



Working Paper

Proposal on the structure and content of an international instrument for the protection, conservation and development of forests-IIF

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Publication Date:

1996

Permanent Link:

<https://doi.org/10.3929/ethz-a-004261204> →

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Working Papers
International Series

96/5

Chair Forest Policy and Forest Economics
Department of Forest Sciences

***Proposal on the Structure and Content
of an International Instrument
for the Protection, Conservation
and Development of Forests - IIF***

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Zurich 1996



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FOREWORD

The following working paper presents considerations on the role, format and possible content of an International Instrument on Forest (IIF). It has been conceived along the lines of a checklist establishing a sequence of important issues that may be addressed. The proposals on the possible contents are based on a listing of objectives and measures that are relevant in the context of forest protection, conservation and development. The guiding principle is the distinction between three levels of action and cooperation: the national level, the regional and/or transboundary level, and the global international and multinational level.

The options and alternatives should be understood in the context of the continuing international debate on reasons in favour respectively against an IIF which would contain internationally agreed commitments. Probably not all of the indicated elements may be judged as relevant and politically acceptable if the text of such an instrument would be worked out. However, the considerations of the working paper may be a useful background in identifying some of the important issues that are to be discussed.

Franz Schmithüsen

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1. MULTILEVEL AND PROCESS-ORIENTED APPROACH IN ELABORATING AN INTERNATIONAL INSTRUMENT ON FORESTS

Forests are part of a nation's heritage and resource endowment. It is the right of individual states to make use of the forest resources for a continued satisfaction of a wide range of human needs, and their responsibility to provide stewardship for the protection, development and conservation of forests and trees. However, with the recognition of sovereignty follows responsibility to join consultation, cooperation and solidarity on the global and transboundary levels. It also involves responsibility to maintain and develop the productive potential, renewal capacity and ecological diversity of land to be inherited by future generations. In an increasingly interconnected and interdependent world, transboundary and global environmental implications of forest-related activities in individual countries evoke interest and concern in neighbouring countries and within the international community. Through mutual agreement, financial and technical assistance, investment and trade arrangements, nations, both individually and collectively, are searching for a framework to cooperate and assist in the conservation and sustained utilization of forests at both the regional and global levels.

The scale, scope and complexity of environmental issues have been increasing from local and national to regional and global perspectives. Sustainable forest management, protection of natural forests and establishment of new forest areas have emerged on the international policy agenda. This is because of the concern for and the need to:

- satisfy the anticipated increase in demand of the world population for forest products and for other forest-based economic, environmental and social values in a sustainable manner while recognizing the roles and rights of local populations depending on forests;
- facilitate international trade in forest products;
- address the issue of constantly shrinking forest cover and the consequent soil erosion, and watershed degradation;
- protect forests world-wide because of their environmental role in global and regional, hydrological and climatic cycles;
- protect and conserve forests for their biodiversity and heritage value;
- expand the global forest and forest biomass to increase the terrestrial carbon reservoir by sequestering atmospheric carbon dioxide, keeping in mind that deforestation is neither the main cause of anticipated global climatic change, nor are reforestation and afforestation the principal solution. The role of boreal and temperate as well as of tropical forests in the global carbon cycle is now receiving a special world-wide attention;
- prevent forest soil acidification and forest decline associated with airborne pollutants.

Human activities are threatening the existence and stability of certain forest ecosystems to an extent which may have serious impacts at transboundary, regional and possibly at global levels. It is in this context that one has to see the growing concern of the international community for an effective protection of the forest cover, for sustained forest resources

development as well as for maintaining biodiversity and conserving part of the forests in their natural stage.

International activities and agreements, which in one way or another relate to forests, focus on specific aspects such as trade in tropical timber, forestry research, the protection of certain endangered species, and the protection of certain types of forest environment such as wetlands. Others are of regional coverage and attempt to set guidelines for forest development within the overall perspective of the conservation of nature and natural resources. The lack of more coordinated and effective efforts in dealing with all types of forests and forest management, and of an international consensus on consistent policies and targets in forest development has resulted in increased pressure on the world's forests. This situation is critical at a time, when the economic and environmental values of this renewable resource and its impact on numerous aspects of man's environment are receiving increased public recognition.

