

Whose public?: Public-private partnerships in the tropical forest

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United Kingdom

Paris, Thursday, 22 November 2007

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Cambodia's Termination of Forest Monitoring by Global Witness

The United States deplores the actions taken by the Royal Government of Cambodia to terminate the work of Global Witness, a non-governmental

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Global Witness Statement on Being Barred From Entering Cambodia

Khemara Sok
Phnom Penh
20/07/2005

[Khemara Sok report](#) ↔

global witness



Global Witness

In 1999, Prime Minister Hun Sen staked his job on the government's ability to crackdown on illegal logging.

Six years later, illegal logging in Cambodia is rife. In 2005, Hun Sen banned 5 Global Witness and an environmental and illegal logging watchdog staff from entering the country.



PUBLIC SECTOR
The state and its
bureaucracies

PUBLIC SECTOR
The state and its
bureaucracies

**FOR-PROFIT
PRIVATE SECTOR**
Business corporations

PUBLIC SECTOR
The state and its
bureaucracies

**NOT-FOR-PROFIT
PRIVATE SECTOR**
non-market,
non-state and
non-governmental

**FOR-PROFIT
PRIVATE SECTOR**
Business corporations

A Venn diagram with three overlapping circles on a brown background. The top-left circle is dark blue, the top-right is orange, and the bottom is green. The circles overlap in the center.

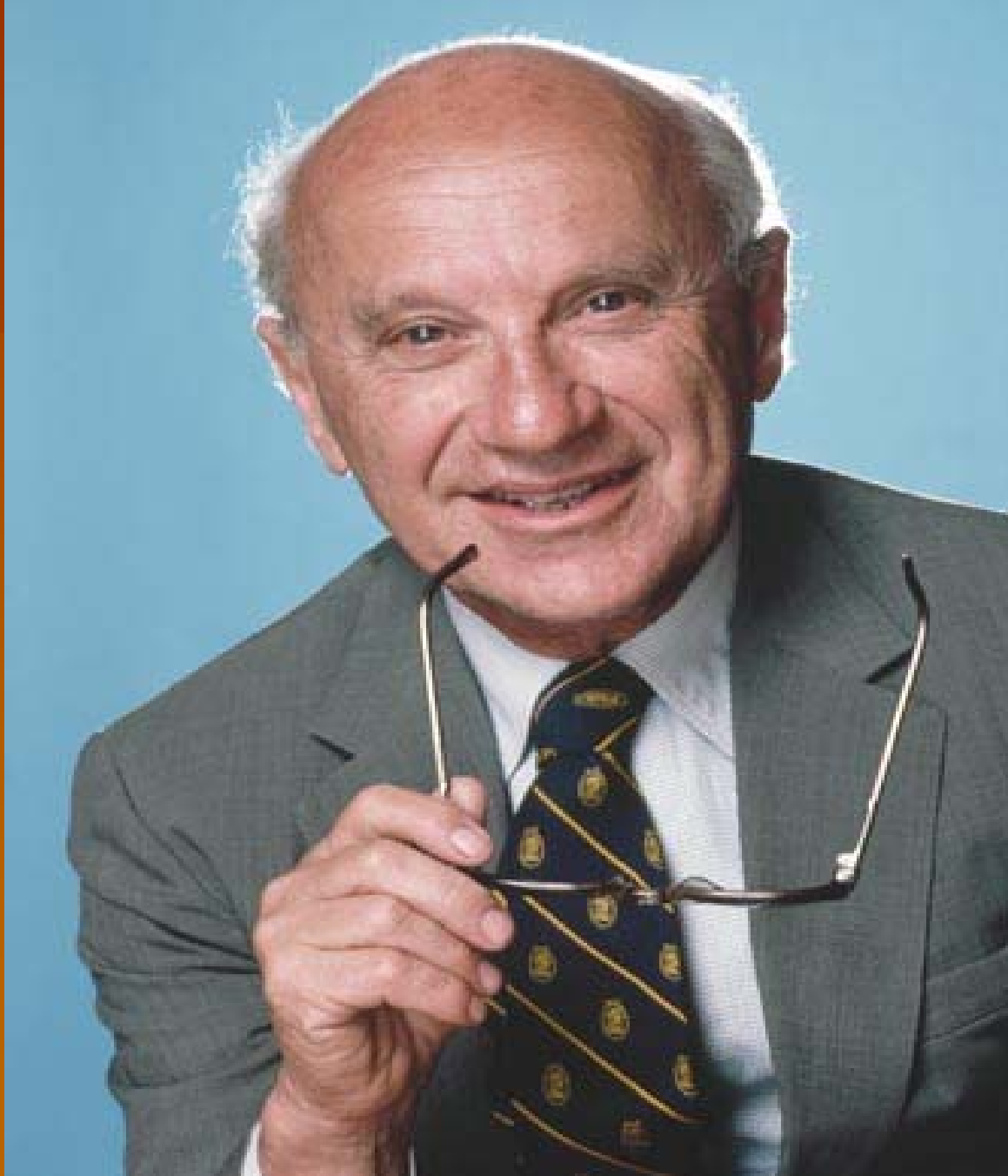
PUBLIC SECTOR
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	Rivalrous	Non-rivalrous
Excludable	Quadrant 1 <i>Private goods</i>	Quadrant 2 <i>Club goods</i>
Non-excludable	 <i>Res nullius (Open access)</i> Quadrant 3	 <i>Public goods</i> Quadrant 4

