degradation and forest fires by (for example) combating illegal logging; and sets the goal of increasing cumulative forest cover in the ASEAN region by at least 10 million hectares by 2020.

#### Institutional characteristics

The ASEAN Charter serves as a foundation for the Association by providing it with legal status and an institutional framework. It also codifies ASEAN norms, rules and values; sets targets; and addresses accountability and compliance. The ASEAN Charter entered into force on 15 December 2008.

Decision-making bodies related to forests include the ASEAN Senior Officials on Forestry (ASOF), and the ASEAN Expert Group on International Forest Policy Processes, which is concerned with links to global processes. Guided by AMAF, the ASOF is responsible for policy coordination, supported by expert groups such as the ASEAN Social Forestry Network.

#### 4.1.4 Europe

##### 1) *Convention on the Conservation of European Wildlife and Natural Habitats*

The Convention on the Conservation of European Wildlife and Natural Habitats (the ‘Bern Convention’) was adopted in 1979 and has 50 Parties.

##### Goals

The aims of the Bern Convention are “to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation” (Bern Convention, Article 1). Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species.

##### Forest-related tools

Parties to the Bern Convention are obliged to take all appropriate *measures* to ensure the conservation of the habitats of wild flora and fauna species. Such measures should be included in the planning and development policies of Parties, who should also promote education and disseminate general information concerning the need to conserve species of wild flora and fauna and their habitats. Species to be specifically protected, including forest species, are listed in the *appendices to the Convention*.

##### Structural characteristics

The Bern Convention entered into force in 1982 and is hosted by the Council of Europe. The Convention establishes a Standing Committee, on which all Parties are represented. The Committee’s principal task is to monitor the provisions of the Convention in the light of developments in the conservation status of wild flora and fauna in Europe and assessments of their needs. In particular the Standing Committee can make recommendations to Parties and amendments to the appendices in which the species to be specifically protected are listed.

##### 2) *Convention on the Protection of the Alps*

The Convention on the Protection of the Alps (the ‘Alpine Convention’) was adopted in 1991 as a framework convention on sustainable development in the European Alps. Eight countries of the Alpine region and the European Community are Parties to the Convention. Several Protocols have been agreed.

##### Goals

The Convention sets out basic principles and general measures for sustainable development in the Alpine region. The objectives are to: respect, preserve and promote the cultural and social independence of the indigenous population in the region and guarantee the basis for their living standards; ensure the economic and rational use of land and the sound development of the whole region; drastically reduce the emission of pollutants and pollution problems in the Alpine region; reduce quantitative and qualitative soil damage; preserve or re-establish healthy water systems; protect, conserve and, where necessary, rehabilitate the natural environment; maintain the management of land traditionally cultivated by man and preserve and promote a system of farming which suits local conditions and is environmentally compatible; *preserve, reinforce and restore the role of forests, in particular their protective role, by improving the resistance of forest ecosystems mainly by applying natural forestry techniques and preventing any utilisation detrimental to forests, taking into account the less favourable economic conditions in the Alpine region*; harmonise tourism and recreational activities with ecological and social requirements; reduce the volume and dangers of inter-Alpine and trans-Alpine traffic to a level which is not harmful to humans, animals and plants and their habitats; introduce methods for the production, distribution and use of energy which preserve the countryside and are environmentally compatible, and promote energy-saving measures; and develop a system of waste collection, utilisation and disposal which meets the special topographic, geological and climatic requirements of the Alpine region (Alpine Convention, Article 2).

##### Forest-relevant tools

The *Protocol on Mountain Forests* was agreed in 1996; it aims “to preserve the mountain forests as a near-natural habitat and, whenever necessary, to develop them or increase their extent and improve their stability”. The Protocol commits Parties to general and specific measures regarding forest management; the integration of its provision in the policies of other sectors; local participation; international cooperation; planning procedures; the protective, economic, social and ecological functions of forests; and access to forests, forest reserves, incentives, research, education, and information.

##### Structural characteristics

The Alpine Convention entered into force in 1995 and the Protocol on Forests entered into force in 2002. The Alpine Conference is the political decision-making body of the Convention and consists of the Ministers of the Alpine states. The Permanent

Committee is the executive body of the Alpine Conference; it comprises delegates of the Alpine states. Working groups may be established if deemed necessary for the implementation of the Convention, in view of assessments based on scientific information. A memorandum of understanding with the Carpathian Convention has been established.