The outcome of the United Nations Conference on Environment and Development, UNCED in 1992 with regard to forest protection, conservation and development has been a mixed one. The Conference has adopted Chapter 11 of Agenda 21 and the Forest Principles which both refer to forests in a world wide and multifunctional perspective. The Forest Principles address forest problems in a comprehensive manner but do not contain legally binding commitments of countries and the international community. On the other hand, the Conference has adopted three important legally binding instruments, i.e. the Convention on Biological Diversity, the Convention to Combat Desertification, and the Framework Convention on Climate Change which have important implications for forests and forestry.

A review of the current international instruments shows that forest-related issues are still addressed in a fractionated, piecemeal manner. While several conventions address directly and indirectly many important forest related issues, one cannot yet speak of an appropriate international framework which facilitates international collaboration and implementation of agreed measures for all types of forests and for the prevailing management practices. There is, in fact, a growing gap between the comprehensive and wide ranging but not-binding statements of the Forest Principles, and the fractionated and sometimes divergent obligations which result from different conventions with broader objectives. The imbalance as it exists today makes it more and more difficult to develop an international consensus on policies on forests, and to harmonize objectives and measures among states and the international institutions which contribute efficiently to their protection and sustainable use.

Nations with their powers to regulate forest conservation and development within their territories as well as the international community still face the challenge, to balance domestic interests with transboundary, regional and global requirements, and to provide suitable institutional mechanism for an increased international collaboration in the forest sector. Forest issues need to be treated within a more cohesive, and at the same time specific context, that

accommodates social, economic and environmental dimensions. It is necessary to harmonize various forest policy objectives and to formulate a range of mutually supportive actions to meet these objectives through international consensus, collaboration and cooperation. An International Instrument on Forests with legal obligations promoting sustainable development and conservation would provide the necessary policy and institutional framework to guide collaboration in a more efficient and effective manner. It will also provide a clear focus to address forest issues and opportunities world-wide.

The protection of forest ecosystems and forest lands, as well as for their conservation and development, require a balance between the principle of national sovereignty and stewardship and the principle of international solidarity. National forest problems need national efforts and solutions and if necessary, the support of the international community. Regional and transboundary forest problems require collaboration at the regional level, leading to mutually agreeable procedures to address issues of common concern. Global forest problems need global efforts and collective measures by the international community as a whole. A multilevel approach for maintaining and developing forests for the benefit of people, nations and mankind thus comprises three pillars: national commitment to the objectives of policies for sustainable resources management, regional and where relevant global measures for coordination and cooperation, and international solidarity in order to support common efforts.

The instrument would have to be process-oriented in as much, as it allows the implementation of solutions by a process of discussion and consent. This refers to the exchange of information of common interest as derived from regular monitoring systems, the setting of common definitions and standards by mutual agreement, and the launching or strengthening of collaborative programmes on the transfer of expertise and technology, research and human resources development. It also implies the transfer of financial resources in order to put, where necessary, countries in a position to manage forests in a sustainable development process.

Depending on the possible consensus of the international community, an IIF should provide a policy instrument to accomplish activities in order to:

- sustain development and conservation of world's forests, improve forest management and strengthen forestry agencies to promote forestry activities with multiple benefits;
- protect representative and unique forest types world-wide, in order to maintain biodiversity and for their cultural and spiritual values;
- improve the capability to meet an anticipated increase in demand for forest products due to a rise in population world-wide;
- facilitate the flow of forest products in international trade particularly of those that come from forests managed in accordance with internationally accepted norms;
- establish through consensus, internationally recognized standards of sustainable forestry practices;

- undertake cooperative actions among participating countries for monitoring, assessing and generating credible and timely information on the state of world's forests;
- establish institutional arrangements to foster action at national, regional and global levels, transfer of financial and technical assistance, sharing and exchange of knowledge and expertise, and collaborative research and development;
- ensure coherence and complementarity with existing instruments such as those related to climate change and protection of biodiversity.