	Rivalrous	Non-rivalrous
Excludable	<p>Quadrant 1 <i>Private goods</i> Timber Nuts Berries Fruits Rubber Bushmeat Private forest land Local forest commons: access regulated Tradable emission permits</p>	<p>Quadrant 2 <i>Club goods</i> Protected forest areas: access is regulated. A toll may be charged for entry. Patents on the properties of forest species, including traditional forest-related knowledge</p>
Non-excludable	<p>Local forest commons that may be undermined through unregulated access Protected forest areas that may be undermined through unregulated access from outsiders The atmosphere as a pollution sink</p> <p><i>Res nullius (Open access)</i> Quadrant 3</p>	<p>Habitat for biological diversity Carbon sequestration and atmospheric regulation Soil conservation Watershed management Sites of local cultural and spiritual value Protected forest areas under effective management with free access to the public Traditional forest-related knowledge</p> <p><i>Public goods</i> Quadrant 4</p>





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Public private partnerships

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The Private Finance Initiative (PFI)

The Private Finance Initiative (PFI) is a small but important part of the Government's strategy for delivering high quality public services.

In assessing where PFI is appropriate, the Government's approach is based on its commitment to efficiency, equity and accountability and on the Prime Minister's principles of public sector reform. PFI is only used where it can meet these requirements and deliver clear value for money without sacrificing the terms and conditions of staff.

Where these conditions are met, PFI delivers a number of important benefits. By requiring the private sector to put its own capital at risk and to deliver clear levels of service to the public over the long term, PFI helps to deliver high quality public services and ensure that public assets are delivered on time and to budget.

The Government has created an Operational Taskforce, acting on behalf of HM Treasury, based in Partnerships UK. The Taskforce has set up a helpdesk to assist public sector partners with operational PFI issues. Public sector project managers can contact the helpdesk on 020 7273 8356, or by emailing operationaltaskforce@partnershipsuk.org.uk.