### **3) Framework Convention on the Protection and Sustainable Management of the Carpathians**

The Framework Convention on the Protection and Sustainable Management of the Carpathians ('Carpathian Convention') was signed in 2003 by all countries of the Carpathian region, which includes one of Europe's largest areas of virgin forests.

#### **Goals**

The general objective of the Convention is that Parties "pursue a comprehensive policy and cooperate for the protection and sustainable development of the Carpathians with a view to inter alia improving quality of life, strengthening local economies and communities, and conservation of natural values and cultural heritage" (Carpathian Convention, Article 2).

#### **Forest-related tools**

The Convention sets out *legally binding measures* to integrate the objective of the conservation and sustainable use of biological and landscape diversity into sectoral policies, such as mountain forestry; promote and support the use of instruments and programmes compatible with internationally agreed principles of SFM; apply sustainable mountain forest management practices in the Carpathians, taking into account the multiple functions of forests; and designate protected areas in natural, especially virgin, forests. Recently, a *Protocol on Forests* has been discussed in fora of the Carpathian Convention but has not yet been agreed.

#### **Structural characteristics**

The Carpathian Convention is hosted by the United Nations Environment Programme (UNEP) and entered into force in 2006. The decision-making body is the COP of the Convention, coordinated by a Bureau. In addition, working groups and committees are established for specific purposes. The Convention is linked to the CBD, the Ramsar Convention and the Alpine Convention through memoranda of understanding.

### **4.1.5 Forest-related legislation of the European Union**

The European Union (EU) has not agreed on a legally based common forest policy to date, but legislation concerning the forest sector has been enacted in other policy areas and is binding on member states (see also Pülzl 2005). The geographical scope of the instruments of the EU is usually the area of its (currently 27) member states. The EU has institutions with the authority to draft and enact legislation and they do so on a regular basis; thus, laws are amended or replaced by new regulations on an ongoing basis. The legally binding provisions most relevant to forest policy are described briefly below.

Two directives on nature conservation, the Birds Directive and the Habitats Directive, are considered to be the backbone of EU nature protection legislation; they refer to forests as habitats of fauna and flora. The *Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitat Directive)* was adopted in 1992. The main aim of this Directive is to promote the maintenance of biodiversity, taking into account economic, social, cultural and regional requirements, while contributing to the general objective of sustainable development. The Directive provides for the conservation of rare, threatened or endemic species as well as rare and characteristic habitat types, and establishes the EU-wide Natura 2000 ecological network of protected areas. Members are obliged to designate areas according to the criteria set out in the Directive and to take measures against potentially damaging developments in these areas. The Directive refers to preventing damage to forests as habitats; forested natural habitats are listed in an annex. The *Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive)* was adopted in 1979. It ensures protection for all of Europe's wild birds, identifying species among them that are particularly threatened and in need of special conservation measures. Member states are required to designate protection areas for particularly threatened species and all migratory bird species. They are also part of the Natura 2000 network on protected areas set up under the Habitats Directive. The Birds Directive refers to preventing serious damage to forests as habitats.

*Regulation (EC) No 2152/2003 of the European Parliament and of the Council November 2003 Concerning Monitoring of Forests and Environmental Interactions in the Community (Forest Focus)* provides for measures regarding harmonised collection, handling and assessment of data on atmospheric pollution, forest fires, biodiversity, climate change, carbon sequestration, soils and protective functions of forests. Forest Focus was wound up on 31 December 2006 and replaced by a new financial tool for the environment, LIFE+, which operates in a broader con-

text, but the original regulation continues to govern the measures adopted under this scheme. *Regulation (EC) No 614/2007 of the European Parliament and of the Council of 2007 Concerning the Financial Instrument for the Environment (LIFE+)* co-finances environmental schemes in the EU and in certain countries outside the EU. Both private and public bodies and institutions may submit projects for funding. LIFE+ comprises three thematic components: 'Nature and Biodiversity', 'Environment Policy & Governance' and 'Information & Communication'.