The structure and content of the instrument should reflect the proposed multilevel and process oriented approach. It should allow for phased policy formulation and implementation, as commensurate with the socio-economic conditions of particular countries and take into account the specific conditions of forest ecosystems or geographical zones. The objectives of an instrument should be consistent with an expanding transfer of resources, technologies and financial means, in accordance with the principle of a common international solidarity. The sequence of issues addressed by an instrument could be a problem-oriented one by referring to forest development and forest conservation, and to programmes for the establishment of new production and protection forests. An alternative approach is to structure problems and opportunities according to institutional and policy levels. In view of the multiple linkages that exist between forest protection, development and conservation, it may be advantageous to choose an institutionally oriented approach.

The following format is suggested for an IIF:

- Reasons and Motives for an IIF
- Fundamental Principles
- Purpose of an IIF
- Interpretation
- Objectives and Measures Related to National Policy Development
- Objectives and Measures Related to International Collaborative Programs
- Objectives and Measures Related to International Development Cooperation
- Statutory Bodies and Arrangements for operating the instrument
- Supplementary instruments for purpose of implementation
- Reference to provisions of other relevant international instruments
- Final Clauses.

2. POSSIBLE STRUCTURE AND CONTENT OF AN INTERNATIONAL INSTRUMENT ON FORESTS

2.1 Title of the Instrument

The title of an instrument should be explicit and indicate the three major components that have to be addressed. The first is the protection of forests from uncontrolled clearance and destruction as well as from harmful effects of fire, pests and pollution. The second component is sustainable development of forest resources to meet an increasing demand for socio-economic and environmental goods and services, the rehabilitation of degraded forests, and

afforestation of new production and protection forests. The third component is the need to maintain biological diversity in all forest areas, as well as to conserve representative and unique types of existing forest ecosystems in their natural state.

Suggestions made to date have generally identified forest development and forest conservation as the two substantive elements to be reflected in the title of an IIF. It is, however, appropriate to include in the title the concept of protection of forests.

2.2 Reasons and motives for an IIF

This section should present the principle reasons and motives that led to the need for an instrument. It would refer in particular to the economic, environmental, social, cultural and spiritual values of trees and forests and to the need to improve their utilization and sustainable development, as well as the need to increase protection for trees, forests and forest lands.

Environmental importance of forest ecosystems:

- recognition of the environmental importance of forest ecosystems, in particular in contributing to stable climatic conditions
- acknowledgement of the necessity to consider the present and future role of forests and forest lands within the overall context of viable environmental conditions
- acknowledgement of the necessity to protect the existence and stability of forests and trees from harmful effects in particular from air pollution, as well as to protect trees and forests from indiscriminate clearance and destruction
- acknowledgement of the need for effective environmental protection and improved land use policies, in order to ensure the protection of such forests as are to be maintained on a permanent basis

Biological diversity

recognition of the importance of forests for maintaining biological diversity

- acknowledgement of the need to maintain the biodiversity of forest ecosystems and to establish national and international networks of forest conservation areas and protected areas in forest ecosystems

Importance of traditional forest users and uses:

- recognition of the importance of traditional forest uses for people living in and around forests, who have a close dependence on and a deep knowledge of, practical values of forests and a vested interest in their sustainable use
- acknowledgement of the necessity to protect the utilization rights of indigenous people and to provide effective mechanisms for their participation in decision making on the future development of such forests

Contribution of forest resources utilization to socio-economic development:

- recognition of the contribution of forest resources utilization to sustainable socio-economic development and to the satisfaction of basic human needs, including wood, non-wood products, food security and fuel
- acknowledgement of the necessity to improve forest utilization and the management of existing forest resources, as well as to established plantations, rehabilitate degraded forest lands and promote the creation of new production and protection forests, within a concept of integrated land use

Soil, watershed and groundwater protection:

- recognition of the protective role of forests, in particular with regard to the protection of soil, watersheds and groundwater and the need to protect, rehabilitate and develop effectively such watersheds
- acknowledgement of the need to establish specific land use and management systems for forests and forest lands, with a protective role in preventing soil erosion and flooding, and in maintaining groundwater resources

Contribution to rural and agricultural development:

recognition of the importance of forest resources utilization and management to rural development, of the importance of trees in integrated agroforestry production systems, and of the importance of forestry as a supportive element to agricultural production

- acknowledgement of the need to ensure a closer integration of forestry and agroforestry with rural development and to consistently promote the integration of trees in agricultural production systems

2.3 Fundamental Principles

This section should refer to principles which are relevant in the context of forest protection, development and conservation and which would govern the general content and specific provisions of an IIF and its implementation.

