

# Recent Developments in International Treaties Relating to Forests<sup>1</sup>

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**Abstract :** This paper surveys recent developments in global multilateral environmental agreements that relate to the conservation of forests. These include the Convention on Biological Diversity, the Framework Convention on Climate Change, the Convention on Desertification, the Convention on International Trade in Endangered Species, and the Ramsar Convention. It identifies the measures in these agreements applicable to forests and the participation of local populations. Relevant actions taken by institutions created by these agreements are also surveyed. The present paper concludes that the most important treaty to support forest conservation continues to be the Convention on Biological Diversity, although its ultimate effectiveness in this area will depend on whether the forthcoming COP-6 will adopt a truly action-oriented programme of work on forest biodiversity. The implementation of forest-related treaties must be considered in conjunction with the results of the UN Forum on Forests, and must be coordinated with each other in order to contribute effectively to forest conservation. Public participation, and particularly the role of indigenous and local communities, is recognised as essential in all the treaties surveyed, however efforts to involve all stakeholders in a meaningful way in forest conservation must be redoubled. This should be done in conjunction with the development and implementation of national forest programmes called for by the UN Forum on Forests.

**Key words :** forest conservation, multilateral environmental agreements, public participation.

## 1 Introduction

This paper surveys recent developments in global multilateral environmental agreements (MEAs) that relate to the conservation of forests. It identifies the measures in those agreements that are applicable to forests and in particular, the participation of local populations. Relevant actions taken by institutions created by these MEAs are also surveyed. In conclusion, a brief assessment is presented.

## 2 Convention on Biological Diversity

The Convention on Biological Diversity (CBD) sets forth a framework that seeks to achieve the following objectives : (a) the conservation of biological diversity, (b) the sustainable use of the components of biological diversity, and (c) the fair and equitable sharing of benefits arising from access to genetic resources<sup>3</sup>. Although there are no provisions that expressly mention "forests", it is nonetheless apparent that the subject matter of many of the CBD's provisions apply to forests.

In line with the Convention's ambition to attack the root causes of biodiversity loss, parties to the convention are required to identify and regulate those processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity<sup>4</sup>.

Central to the Convention are its requirements on *in situ* conservation, as set out in Article 8, which include :

- Establish a system of protected areas
- Regulate or manage important biological resources to ensure their conservation and sustainable use
- Promote the protection of ecosystems, habitats and maintenance of viable populations of species in natural habitats
- Rehabilitate or restore degraded ecosystems
- Prevent the introduction of alien species that threaten ecosystems, habitats or species, and eradicate or control them, if already introduced
- Develop or maintain legislation or other regulatory provisions to protect threatened species or populations
- Regulate or manage processes and activities which have or are likely to have significant adverse impacts on the conservation of biological diversity and the sustainable use of biological resources

Parties are called upon to integrate consideration of the conservation and sustainable use of biological resources into national decision-making and to adopt measures to avoid or minimise adverse impacts on biodiversity<sup>5</sup>. In recognition that command-and-control regulation is not always the most effective means of achieving conservation ends, the Convention encourages Parties to adopt incentive measures<sup>6</sup>.

The CBD establishes a regime for access to genetic resources and benefit sharing. It affirms the right of a country providing genetic resources to determine access to those resources, and requires that such access be subject to the providing party's prior informed consent<sup>7</sup>. The CBD seeks to channel the benefits derived from the

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<sup>3</sup> Article 1.

<sup>4</sup> Article 7 (c) and 8 (l).

<sup>5</sup> Article 10.

<sup>6</sup> Article 11.

use of genetic resources to the party of origin : recipients are required to share in a "fair and equitable" way the results of research and the benefits of commercial and other use, on the basis of mutually agreed terms<sup>8</sup>. Technology is also to be transferred to developing countries, taking account of existing patents and other intellectual property rights<sup>9</sup>.

Parties are to develop national biodiversity strategies, plans or programmes, that reflect the measures set out in the Convention<sup>10</sup>. The Convention also requires the integration of conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

The Convention recognises the crucial role traditional and local communities play in conserving biological diversity and sustainably using biological resources. Article 8 (j) stipulates that subject to their national legislation, Parties are to :

- respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities ;
- promote their wider application with the approval of the holders ;
- encourage equitable sharing of the benefits arising from the use of such knowledge, innovations and practices.