In the context of *rural development regulations* (*Council Regulation (EC) No 1698/2005 of 20 September 2005 on Support for Rural Development by the European Agricultural Fund for Rural Development – EAFRD*, and others), forests are dealt with as a factor in agriculture, land-use and sustainable development. *Council Decision of 20 February 2006 on Community Strategic Guidelines for Rural Development (Programming Period 2007 to 2013)* also addresses strengthening the competitiveness of the forest sector, improving the environment, and local capacity building.

In the context of *combating illegal harvesting and illegal timber trade* in environmental and development cooperation policies, the European Commission adopted an *EU Action Plan for Forest Law Enforcement Governance and Trade (FLEGT)\**. Consequently, the Commission adopted *Council Regulation (EC) No 2173/2005 of 20 December 2005*, which allows for the control of the entry of timber to the EU from countries entering into FLEGT voluntary partnership agreements (VPAs) with the EU. The EU FLEGT policies target key regions and countries containing large areas of forest and which supply a large proportion of internationally traded timber – especially Central Africa, Russia, tropical South America and Southeast Asia. In this context the European Commission is currently discussing a regulation that would prohibit the sale of illegally harvested timber in the EU and require all operators to exercise due diligence procedures to ascertain if products are legal. It is expected that the regulation will be adopted soon.

In addition, legal documents regarding trade, energy, genetic resources, development cooperation and research make references to forests, and several EU support schemes and programmes for subsidies also relate to forests.

\* Communication from the Commission to the Council and the European Parliament – FLEGT – Proposal for an EU Action Plan, COM (2003) 251 final, Brussels, 21.5.2003. The Action Plan was endorsed by the Council in Council Conclusions Forest Law Enforcement, Governance and Trade (FLEGT) (2003/C 268/01).

#### International and regional processes on criteria and indicators for SFM

- ITTO process: tropical forests, 31 producer and 26 consumer participating countries
  - Lepaterique process: Central America, seven participating countries
  - Tarapoto process: Amazon forest, eight participating countries
  - ATO process: tropical forests in Africa, 13 participating countries
  - Dry-zone Africa process: 28 participating countries
  - Dry Forest in Asia process: nine participating countries
  - Near East process: 30 participating countries
  - Montreal process: temperate and boreal forests outside Europe, twelve participating countries
  - FOREST EUROPE – Ministerial Conference on the Protection of Forests in Europe process: European forests, 46 participating countries
- Source: Wildburger (2009).

## 4.2 Non-legally binding instruments referring to forests

This section provides a non-exhaustive overview of non-legally binding instruments referring to forests at the regional level that meet the proposed selection criteria.

### 4.2.1 Criteria and indicators processes

Several regional processes on criteria and indicators for SFM have been established. Some are connected to treaties or broader intergovernmental processes and have already been referred to. Above is a list of all C&I processes, including their geographical scope and the number of participating countries. Some states participate in more than one process. All processes have developed a comprehensive set of criteria and indicators aiming at SFM.

### 4.2.2 Forest law enforcement processes

A number of intergovernmental processes on forest law enforcement and governance have been established to combat illegal harvesting and promote good governance. The EU FLEGT policies, which also address trade, are described above.



### ***Europe and North Asia Forest Law Enforcement and Governance process***

The Europe and North Asia Forest Law Enforcement and Governance (ENAFLEG) process was initiated in 2004. The World Bank provided technical support and an international steering committee comprising 13 countries, the EU and the World Bank was established to guide the process. In 2005, Russia hosted a ministerial conference on ENAFLEG in St Petersburg attended by representatives of 44 governments. In the St Petersburg Declaration, countries committed themselves to national and international measures to address illegal harvesting and associated illegal activities, and they endorsed an indicative list of actions. ENAFLEG specifically recognises the need for the joint efforts of and the sharing of responsibility among wood product producer and consumer countries, civil society (especially the private sector and non-governmental organisations – NGOs) and donors. \*