National sovereignty and stewardship:

of states over the sustainable management, protection and utilization of forests under their jurisdiction

Responsibility of states and the international community:

- to ensure the conservation and wise use of forests for the benefit of present and future generations, with particular reference to their global environmental services and socio-economic importance
- to formulate policies and stimulate practice rules that consider the needs of the present and future generations
- to formulate and implement complementary policy objectives at national, regional and international levels

Cultural values:

- shared responsibilities of countries and of the international community to respect spiritual values associated with trees and forests and their importance of maintaining social and cultural diversity
- necessity to protect cultural and spiritual values associated with trees and forests and to ensure their appropriate consideration in developing forest resources

Linkage between sustainable forest development and conservation:

- acknowledgement of the close links between sustainable development and conservation
- acknowledgement of the increasing world-wide demand for forest products and environmental benefits of forests, and of the need to harmonize economic use and environmental conservation
- acknowledgement that given appropriate policy and institutional frameworks, the necessary scientific and technical expertise to practice sustainable forest development exists

Equitable sharing of efforts between countries and the international community:

- of measures and costs for forest protection, development and conservation, including the application of appropriate trade arrangements, financial support to forest development programmes and financial compensation mechanisms, and to off-set opportunity costs of forest conservation without commensurate use.

Phased approach in international cooperation:

- recognition of resource and technology constraints among participating countries, and of the objectives, targets and timetables as established by national policy programs.
- recognition that countries at various levels of economic development will have to choose a phased approach in implementing the objectives of the instrument

2.4 Purpose of an IIF

This section would describe the purpose of an IIF and set out what it should accomplish. This would then determine the various objectives and alternatively the objectives of the instrument would be reflected in the defined purpose. Both should be consistent with the preamble and the fundamental principles of an IIF.

The general purpose of an IIF should refer to major processes and issues.

Processes to be addressed:

- to provide a framework for agreement on mutually acceptable solutions to forest problems, at the global, regional or transboundary level
- to stimulate and support development and implementation of appropriate national policy programs

- to strengthen international coordination and cooperation in order to ensure the implementation of binational, multinational and international cooperation programs
- to expand and harmonize international technical and financial cooperation relevant to the objectives of an IIF
- to collect and distribute credible and timely data on the state of forests and forest protection, conservation and management

Issues to be addressed:

- to establish, through consensus, targets for forest cover and forest biomass world-wide
- to establish internationally accepted norms for environmentally sustainable forest management

Among the principal issues of solidarity and cooperation that have to be addressed in an IIF the following should be considered:

Protection of forests:

shared responsibility of countries and of the international community to cooperate in order to protect forests and wooded lands from human activities which endanger their stability or existence at the global, regional or transboundary level.

Forest development and conservation:

shared responsibility of countries and of the international community to cooperate for the promotion of sustainable forest development and conservation policies and programs and to avoid negative environmental and economic impacts from the use of forest resources at the transboundary, regional or global level

Maintaining biological diversity:

shared responsibilities of countries and of the international community to cooperate in order to maintain the biodiversity of forest ecosystems and their important role for the conservation of nature, landscape and wildlife habitat

Sustainable forest management:

- shared responsibilities of countries and of the international community to cooperate for the promotion of sustainable forest management that:
- harmonize the economic and environmental benefits to society by managing forests on environmentally sustainable basis, to provide for a wide range of goods and services
- respects cultural diversity, favours local communities in sharing forest benefits and stimulates the participation of people on the management of forests
- integrates forestry activities into the overall context of social and economic development of each country

2.5 Interpretation

This section should refer to important terms and definitions which are critical to the operations of an IIF. It should present comprehensive and unequivocal definitions of terms. Wherever possible, such interpretation should use or refer to accepted definitions, already in use internationally. The following are terms and definitions that may require specific interpretation:

General Aspects of Trees, Forests and Forestry:

- trees, forests, forest ecosystems and wooded lands
- forest protection
- forest development
- forest conservation
- forestry and agroforestry
- forest industry and forest sector

Legal Status of Forests and Wooded Lands:

- protected forests and wooded lands
- permanently reserved forests and wooded lands
- demarcated permanent forests and wooded lands
- protection, production and recreation forests

Sustainable Forest Development:

- sustainable development
- sustainable use of forest resources
- sustainable forest management
- sustainable forest yield
- forest rehabilitation and reforestation
- afforestation
- multiple use of forests

Forest Conservation:

- genetic diversity, species diversity, biological diversity, ecosystem diversity, landscape diversity
- forest conservation areas; protected areas
- virgin and old growth forests
- endangered species; ecological reserves
- unique forest types; representative forest types

2.6 Objectives and Measures Related to National Policy Development

National policies are determined to a large extent by country and sometimes even site specific factors and requirements, including socio-economic, environmental and political considerations. The degree to which such policies and specific measures in the field of forest development and

conservation would be of relevance to an IIF, has to be determined in relation to their international and/or transboundary impact or consequences. Their impact should be related to the provisions of the instrument that deal with international coordination and cooperation. It also implies that measures, whether related to national policies or aimed towards improved international coordination and cooperation have to be mutually consistent and supportive.

This section would deal with the objectives and measures related to the formulation, revision and implementation of national policies, that are material to the purpose and objectives of an IIF. This refers to specific forest development and conservation policies with particular emphasis on the following objectives:

- multipurpose approach in utilization forest
- sustainable management of forests
- rehabilitation of degraded forests
- creation of new forests
- promotion of local participation and benefits
- confirmation of local ownership and use rights
- integration of forest activities in rural and social development
- promotion of the use of trees in other land uses and production systems

The purpose of an IIF also refers to a wide range of policies related to, for instance, land ownership and usage rights, land use and land use planning, rural development, agriculture and grazing, environmental protection and nature conservation. Such policies, which may support or restrict forest development and conservation, are relevant to the objective of an IIF. On the other hand, specific forest policies may be supportive of and contradictory to the broader objectives of rural development, environmental protection and nature conservation policies.

The following policy measures should be considered:

Harmonization of the national policy network:

- adequate consideration of forest protection, sustainable development and conservation within national priorities
- increased emphasis on the role of forest and trees in national development planning
- harmonization of forest policies with economic development and environmental policies, in order to ensure a cross-sectoral approach in forest resources development, management and utilization
- harmonization of forest sector activities and trade issues with rural development and social policies

Institutional framework for the development of the forest sector:

- identification of a clear institutional focus for forest-related activities and strengthening of such institutions
- revision of forestry related legislation that is material to the protection, sustainable development and conservation of forests
- revision of forest legislation in order to make it compatible with improved land use and forest policies
- preparation of national forest development and conservation plans based on adequate budgetary provisions and financial commitments
- implementation of such plans through specific forest programmes and projects
- monitoring and regular reporting procedures on the state of forest resources
- provision of adequate measures to ensure human resources development and appropriate research, necessary for sustainable forest development and conservation

Local benefits and participation:

- recognition of the rights of communities living in and around forests and those dependent on forests
- increased benefits from forest resources utilization to rural people, local involvement in decision making on forest development and conservation programmes
- protection of usage rights and establishment of communal forests
- use of local knowledge in sustainable management systems of forest resources.
- compensation mechanisms to off-set losses incurred by traditional users by reserving certain forests or by modifying existing forest land use for environmental protection or other reasons

Land use and land development policies:

- consistent land use policies which support sustainable use and conservation of trees, forest and forest lands
- integrated land use planning for permanently protected forests and forest lands, as well as for forest areas to be converted to other land uses
- protection and demarcation of permanently reserved forest and forest lands and determination of their legal status and management regime, as production or protection forests, recreation forests and as other forest land with special uses
- protection and demarcation of permanently reserved forest conservation areas and determination of their specific legal status and management regime, designed to maintain biodiversity and ensure nature and landscape protection
- determination of non-forested areas to be developed for afforestation in order to create new production and protection forests

