



International Workshop



International Regime, Avoided Deforestation and the Evolution of Public and Private Forest Policies in the South

CIRAD – IDDRI – CIFOR – ECOFOR

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The Issue

I. Towards an International Forest Regime through the Convergence of Public Policies and the Rise of Private Initiatives

On the difficult path towards the creation of a possible international forest regime, the issue of tropical forests represents a point of friction in the relations between North and South where virtually all problems related to implementing sustainable development converge. These include tensions between economic growth and biodiversity preservation, and between the long-term requirements of regenerating ecosystems and short-term financial horizons, lack of precision of land tenure rights, presence of numerous externalities as well as uncertainties and polemic debates on the very notion of sustainability. In this proposal, the definition of international regimes retained is that of specialists in international relations (e.g., Krassner 1983), namely the sharing of norms, principles, rules and procedures guiding relations between actors involved in a transnational issue. As suggested by French political scientist M.C. Smouts, a parallel can be established between government and governance on the one hand, and convention and regime on the other, which raises the issue of world forest governance.

Tropical forests are related to two main international conventions (those of Biological Diversity and Climate Change), an international agreement on tropical timber (ITTA 2006, the only one binding agreement amongst parties and related to tropical forest) and an intergovernmental organization gathering together both producer and consumer countries (the ITTO). The question of the use of a specific convention on forests continues to be subject to debate. While these conventions are generally regarded as pillars, other non-forestry specific conventions and international agreements, such as

those related to trade, human and intellectual property rights, access to information, corruption and anti-terrorism, together form the basis of a *de facto* international forestry regime. With the rise in macro-economic hardship faced by many developing countries (including debt and structural adjustment), large donor agencies have tagged “environmental conditionalities” onto their loans and grants, which often translate into the creation of national judicial and institutional instruments. A number of such initiatives, both public and private, of institutions and programmes relate to forest management and among other elements lay the bases of an international forest regime. Forest certification, for example, is a nongovernmental initiative based on a “private” process at first, but which is ultimately linked to public policies (including strict national norms on forest management and public procurement policies for timber). In this sense, certification is one of the catalyzing elements of the emergence of such a regime, just like a number of other private initiatives such as the “Round Table on Responsible Soy” in Brazil – along with its Asian equivalent, the “Round Table on Sustainable Palm Oil”. Are these factors together conducive to the materialization of an international forest regime? In the absence of a specific convention, could they nevertheless translate as a convergence of public and private policies affecting forests in heavily forested countries? These policies have largely been modified by specific reforms in the past 15 years or so. There appears to be a tendency towards homogenization of public policies, which could be perceived as a sign of the emergence of an international regime, in the sense that sovereign countries are gradually agreeing to submit themselves willingly to a self-regulating system (the regime) which they themselves have created, and which reduce their space for leverage.

However, one cannot but notice that the tendencies that have led to apparent homogenization in the phrasing of public policies *do not have as much impact as one would have wished on the fate of logged or supposedly protected forests*. It might be necessary, therefore, to go beyond formal points of convergence to analyze the precise way in which these policies emerge (notably to what extent they are imposed from the outside), are implemented, which instruments are used (economic, regulatory, etc.) and how they are *appropriated, ignored and/or re-interpreted* by those affected. The principal hypothesis adopted is as follows: despite important changes in the way public policies are implemented (such as the growth in popularity of economic instruments, decentralization, opening up to “civil society”, and the issue of sustainability) which give *the impression that policies are being homogenized as a result of globalization*, the specific *basic representations* which have shaped the relations between environment and society in the three large tropical forest basins remain determinant in influencing *national collective choices* effectively implemented. This leads us to the following questions:

- What is the influence (and what are the limits) of *emerging international regimes* in the environmental arena on the construction of forest- and environment-related public policies in heavily-forested developing countries such as Brazil, Bolivia, Central African countries, Indonesia and Malaysia?
- How does the international regime relate to *other sources of change*, notably economics, the evolution of international markets and national political events?
- How are actions of key forested countries, whether acting individually or as a block, shaping international discussions on forests and the direction and evolution of international forest regimes?

- Can initiatives originating in the private sector – notably certification and voluntary actions of large agro-industrial corporations – complement public policies in the construction of an international regime?