### ***East Asia Forest Law Enforcement and Governance process***

The East Asia Forest Law Enforcement and Governance process (EAFLEG) started in 2001 when the East Asia Ministerial Conference on Forest Law Enforcement and Governance took place in Bali, Indonesia, co-hosted by the Government of Indonesia and the World Bank. The Conference adopted the Bali Declaration, in which participating countries committed themselves to, among other things, intensifying national efforts and strengthening bilateral, regional and multilateral collaboration in combating violations of forest laws. The Declaration also set out an indicative list of actions for implementing the commitments made in the Declaration. A regional FLEG task force was established to advance the Declaration's objectives, holding meetings in May 2002 and January 2003. The follow-up of the Bali Declaration has triggered agreements on specific regional efforts on forest law enforcement. \*\*

### ***African Forest Law Enforcement and Governance process***

The African Forest Law Enforcement and Governance process (AFLEG) is part of the New Partnership for Africa's Development (NEPAD). It started with the AFLEG Ministerial Conference, which was convened in 2003 in Cameroon, co-hosted by

the Government of Cameroon and the World Bank. Ministers from Africa, Europe and North America considered how partnerships between producers and consumers, donors, civil society and the private sector could address illegal forest exploitation and associated trade in Africa. The conference resulted in the endorsement of a Ministerial Declaration and an Action Plan for AFLEG. The Ministerial Declaration underlined the need for institutional and policy reforms relating to FLEG, and set out various related measures to be taken by countries. The Declaration also included an indicative list of actions addressing national level implementation; legislation and policy reform; capacity building; information; law enforcement and monitoring; wildlife resources; forest management practices; financing; and markets and trade. \*

### ***4.2.3 Instruments related to FAO regional forestry commissions***

The FAO Conference established six regional forestry commissions \*\* between 1947 and 1959. The commissions, comprising the respective FAO member countries of the region, meet every two years to address the most important forestry issues in the region at both a policy and a technical level. The regional forestry commissions serve as a link between global FAO fora, especially the Committee on Forestry, the UNFF, and national implementation.

Most of the regional forestry commissions have set up *technical working groups or sub-regional chapters* to implement activities that contribute to globally or regionally agreed goals. Some of the commissions have also established tools that link regional implementation to the global level.

A politically relevant instrument of the FAO regional forestry commissions is the *Asia-Pacific Forest Invasive Species Network (APFISN)*, established as a cooperative alliance of the 33 member countries in the Asia-Pacific Forestry Commission. APFISN is a response to the immense costs and dangers posed by invasive species to the sustainable management of forests in the Asia-Pacific region. The network focuses on inter-country cooperation that helps to detect, prevent, monitor, eradicate and/or control forest invasive species. A regional strategy for implement-

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\* World Bank website ([www.worldbank.org](http://www.worldbank.org)), accessed 10 December 2009.

\*\* African Forestry and Wildlife Commission, Near East Forestry Commission, European Forestry Commission, North American Forestry Commission, Latin American and Caribbean Forestry Commission, Asia-Pacific Forestry Commission.

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\*, \*\* World Bank website ([www.worldbank.org](http://www.worldbank.org)), accessed 10 December 2009.



ing the short- and long-term activities of the network has been developed and endorsed by the Asia-Pacific Forestry Commission. APFISN will coordinate its activities through an elected Executive Committee, an APFISN Coordinator, and country-nominated coordinators.

#### 4.2.4 Other processes

##### **FOREST EUROPE**

FOREST EUROPE – the Ministerial Conference on the Protection of Forests in Europe is the main intergovernmental policy process dealing with forests in the pan-European region. It was initiated in 1990 and covers all aspects of SFM in Europe. Forty-six European countries and the European Community are signatories to FOREST EUROPE.

##### Goals

FOREST EUROPE has no founding document that defines its objectives but, rather, a series of ministerial declarations and resolutions. The inherent goals of FOREST EUROPE can be described as promoting SFM in Europe and providing a framework for forest-related cooperation and forest policy development at the pan-European level.