Forest development and conservation policies:

- Multipurpose approach in policy formulation, in order to provide for a sustainable production of wood, as well as non-wood forest products, to maintain or increase the protective and recreational values of forests and trees, and to maintain biodiversity of forest ecosystems
- protection of ecologically sensitive forest ecosystems including forests that are free of significant human disturbance
- sustainable management of forests for the production of wood and non-wood products, as well as for the provision of other environmental, social, cultural and spiritual services
- management and expansion of protection forests and other tree vegetation types that contribute directly to agricultural production, control of soil erosion or stabilization of water regimes
- rehabilitation of degraded forests to improve their ecological functions and increase their productivity
- afforestation of low productivity areas and wastelands, and recognizing that whatever their primary purpose, their secondary role in maintaining the integrity of the biosphere and their capacity to enhance biological diversity

Incentives and environmental impact assessment:

- use of incentives which contribute to improved land use, sustainable forest resources utilization and to the establishment of new forest areas and integrated agroforestry production
- modification of tax regimes, subsidies and other provisions, which encourage irrational deforestation, wasteful use of forests or which discourage rehabilitation and afforestation
- establishment of procedures with regard to environmental impact assessment for large scale infrastructural projects, agricultural development programmes and industrial projects which significantly affect the maintenance of forest cover

2.7 Objectives and Measures of International Collaborative Programs

International coordination and cooperation may provide the basis for specific arrangements to establish targets and activities. Alternatively, it may be process oriented by providing, subject to mutually agreed procedures, for the exchange of information, the setting of applicable standards and guidelines, coordination of national policy formulation, harmonization in the preparation and implementation of collaborative programmes and projects, as well as technology transfer.

Considering the wide range of forest ecosystems and site specific factors, the multitude of socio-economic needs in relation to the sustainable utilization of forest resources, and the evolutive nature of an international coordination and cooperation mechanism, it is likely that the emphasis will be on a process-oriented approach. This facilitates the elaboration of flexible and

dynamic solutions, that could be adjusted in accordance with regional and transboundary necessities.

Depending on the consensus among the parties on the scope and purpose of an IIF a wide range of objectives and measures may be relevant. They may concern transboundary issues and opportunities, be related to certain regions, ecosystems or geographical units, or be of global importance in as much that they refer to all forests of the world.

The following collaborative programs resp. measures should be considered in order to foster sustainable development

Programs on policy development:

- exchange of information on the objectives, targets and timetables of national policies and plans
- coordination of policies and plans with potential impacts at the transboundary or regional levels
- formulation of criteria relevant to the elaboration or revision of forest policies and other relevant policy programs to harmonize with the purpose and objectives of an IIF
- cooperative action for ensuring adequate protection policies for forests and forest areas
- exchange of information and if necessary, harmonization and increase of incentives, as relevant to the purpose and objectives of an IIF at transboundary, regional, and global levels; minimization of disincentives

Programs for technology transfer, research and human resources development:

- development of multinational cooperation in sharing knowledge, technology and expertise
- development of cooperative research programs to address issues of common interest
- strengthen of research systems and programmes on forest conservation and management, afforestation, agroforestry, forest products utilization, and related fields

Promotion of international trade in wood and forest products:

- establishment of trade policies which improve the terms of trade for wood and forest products, from sustainably managed forest resources
- setting of internationally acceptable identification standards for such wood and forest products
- removal of non-tariff barriers, such as quantitative restrictions, as well as other non-tariff barriers for wood and forest products in general
- facilitation of trade of forest products if consistent with internationally agreed measures of conservation

The following collaborative Programs resp. measures are significant with regard to the protection of forests, and to the conservation and development of forest resources.