Soft law on forests

1992 UNCED Forest Principles

No mention

Soft law on forests

1992 UNCED Forest Principles

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1992 UNCED Agenda 21, Chapter 11

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1997 Intergovernmental Panel on Forests

Proposals for Action: Paragraphs 61 and 77(c)

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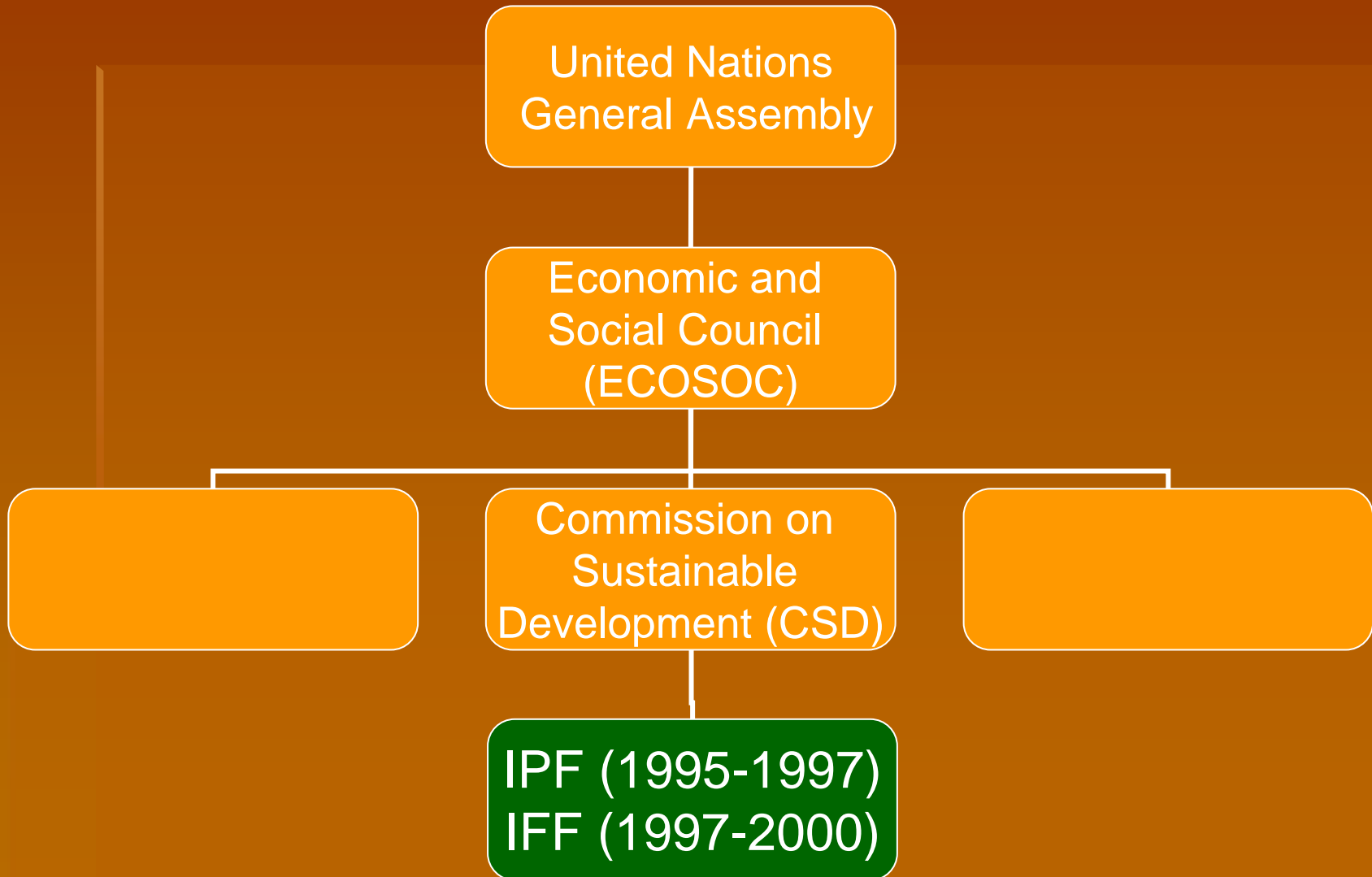
1997 Intergovernmental Panel on Forests

Proposals for Action: Paragraphs 61 and 77(c)

2000 Intergovernmental Forum on Forests

Proposals for Action: Paragraph 50

Location of IPF and IFF in the United Nations system (1995-2000)



Location of United Nations Forum on Forests in the UN system (since 2001)



Soft law on forests

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Proposals for Action: Paragraphs 61 and 77(c)

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Proposals for Action: Paragraph 50

2007 UNFF Non-Legally Binding Instrument

Paragraph 6(m)

Why is the “PPP” such a popular concept?