##### Forest-related tools

Since 1990, *nineteen resolutions* have been adopted at five ministerial conferences. Through FOREST EUROPE commitments, the concept of SFM has been defined for Europe and continuously developed at the pan-European level. The resolutions cover a wide range of economic, ecological and social aspects related to forests and their management, translate relevant global commitments for the European region, and serve as a framework for implementing SFM in European countries. *Specific tools* have been developed, such as the *Pan-European Operational Level Guidelines for Sustainable Forest Management*, *Assessment Guidelines for Protected and Protective Forests and Other Wooded Land in Europe*, and the *Pan-European Guidelines for Afforestation and Reforestation*. In addition, the *Pan-European Criteria and Indicators for Sustainable Forest Management* were developed; among other things, these are used for periodic reporting on the state of forests in Europe. The implementation of FOREST EUROPE commitments is guided through *work programmes* that set out pan-European activities.

##### Structural characteristics

FOREST EUROPE is governed by periodic ministerial conferences. Between conferences, decisions may be made at Expert Level Meetings. Working groups on specific topics, as well as the Liaison Unit, which acts as secretariat, facilitate policy formulation and implementation. FOREST EUROPE links itself to global and regional processes by content as well as structurally and intends to represent pan-European cooperation on forest policy in global fora.

##### ***Pan-European Biological and Landscape Diversity Strategy***

The Pan-European Biological and Landscape Diversity Strategy (PEBLDS) was endorsed by 55 countries at the Environment for Europe Ministerial Conference in 1995 in Sofia, Bulgaria. The PEBLDS was considered a pan-European response to the implementation of the CBD and has been established for 20 years.

##### Goals

The PEBLDS aims to substantially reduce threats to Europe's biological and landscape diversity; increase the resilience of Europe's biological and landscape diversity; strengthen the ecological coherence of Europe as a whole; and ensure full involvement in the conservation of the various aspects of biological and landscape diversity.

The objectives of the PEBLDS are: the conservation, enhancement and restoration of key ecosystems, habitats, species and features of the landscape through the creation and effective management of the Pan-European Ecological Network; the sustainable management and use of the positive potential of Europe's biological and landscape diversity by making optimum use of the social and economic opportunities on a local, national and regional level; the integration of biological and landscape diversity conservation and sustainable use objectives into all sectors managing or affecting such diversity; improved information on, and awareness of, biological and landscape diversity issues, and increased public participation in actions to conserve and enhance such diversity; improved understanding of the state of Europe's biological and landscape diversity and the processes that render them sustainable; and assurance of adequate financial means to implement the Strategy.

**Forest-related tools**

The PEBLDS addresses forests in its action plans, its Rolling Work Programme and in the PEBLDS Pan-European 2010 Biodiversity Implementation Plan. It cooperates with FOREST EUROPE in the implementation of all forest-related activities.

**Structural characteristics**

The PEBLDS is hosted by the Council of Europe and UNEP's Regional Office for Europe. The decision-making body is the Strategy Council, and the Strategy Bureau provides executive support. The PEBLDS has established links to several global and regional treaties and processes, including the CBD and FOREST EUROPE, usually through memoranda of understanding or cooperation frameworks.

***Asia-Pacific Economic Cooperation***

The Asia-Pacific Economic Cooperation (APEC) was established in 1989 as an intergovernmental forum for facilitating economic cooperation in the Asia-Pacific region. It operates on the basis of non-binding commitments and has 21 member states referred to as Member Economies.

**Goals**

According to its mission statement, APEC's primary goal is to support sustainable economic growth and prosperity in the Asia-Pacific region. The Bogor Goals, adopted in 1994 in the APEC Economic Leaders Declaration of Common Resolve, are "free and open trade and investment in the Asia-Pacific by 2010 for industrialised economies and 2020 for developing economies". \*

**Forest-related tools**

The Sydney APEC Leaders' Declaration on Climate Change, Energy Security and Clean Development refers to the role of forests in the carbon cycle and addresses afforestation, reforestation, deforestation, forest degradation, SFM and illegal logging. It sets the goal of increasing forest cover in the APEC region by 20 million hectares by 2020 and establishes the Asia Pacific Network on Sustainable Forest Management and Rehabilitation.

**Structural characteristics**

APEC is funded by annual contributions by members. Each year one of the Member Economies plays host to meetings and serves as APEC Chair. Decisions made within APEC are reached by consensus and commitments are undertaken on a voluntary basis. The APEC Secretariat, which is based in Singapore, operates as the core support mechanism for the APEC process.