Programs on resources monitoring:

- establishment of systems for regular monitoring on the state of forests at national, regional and global levels including parameters such as area, biomass, conservation status and major uses
- setting of internationally acceptable standards for various kinds of monitoring systems in order to facilitate the compatibility of results and their synthesis
- regular and timely exchange of credible information, in order to provide for policy adjustments and specific measures at national, transboundary and global levels
- environmental impact assessments for large scale infrastructural projects, agricultural development programmes and industrial projects, which significantly affect the maintenance of forest cover at the transboundary or regional levels
- setting of mutually agreeable standards for the preparation of environmental impact assessments and for monitoring actual impacts

Programs promoting sustainable forest development:

- promotion of sustainable development of forests, in accordance with internationally developed and accepted norms for forest management practices
- formulation of internationally acceptable standards for the preparation of forest development and conservation plans
- exchange of experiences with sustainable forest ecosystem management in different geographical regions
- setting of internationally acceptable standards for the exchange of genetic material as necessary, to protect biodiversity and to increase forest productivity
- progressive reduction and eventual elimination of unsustainable forestry practices

Programs on the protection of forests and forest lands:

- establishment of early warning and detection systems in particular at the transboundary and regional level, in order to minimize forest destruction by fire, pest attacks and other natural calamities
- setting of transboundary, regional or multinationally agreed standards, for the protection of specific forest ecosystems or forest types
- setting of internationally agreed quality standards to reduce air pollution, in order to avoid harmful effects on forests and forest lands
- coordination and collaboration at global, regional and transboundary levels, in order to implement air quality standards

Programs related to forest conservation and biodiversity:

- exchange of information on existing and proposed forest conservation areas, their ecological conditions and legal status
- conservation of a reasonable proportion of representative and unique examples of natural forest ecosystems in accordance with accepted international standards
- establishment of an internationally recognized status and a list under an IIF, for forests having a global or regional importance as part of mankind's heritage
- establishment of the necessary procedures to modify or expand such standards, if of particular importance to forest conservation and biodiversity
- establishment of procedures for the coordination and cooperation on specific trans-boundary issues, such as the conservation of watersheds, wildlife habitat or protected forest ecosystems contiguous countries

2.8 Objectives and Measures Related to International Development Cooperation

This section would deal with issues relevant to the formulation, coordination and implementation of international development cooperation, as consistent with the purpose of an IIF.

Reference should be made to arrangements which provide a basis for addressing relevant issues and opportunities, and which allow for a coordinated approach between national objectives, policies and programmes, and international technical and financial assistance measures. The National Forest Action Programmes (NFAP) provide a framework for countries to formulate or revise their forest related policies as well as dialogue between countries and the international donor community. The IIF would offer a broader institutional arrangement for strengthening development assistance and for inserting these efforts into the context of a world-wide network of cooperation.

Programs of international development cooperation:

The parties might agree to pledge an expanding proportion of technical and financial development assistance, for bilateral and multilateral cooperative programmes relevant to the purpose of an IIF. Cooperative programmes should be supportive to the objectives of the instrument and in particular:

- encourage the transfer of technology and investment, in order to promote sustainable development of forests
- encourage complementarity development programmes and projects in agriculture and rural development, which have a positive impact on sustainable forest development and conservation
- refrain from development programmes and projects which have a negative impact on sustainable forest development and conservation respectively and have not been subject to an assessment of such impact

Measures of multilateral and bilateral development programs should in particular, be directed to:

- strengthen national institutional, scientific, technical and economic capabilities, in relation to forest protection, sustainable development and conservation
- support activities directly related to forest protection, sustainable development and conservation, conducted by international governmental and non-governmental institutions
- encourage participation in a world-wide network to develop, sustain and utilize appropriate technology, such as the proposed Global Forest Resources Monitoring Programme, to obtain accurate and timely information on the extent, health and economic potential of forests on a world-wide basis
- assist countries that are parties to an IIF to meet their obligations under it Reference to arrangements such as National Forest Action Programmes
- facilitate international trade in forest products, particularly those derived from forests managed according to internationally accepted norms.

Measures related to an increase of international resource flows:

Parties to an instrument could agree to increase the international resource flows in order to assist countries to foster the objectives of the instrument. The transfer of resources could take different forms, in particular the following:

- increasing investment flows through existing mechanisms of multilateral and bilateral funding
- new sources of funds, such as a world-wide international fund for forest protection, development and conservation
- general debt relief operations and structural adjustment measures
- compensation systems to off-set the opportunity costs to the national economies for forests that are reserved for environmental protection reasons and in a regional or global context

Irrespective of funding arrangements and funding channels, the objectives and provisions of an IIF could provide guiding principles to establish priorities at national, regional and global levels.