- For the state: relief of “burdensome” obligations
- For business: new investment opportunities
- A confluence of interests
- Opportunities for the not-for profit sector

Formalised control over forests: options

1. Increased role for public sector

Formalised control over forests: options

1. Increased role for public sector
2. Privatisation

Top ten forest corporations

Rank	Top ten forest products/paper corporations by annual revenue (2001)	Rank	Top ten wood processing companies by annual wood consumption (2001)
1	International Paper (US) *	1	International Paper (US) *
2	Georgia-Pacific (US) *	2	Georgia-Pacific (US) *
3	Kimberly-Clark (US) *	3	Weyerhaeuser (US) *
4	Weyerhaeuser (US) *	4	Stora-Enso (Finland)
5	Stora Enso (Finland)	5	Smurfit-Stone (US) *
6	Oji Paper (Japan) *	6	Metsälitto (Finland)
7	UPM-Kymmene (Finland)	7	UPM-Kymmene (Finland)
8	Nippon Paper Industries (Japan) *	8	Abitibi (Canada) *
9	SCA-Svenska-Celluloso (Sweden)	9	Norske Skogindustrier (Norway)
10	Smurfit-Stone (US) *	10	Canfor (Canada) *
	<p>Source: http://www.endgame.org/gtt-corps-ranked.html (accessed 22 April 2004)</p>		<p>Source: WWF (2001) <i>The Forest Industry in the 21st Century</i>, http://www.panda.org/ (accessed 21 April 2004)</p>

Formalised control over forests: options

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2. Privatisation
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Formalised control over forests: options

1. Increased role for public sector
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4. Private forest management concessions

Formalised control over forests: options

1. Increased role for public sector
2. Privatisation
3. Private timber concessions
4. Private forest management concessions
5. Community conserved areas

Community conserved areas

- 1 Communities relate culturally to ecosystems and species
- 2 Community management results in long term conservation
- 3 Primary decision making rests with communities



Formalised control over forests: options

1. Increased role for public sector
2. Privatisation
3. Private timber concessions
4. Private forest management concessions
5. Community conserved areas
6. Independent forest monitoring



"I've invited in someone from the private sector to help drive up our performance in fighting the private sector."