In addition, Parties are to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use<sup>11</sup>.

Parties are also required to submit national reports on the implementation of the Convention. The first reports were submitted prior to COP-4 (Conference of the Parties, Date). Many of these reports contain provisions relating to the conservation of forests, illustrating the high relevance the CBD has to forests<sup>12</sup>.

At COP-4, a Work Programme on Forest Biodiversity was adopted. The four elements of the work programme are as follows :

1. A holistic and inter-sectoral ecosystem approach that integrates the conservation and sustainable use of biological diversity, taking account of social, cultural and economic considerations
2. Comprehensive analysis of the ways in which human activities, in particular forest-management practices, influence biological diversity and an assessment of the ways in which the negative influences can be minimised or mitigated
3. Development of methodologies that are necessary

to advance the elaboration and implementation of criteria and indicators for forest biological diversity

4. Further research and technological priorities as identified in recommendation II/8 of the Subsidiary Body on Scientific, Technical and Technological Advice as well as issues identified in the review and planning process under the work programme.

Thus, the work programme is mainly research- rather than action-oriented. The work programme is to be implemented by Parties through means such as workshops, expert networks, and the CBD clearinghouse mechanism. However, neither an institutional framework nor a clear timetable is provided and, in addition, the role of the secretariat is not made clear. These concerns led COP-5 to call for the implementation of the work programme to be advanced and for Parties to consider, by COP-6, expanding the focus of the work programme from research to practical action<sup>13</sup>.

In preparation for COP-6, an ad hoc technical expert group on forest biological diversity was convened, and, on the basis of its deliberations, the Subsidiary Body on Scientific, Technical and Technological Advice prepared elements for an expanded Work Programme on Forest Biological Diversity. Prior to COP-6, the Secretariat is to prepare a report that identifies elements in the current work programme of relevance to the expanded work programme, and how these may be incorporated into the expanded programme, as well as potential actors, a suggested timeframe and possible ways and means for implementing the activities proposed.

The proposal for the expanded work programme contained three programme elements : conservation, sustainable use and benefit sharing ; institutional and socio-economic enabling environment ; and knowledge, assessment and monitoring. The goals of the first programme element are the appliance of an ecosystem approach in the management of all types of forests ; a commitment to reduce the threats and mitigate the impacts of processes threatening to forest biological diversity ; protection, recovery and restoration of forest biological diversity ; promotion of the sustainable use of forest biological diversity ; and the access and benefit sharing relating to forest genetic resources. A particularly important objective of this programme element is to enable indigenous and local communities to develop and implement adaptive community management systems to conserve and sustainably use forest biological diversity. Goal three of the second programme element is to increase public education, participation and awareness, which is focused on increasing public support and understanding of the value of forest biological diversity and its goods and services at all levels.

At COP-5, several other decisions were adopted that are relevant to forests. The most significant of these is the commitment to an ecosystem approach to forest

<sup>7</sup> Article 15 (1).

<sup>8</sup> Articles 15 (7) and 19 (2).

<sup>9</sup> Article 16.

<sup>10</sup> Article 6.

<sup>11</sup> Article 10 (c).

<sup>12</sup> See for example the reports submitted by Austria, Brazil, China, European Community, Hungary, Russia, South Africa, United Kingdom.

<sup>13</sup> Decision V/4.

conservation, but other relevant decisions include the directives of Article 8 (j), as well as those relating to the management of alien species and cooperation with other international bodies. The decision on Article 8 (j) is particularly important, since it creates a work programme for addressing the role of indigenous and local communities in the conservation of biodiversity and the sustainable use of its components.

### 3 Framework Convention on Climate Change

A number of provisions of both the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol either refer directly to forests and forestry or are indirectly relevant to forest policies. As a result of intense negotiations, the Convention refers to “emissions by sources and *removal by sinks* of greenhouse gases” (emphasis added) in several places, most notably in Article 4.2 on the commitments of those industrialised countries included in Annex I (the so-called Annex I Parties).

According to the convention, sinks have to be taken into account with respect to the soft aim of reducing Annex I Parties’ greenhouse gas emissions to 1990 levels by the year 2000<sup>14</sup>. According to Article 4.1 (c), all Parties are committed to “promote and cooperate in the development, application and diffusion ... of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including ... forestry ...”. Article 4.1 (d) commits Parties to “promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including ... forests ...”. These provisions provide some safeguard against unsustainable forestry practices by calling upon Parties to promote sustainable forest management and reduce deforestation (“the reduction or prevention of emissions” and the “conservation of sinks and reservoirs”) as well as to increase the growth of forests, i.e. afforestation and reforestation (“enhancement of sinks”). In addition, Article 4.8 stipulates that special consideration should be given, inter alia, to countries with forested areas and areas liable to forest decline.