2.9 Statutory Bodies and Arrangements for Operating the IIF

This section would contain provisions which allow for the functioning of an instrument and for its evolutionary modifications and for periodic review and adjustments.

At this stage, it seems premature to advance detailed proposals for the institutional arrangements necessary for the implementation of an instrument. This aspect would need to be fully developed when an adequate level of consensus has been reached, on the nature and

the substantive content of an IIF. The following are suggestions for consideration based on the general requirements of international instruments of this type.

Conference of the Parties:

A Conference of the Parties would be necessary as the supreme authority and decision-making organ. Membership and voting procedures would have to be determined. The Conference could meet at regular intervals, for example every two years in order to deal with statutory issues assigned to it by an instrument.

Council:

The Conference may wish to establish a Council as the highest decision making body active in between Conferences of the Parties, with delegated authority from the Conferences. The Council is normally composed of a prescribed number of elected representatives and responsible for current affairs, subject to the approval of the Conference.

Secretariat:

A Secretariat to an International Instrument would be necessary to prepare and service meetings of the Conference and of the Council. It would receive reports and other documentation and would disseminate information to governments, institutions and the general public as appropriate, on matters related to the instrument. This secretariat function could be entrusted to an existing intergovernmental body, within the UN system, or to establish a new and independent unit.

Committees and Working Groups:

Committees might be established by decision of the Conference, to deal with policy and technical issues at the global, regional or transboundary levels. Working groups could be established by the Conference or the Council, to deal with specific issues related to the purpose of the instrument.

Funding Arrangements:

Specific funding arrangements would be required to service the International Forest Instrument, to allow for the functioning of its statutory Bodies and Secretariat, and for central reporting and information exchange tasks. The necessary funds could be raised through mandatory payments by the Parties to an instrument, based on an agreed assessment method.

2.10 Supplementary Instruments for the Purpose of Implementation

Since the legal form of an IIF has yet to be decided and will largely depend on the result of ongoing discussions in various international fora, the presented framework does not distinguish between obligations that would eventually be covered in an IIF itself and those forest related commitments that may become part of supplementary instruments to an IIF. Such distinctions would be possible only when the overall legal status and structure of an IIF and its relationship to other international undertakings, has been determined.

Measures under an IIF may be principally subject matter oriented and binding, i.e. provide for the implementation of certain specified acts and measures or for their interdiction. Measures

may also be process oriented, i.e. refer to certain institutionalized procedures for information exchange, discussion and negotiations, in order to find mutually agreeable solutions for specific problems.

It is the use of a process oriented formulation approach that would determine to a large extent, whether an IIF would be a more detailed and regulatory instrument in itself or whether it would be an open ended framework instrument, that has to be completed through supplementary instruments. The more process oriented an IIF might be, the more it would have to be implemented by complementary instruments referring to specific global, regional and transboundary issues and opportunities.

In principle, the supplementary instruments to an IIF may consist of protocols covering agreements, guidelines, standards, definitions or defined practices. Through protocols, targets for specific measures could be set and reports on progress be requested. Guidelines, definitions and practices would mainly serve to achieve a common approach with regard to the purpose and objectives of the instrument.

2.11 Reference to Other Relevant International Instruments

This section would be designed to make reference to other international conventions, protocols and agreements that are of importance to the purpose of this convention. It would indicate the specific instrument and the particular provisions, and establish the necessary coordination and avoid duplication.

An IIF could provide specifically for the possibility and the statutory mechanisms, to transfer all or part of the content of certain provisions into the framework of an IIF, if this should be appropriate, subject to mutual agreement of the parties concerned.

2.12 Final Clauses

Entry into force: Following signature, entry into force would depend on accession, ratification or acceptance by an appropriate number of countries, possibly with minimum requirements from each major region of the world, covering all types of forest. This might also form the basis for a weighted voting system.

This section would also deal with other procedural aspects for operating an IIF such as:

- signature, ratification and acceptance
- accession
- settlement of disputes
- withdrawal
- depositary
- amendments
- authentic texts

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