***African Timber Organization***

The ATO was established in 1976 to promote sustainable timber production and timber trade. It is based in Gabon and provides training and outreach to its members. The ATO has 14 African member states, which together account for over 75% of Africa's tropical forest (McDermott et al. 2007). Its main priority since 1994 has been to "promote the implementation of sustainable forest management in ATO member countries ... in accordance with recommendations made at international level, especially by the Intergovernmental Panel on Forests". \*\* The ATO, together with ITTO, initiated a criteria and indicators process (see above) and developed the *ATO/ITTO Principles, Criteria and Indicators for the Sustainable Management of African Natural Tropical Forests*, a set of five principles, two sub-principles, 28 criteria and 60 indicators.

***Forest strategy of the European Union***

Since 1988 the European Union has attempted to adopt a common approach to forests, with the European Commission publishing a communication (COM 88-255) on a strategy and action programme for the forestry sector. In 1999, the Council Resolution on a Forestry Strategy for the European Union was adopted with the aim of establishing a framework for actions in support of SFM, based on the coordination of the forest policies of member states, EU policies and relevant initiatives. In 2006 the Commission adopted the EU Forest Action Plan with the aim of transforming the EU Forestry Strategy into a dynamic process capable of responding to the newly emerging policy context as well as improving co-ordination, co-operation (and coherence) in decision. The Action Plan is for the period 2007–2011; a mid-term evaluation was completed in 2009 (Pülzl and Lazdinis 2009).

\* APEC website ([www.apec.org](http://www.apec.org)), accessed 2 October 2010.

\*\* FAO website ([www.fao.org](http://www.fao.org)), accessed 10 December 2009.

Instrument	Geographical scope	Category
Convention on the Conservation of Migratory Species of Wild Animals	Global	Intergovernmental Legally binding
World Charter for Nature	Global	Intergovernmental Non-legally binding
Espoo Convention on Environmental Impact Assessment	Global	Intergovernmental Legally binding
Indigenous and Tribal Peoples Convention	Global	Intergovernmental Legally binding
European Landscape Convention	Europe	Intergovernmental Legally binding
Convention on the Conservation of Nature in the South Pacific (Apia Convention)	Asia (South Pacific)	Intergovernmental Legally binding
Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere	America	Intergovernmental Legally binding
The North American Agreement on Environmental Cooperation side agreements to the NAFTA	North America (Canada, United States, Mexico)	Intergovernmental Legally binding

5 Intergovernmental instruments potentially influencing forest policy

A non-exhaustive list of intergovernmental instruments that do not refer to forests in agreed documents but which might have the potential to influence forest policy is presented above. These instruments have not been analysed in terms of their goals or related tools, but their geographical scope and category/legal status are indicated.

6 International non-governmental instruments referring to forests

Various international instruments that address forest issues are led by NGOs or have a strong focus on non-government involvement. A non-exhaustive overview of such instruments is presented below.

6.1 Certification schemes

Programme for the Endorsement of Forest Certification schemes

The Programme for the Endorsement of Forest Certification schemes (PEFC) endorses national

certification schemes that meet its criteria for the mutual recognition of credible certification systems worldwide. The PEFC Council is an independent, non-profit NGO, which according to its statutes aims to promote sustainably managed forests through independent third-party certification. To this end, the PEFC provides a mechanism to assure purchasers of wood and paper products that in buying such products they are promoting SFM. The PEFC was launched in Paris in 1999.

There are two categories of membership: national members, which are independent, national or sub-national organisations established to develop and implement a PEFC system within their country; and international stakeholder members, which are international entities including NGOs, companies and associations committed to supporting PEFC’s principles. The PEFC currently has 35 national members. The schemes of 25 of these members have been endorsed, accounting for more than 200 million hectares of certified forests. The schemes of other national members are at various stages of development and are working towards mutual recognition under the PEFC process.