Other specific forest-related provisions are contained in the Kyoto Protocol. While the term “sinks” is not defined in the Convention, the Kyoto Protocol determines three categories of sinks that should be used by industrialised country Parties in meeting their quantified emission limits or reduction commitments: “afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period”<sup>15</sup>. Only “direct human-induced activities” are taken into account. While the scope of forestry activities that can be included thus appears to

be limited, additional categories (such as forest management) might be included on the basis of Article 3.4. Article 3.4 enables the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP/MOP) to include further sink categories in the forestry sector. Such additional sink categories would generally only become relevant for the second commitment period (i.e. starting in 2013). However, Parties can choose to apply them already for the first commitment period, provided that the relevant activities have taken place since 1990<sup>16</sup>. In addition, Parties which had positive emissions from forestry activities in the baseline year 1990 are allowed to subtract these emissions from their baseline in order to determine their emission reduction commitment, which thus becomes smaller<sup>17</sup>.

Article 6 opens up the possibility of implementing forest-related joint implementation projects among Annex I Parties - that is, in practice, between industrialised OECD countries and countries with economies in transition (CEIT). Investing OECD countries can thereby acquire “emission reduction units” resulting from projects that lead to emissions reductions or enhanced removal by sinks from host CEIT countries.

Article 12 of the Protocol defines the Clean Development Mechanism (CDM). The CDM basically provides a framework for implementing joint implementation projects with the involvement of developing country Parties. Investor countries will earn “certified emissions reductions” resulting from relevant project activities. Article 12 does not explicitly include removals by sinks. Indeed, the inclusion of sinks in the CDM has been hotly disputed by the COP, but that issue has now been resolved.

Finally, some unspecific references to forests and forestry are included in Articles 2 and 10 of the Kyoto Protocol. Article 10, inter alia, obliges Parties to elaborate and implement programmes that mitigate against or promote adaptation to climate change. Such programmes, as well as the associated reports, should include the forestry sector. According to Article 2, each Annex I Party shall implement policies and measures such as, inter alia, protection and enhancement of sinks and reservoirs, promotion of sustainable forest management practices, afforestation and reforestation. Addressing potential conflicts with other environmental objectives, protection and enhancement of sinks and reservoirs is to be undertaken by each Annex I Party “taking into account its commitments under relevant international environmental agreements”. However, these provisions hardly require Parties to take any specific action.

The meaning and impact of the aforementioned forest-related provisions of the Kyoto Protocol to a large extent depend on their further clarification and their implementation. For example, definitions of key terms

<sup>14</sup> Article 4.2 (b).

<sup>15</sup> Article 3.3.

<sup>16</sup> Article 3.4.

<sup>17</sup> See Article 3.7.

such as “forest”, “reforestation” and “direct human-induced forestry activities” were not set out in the Protocol.

As a basis for these political decisions, the Intergovernmental Panel on Climate Change (IPCC) prepared a special report on land use, land-use change and forestry in 2000. The IPCC Special Report spells out in particular the implications of different definitions of the terms reforestation, afforestation and deforestation, varying accounting methods and the inclusion of further sink categories under Article 3.4 of the Kyoto Protocol. Depending on the definitions and accounting method chosen, forests could thus either increase industrialised countries’ calculated CO<sub>2</sub> emissions by roughly 20 per cent or reduce them by about 15 per cent (about three times the overall reduction commitment of Annex I Parties). If all additional forest-related activities under Article 3.4 were included, this could lead to a further decrease of calculated emissions roughly 1.5 times (though potentially up to ten times) greater than the reduction obligation of 5 per cent required of industrialised countries.