II. The Influence of Climate Change-Related Debates on Public Policies and the International Forest Regime: The Case of “Avoided Deforestation”

The REDD mechanism (Reducing emissions from deforestation in developing countries) has turned out to be a major proposition that could catalyze the creation of an international forest regime; in this sense, it constitutes a concrete example that enables us to understand the relationship between the international regime and national policies.

Requests multiplied prior to and during the 12th Conference of Parties in Nairobi in 2006 to set up a *multilateral mechanism* in which countries reducing their deforestation rate over a given period would be remunerated with carbon credits. Such credits could either originate from the Kyoto Protocol or from special funds which may be exchangeable, depending on specific cases. This mechanism would be implemented at the national level rather than at the level of forest units, by comparing real deforestation rates over the “commitment period” with a rate based on a “no action” reference scenario (“business as usual”) over the same period. This mechanism has been presented as a win-win process since developing countries would benefit from carbon credits (fungible or non-fungible with Kyoto credits, depending on which proposal is eventually adopted) and thus financial incentives if they succeed in reducing their deforestation rates. However, they would not lose out should they be unable to fulfill these objectives. Adopting such a mechanism could pave the way to complementary mechanisms such as “transferable development mechanisms” as the international scale – a concept equivalent to emission permits attributed to countries (“cap and trade”). Three main questions arise from this debate and are open for discussion:

- What are the means of claiming that specific public policies actually do have a direct effect on deforestation rates? How is it possible to quantify this effect independently of other factors that are more difficult to control, such as changes in agricultural commodity prices or even climate change?
- How can one take into account the fact that the evolution of deforestation does not only depend on governmental policies, but also on factors that often lie beyond the direct short-term reach of public authorities, especially in developing countries?
- It is also necessary to question whether financial incentives can be linked to policies and measures radically different from those that the countries in question have pursued until now (for example in terms of changes in land tenure policies, in shifting away from agro-industrial models that encroach on the forest, or simply in fighting corruption).

Current debates on “avoided deforestation” generally seem to focus on questions relative to measuring deforestation and setting up financial components of the mechanism (including Kyoto credits and temporary credits). Moreover, certain critical issues that determine the impact of public policies also need to be taken into account.

Among these are issues related to geo-political interests, alliances and relative power of different negotiators to shape international regimes. One would also need to take into consideration rights, institutions and relative influence of different stakeholder groups in individual countries that determine to what extent and how international commitments, whether legally binding or not, are implemented on the ground. To this day they also do not tackle the issue of the actual impact of public policies on forests. Furthermore, debates between negotiators are not related to those taking place in other circles of analysts that focus on studying the evolution of forest-related public policies. One of the objectives of this workshop is to call attention to the need to understand the channels through which different policies differentially affect forest-relevant decision-makers and stakeholders, and the ripples their responses create within and outside the forest sector. One of the objectives of this seminar is to point out that *determining the impact of public policies* on forests is at least as important as the issue of satellite picture-based estimations of carbon stocks retained in forests.

Preliminary plan

In order to make progress in knowledge and discussion on these issues, as well as provide input for policy decision-makers, two discussion themes are put forward in this workshop.

Theme 1: New Orientations in Public and Private Policies in Heavily Forested Tropical Countries

- Land tenure systems: concessions (for production or conservation), privatization, communal or community forests;
- The landscape: zoning different activities (agriculture, forestry and conservation);
- Allocating forestry permits (criteria, transparency, competition) and variations in fiscal systems (both on forests and land);
- Industrialization policies based on regulation;
- Relationships between public and private policies (e.g., certification);
- Governance, decentralization and legality; and
- Relationship with other sectors.

Theme 2: Creating an International Forest Regime through Multilateral and Private Instruments

- Positions of countries vis-à-vis the issue of a convention on forests;
- The influence of private dynamics on the creation of an international regime;
- The potentially catalyzing role of a multilateral mechanism such as “avoided deforestation” on the creation of an international forest regime; and
- Possible multilateral instruments to integrate forests in the fight against global climate change and in biodiversity protection.

The workshop will take place over two days in Paris, France, in November 2007. The proceedings of the workshop will be published, and key presentations submitted to a special issue of an international Journal. A synthesis document and a range of other publications for national policy makers and international forest-development practitioners will also be prepared based on materials presented.