Forest Stewardship Council

The Forest Stewardship Council (FSC) was established in 1993 as a certification system that provides internationally recognised standard setting, trademark assurance and accreditation services to companies, organisations and communities. FSC is an

independent, non-profit NGO aiming to promote the responsible management of forests. It encompasses members representing, among others, environmental and social groups, the timber trade, indigenous people's organisations, responsible corporations, community forestry groups and forest product certification organisations. The General Assembly of FSC Members, the organisation's highest decision-making body, has three membership chambers (Environmental, Social and Economic). Below the level of the Assembly are two other decision-making levels: the Board of Directors and the Executive Director. FSC certification and the right to use the FSC label is based on globally applied FSC rules. Ten principles and 56 criteria form the basis of all FSC forest management standards. There are three types of FSC certificates: FSC forest management certification, FSC chain-of-custody certification and FSC controlled wood certification. According to the FSC, in October 2009 around 117 million hectares of forest in more than 82 countries worldwide were certified to FSC standards.

## 6.2 Public–private partnerships

The development of public–private partnerships was an important outcome of the World Summit on Sustainable Development held in Johannesburg in August/September 2002. The Summit gave formal recognition to such partnerships as an important tool for enhancing the implementation of sustainable development goals. The Johannesburg Plan of Implementation explicitly addresses public–private partnerships with regard to SFM and forest law enforcement (see Wildburger et al. 2004).

### *Congo Basin Forest Partnership*

The Congo Basin Forest Partnership (CBFP) is an initiative to foster cooperation between an inter-governmental process, government agencies and NGOs in the Congo Basin. It was launched at the 2002 World Summit on Sustainable Development as a non-binding partnership registered with the United Nations Commission on Sustainable Development. It is a 'Type II' partnership – a voluntary multi-stakeholder initiative contributing to the implementation of an intergovernmental commitment (i.e. the Yaoundé Declaration), bringing together the ten member states of COMIFAC, donor agencies, international organisations, NGOs, scientific institutions and representatives of the private sector. The CBFP works in close cooperation with COMIFAC with the objective of promoting the conservation and sustainable management of the Congo Basin's for-

est ecosystems by improving the effectiveness of technical and financial contributions (according to the CBFP cooperation framework). CBFP members aim to support the implementation of COMIFAC's Convergence Plan and the Yaoundé Declaration by protecting the region's biodiversity; promoting good forest governance; and improving the population's living standards. The CBFP also facilitates the Central African Protected Areas Network.

### *Asia Forest Partnership*

The Asia Forest Partnership (AFP) was launched in 2002 at the World Summit on Sustainable Development as a Type II partnership for sustainable development. The AFP set itself the task of information sharing, dialogue and joint action to promote SFM with an initial duration of five years (2002–07). In 2007, partners agreed to an eight-year second phase (2008–15). The goal of the AFP is to "promote co-operation and catalyze action among governments, civil society and business to achieve sustainable forest management in Asia and the Pacific and thereby maintain and enhance the provision of forest products and ecosystem services, and their contribution to human well-being". \*

### *Green Heart of Africa Initiative*

The Green Heart of Africa Initiative was launched by the World Wide Fund for Nature (WWF) with funding from the governments of Norway and the United Kingdom through the Congo Basin Forest Fund. It constitutes a regional programme with the aims of avoiding deforestation and alleviating poverty through the mobilisation of carbon-linked funding mechanisms and by ensuring the stable and equitable sharing of benefits. \*\*

### *Puembo Initiative*

The Puembo Initiative was launched in Puembo, Ecuador in 2002 with the aim of linking national forest programmes to the implementation of regional and global forest-related commitments. Under the Initiative, nine Latin American countries committed to joint action to support national forest programme processes. In 2005, ACTO, CCAD, the Latin Ameri-

\* AFP website ([www.asiaforests.org](http://www.asiaforests.org)), accessed 5 October 2010.

\*\* WWF website ([www.wwf.org](http://www.wwf.org)), accessed 12 December 2009.

can and Caribbean Forestry Commission, the Dutch Ministry for Foreign Affairs and the German Ministry for Economic Cooperation and Development launched the Puenbo II Initiative to strengthen the dialogue on forests within and among countries in Latin America and the Caribbean. They proposed including more countries in the process and broadening the scope to include biodiversity issues, intersectoral approaches and overall poverty alleviation goals. Subsequently, almost all Latin American countries joined Puenbo II. The key activities of the Initiative are sub-regional workshops and national studies. The three founding regional organisations (ACTO, CCAD and FAO through the Latin American and Caribbean Forestry Commission) guide the initiative and set its priorities through a steering committee. Participation is not exclusive to countries that are members of the participating organisations; other potential partners such as NGOs and the World Bank are invited to contribute to the process. A Puenbo III Initiative is being planned.