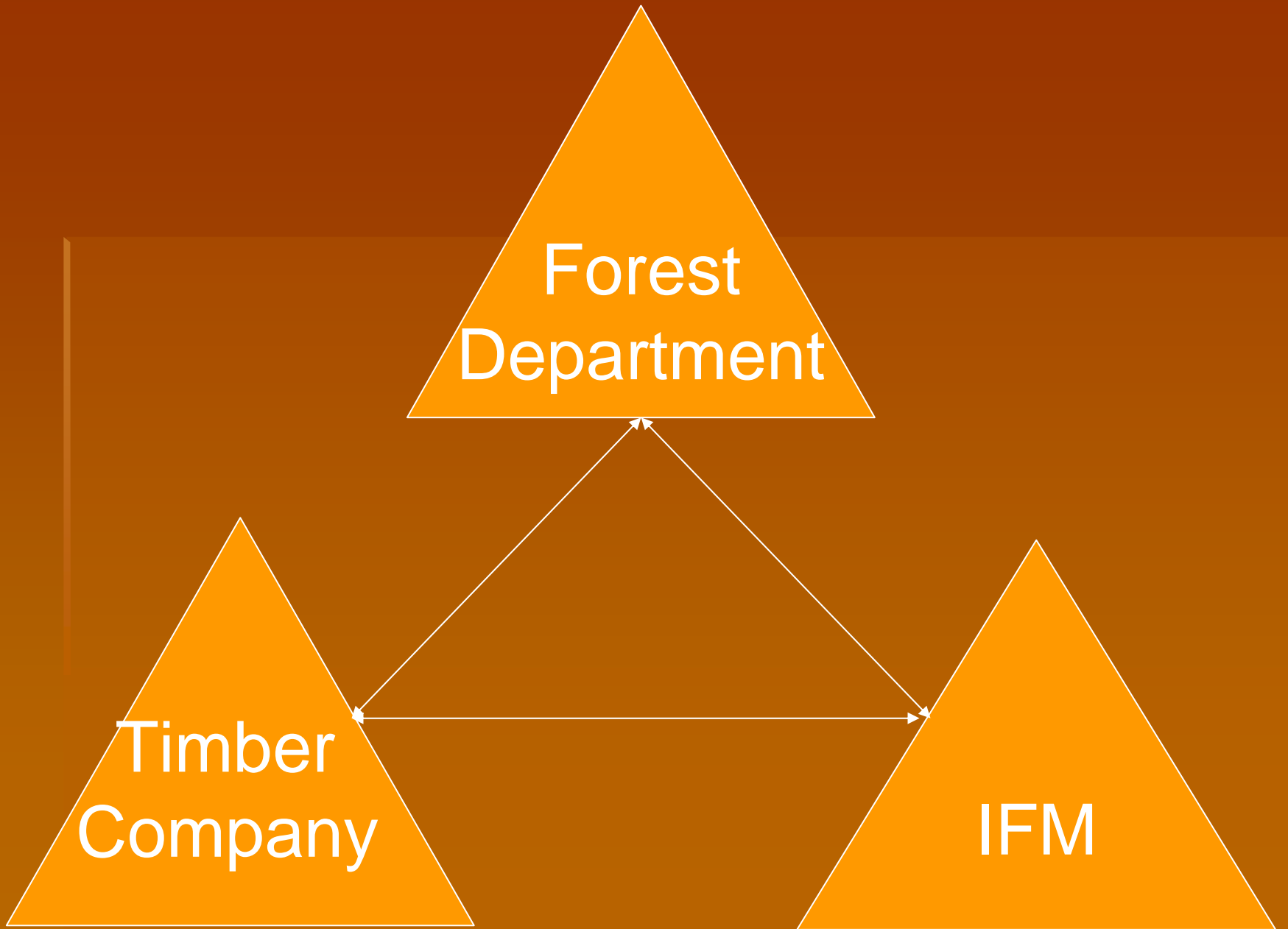
Cambodia's Family Trees

Illegal logging and the stripping of public assets
by Cambodia's elite



global witness





Formalised control over forests: options

1. Increased role for public sector
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3. Private timber concessions
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5. Community conserved areas
6. Independent forest monitoring
7. Forest certification

Benefit sharing

- Convention on Biological Diversity, Article 8(j):

“Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of local and indigenous communities embodying traditional lifestyles ...and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices”.

Who are the claimants?

- *States*
- *Local communities* [Article 8(j), CBD]
- *Business* [TRIPS]

Fleecing the public?



Conclusions

- Three transnational tendencies
- How should PPPs be defined?
- Are PPPs desirable?

Merci pour toute votre attention

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Respect for traditional knowledge

- Article 8(j) of the Convention on Biological Diversity
- ILO convention 169 of 1989 – but only 14 ratifications
- UN Declaration on the Rights of Indigenous Peoples, Article 31.1
- Reiterated by the IPF and the IFF

Prior informed consent

- Different applications in international law
- Convention on Biological Diversity: article 15 - applies to states only
- UN Declaration on the Rights of Indigenous Peoples: Article 32.2
- Who has the power?

Self-determination

- International Labour Organisation (ILO) Convention 169 of 1989
- UN Declaration on the Right of Indigenous Peoples, adopted by GA September 2007, Article 3: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”