### *Heart of Borneo Initiative*

The Heart of Borneo Initiative was launched by WWF and the Government of Brunei Darussalam in 2005 with the aim of assisting Borneo's three nations (Brunei Darussalam, Indonesia and Malaysia) to conserve the forest area known as the Heart of Borneo. In February 2007 the Declaration to Conserve the Heart of Borneo was signed by the three governments; it focuses on conserving the rainforests of Borneo through a network of protected areas and sustainably managed forests and through international cooperation led by the Bornean governments supported by a global effort. \*

\* WWF website ([www.wwf.org](http://www.wwf.org)), accessed 12 December 2009.

## 7 Recent initiatives

A non-exhaustive list of recent initiatives that may lead to the development of forest-relevant instruments is presented below.

### **REDD**

*Reducing emissions from deforestation in developing countries (REDD)* is a financial mechanism currently under discussion in the UNFCCC for the post-2012 climate change regime. The Bali Action Plan (*Decision 1/CP.13, FCCC/CP/2007/6/Add.1*) mandates Parties to the UNFCCC to negotiate a post-2012 instrument to address the contribution of greenhouse gas emissions from deforestation in developing countries to climate change. COP 13 also adopted a decision on reducing emissions from deforestation in developing countries (*Decision 2/CP.13, FCCC/CP/2007/6/Add.1*), which encourages Parties to explore a range of actions, identify options and undertake efforts to address the drivers of deforestation and forest degradation, including through demonstration activities. This decision extends the scope of REDD to include deforestation (Karousakis 2009). Recently, REDD has been referred to as REDD+, a concept that includes forest conservation, the sustainable management of forests, and the enhancement of carbon stocks as potential REDD measures in a future mechanism.

The negotiation process on REDD is ongoing and a possible REDD mechanism is part of the overall discussion on the post-2010 climate change regime. The scope of such a mechanism, the approach to financing, and several technical and methodical aspects still need to be agreed upon. Nevertheless, if eventually agreed it could be a powerful instrument in the international forest regime.

### *Canada initiative on a legally binding agreement*

Canada has initiated and is leading a process, with like-minded countries, on a global-level legally binding agreement on SFM; the process is outside and parallel to existing institutions. So far a non-paper, which serves as a draft for discussion purposes and provides a possible model for an agreement, has been developed. A negotiation process was scheduled to start in March 2009.



### ***FOREST EUROPE Working Group on Exploring a Legally Binding Agreement***

In 2008 the FOREST EUROPE Expert Level Meeting decided to establish a “Working Group on Exploring the Potential Added Value of and Possible Options for a Legally Binding Agreement on Forests in the Pan-European Region”. The working group finalised its work in October 2009 and delivered a report containing its main findings and recommendations. Based on these findings, the Expert Level Meeting established a preparatory group/working group to develop a non-paper as technical background for the next FOREST EUROPE Ministerial Conference with the aim of setting out possible elements of a legally binding agreement on forests in Europe, including content, institutional arrangements and commitments.

### ***Agreement between ASEAN, COMIFAC and ACTO***

ASEAN, ACTO and COMIFAC – regional inter-governmental organisations that together represent the world’s three largest tropical forest regions (the Amazon, the Congo Basin, and Borneo) – have agreed to work together to enhance south–south co-operation in conserving and sustainably managing tropical forests and biodiversity. The three regions collectively contain over 80% of the world’s tropical forests. The goal of the agreement is to share knowledge, strategies and experiences in order to promote mutual learning on forest and biodiversity conservation policy and programmes and to improve the coordination and impact of their organisations. Several informal meetings of the three organisations have been convened. \*

### ***Proposed regulation on illegal timber in the European Union***

This proposed regulation was described in Section 4.1.5.

### ***Proposed Forest Protocol under the Carpathian Convention***

This proposed protocol was described in Section 4.1.4.

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\* CBD website ([www.biodiv.org](http://www.biodiv.org)), accessed 10 December 2009.