The process of clarifying many of the ambiguities of the Kyoto Protocol began in 1998 with the adoption of the Buenos Aires Plan of Action by COP-4 and a decision on terminology was scheduled for COP-6 in November 2000. However, when Parties at COP-6 in The Hague failed to reach agreement, COP-6 was suspended and reconvened in mid-2001. The result of the reconvened COP was the Bonn Agreement, which stipulated that Annex I countries may meet part of their emissions targets through four types of land use, land use change and forestry activities - one of which is forest management. A specific allocation for the amount of carbon uptake that each Annex I country is entitled to use to contribute towards its emissions targets from forest management activities was also agreed in Bonn. If Annex I countries overshoot their targets, the Bonn Agreement allows the excess credits to be “banked” and carried over into the next commitment period.

Further developments occurred at COP-7, which took place in Marrakech in November 2001<sup>18</sup>. Key terms, such as “forest”, “afforestation”, “reforestation”, “deforestation” and “forest management” were defined, and the Marrakech Accord, which limits sink projects under the CDM to afforestation and reforestation programmes and excludes forest conservation projects, was drafted. In addition, the amount of credit derivable from such projects was limited to 5 per cent of the assigned total during the first commitment period. Specific rules for sink projects under the CDM are to be adopted at COP-9. Furthermore, as a result of hard bargaining, Russia succeeded in almost doubling the number of credits it was allocated in Bonn for forest management activities. All of these decisions must be adopted by the Kyoto

Protocol’s Meeting of the Parties once the Protocol enters into force, in order for them to become legally binding, although the political decision has been taken to already begin implementing them.

#### 4 Convention on Desertification

The UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa in 1994 (Convention on Desertification), was the culmination of a negotiating process that began at UNCED in 1992. The objectives of the convention are to be achieved through effective action at all levels, with an integrated approach to sustainable development in affected areas. According to Article 4 (2) (a), such an integrated approach involves addressing the physical, biological and socio-economic aspects of desertification and drought. Indeed the Convention takes a holistic approach towards the issues involved, as illustrated by the definition of land degradation adopted in Article 1 (f) as the “reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of certain land resulting from land uses or processes such as long-term loss of vegetation”.

Affected country Parties undertake to do the following :

- give due priority to combating desertification and mitigating the effects of drought ;
- establish strategies and priorities to combat desertification and mitigate the effects of drought ;
- address the underlying causes of desertification ;
- promote awareness and facilitate participation of local populations in efforts to combat desertification and mitigate the effects of drought ;
- provide an enabling environment through legislation, policies and action programmes<sup>19</sup>.

Affected country Parties are to prepare National Action Programmes, in the framework of the regional implementation annexes, which should be updated regularly and be closely inter-linked with other policies for sustainable development<sup>20</sup>. National Action Programmes are to identify the factors contributing to desertification and the practical measures necessary to combat desertification and mitigate the effects of drought<sup>21</sup>. In so doing, they shall specify the roles of government, local communities and land users, and shall, *inter alia*, give particular attention to implementing preventive measures for land not yet or only slightly degraded, promote policies and strengthen institutional frameworks, and provide for effective participation<sup>22</sup>. The Convention also requires affected country Parties to consult and prepare sub-regional and regional action programmes<sup>23</sup>. Support is to be given for the elaboration

<sup>19</sup> Article 5.

<sup>20</sup> Article 9 (1).

<sup>21</sup> Article 19 (1).

<sup>22</sup> Article 10 (2).

<sup>18</sup> See Decision 11/CP. 7.

and implementation of action programmes, including financial cooperation<sup>24</sup>. Requirements relating to information collection, analysis, and exchange<sup>25</sup>, as well as research and development<sup>26</sup>, are set forth. In addition, Parties are to prepare national reports on the implementation of the Convention<sup>27</sup>.

The Convention contains a set of regional implementation annexes, which contain more specific obligations. Those pertaining to Africa, Latin America and the Caribbean require national action programmes which set out to integrate and sustainably manage natural resources, including forests<sup>28</sup>. In the national reports submitted in 1999, many countries indicated that measures relating to forests were among those being taken to combat desertification<sup>29</sup>. However, since the Convention, which came into force on 26<sup>th</sup> December 1996, is still in the early phase of implementation, the COP has yet to consider forest-specific matters on its agenda.

One area in particular which requires close attention concerns traditional knowledge. Article 18 (2) stipulates that traditional knowledge should be protected, promoted and used, and a survey prepared by the Secretariat for COP-2 on this topic contains several provisions relating to forests<sup>30</sup>. A second key area concerns synergy with other international environmental treaties, and Parties have expressed that this should be an important goal for the Convention. For instance, a report prepared by the Secretariat emphasises that vegetation conservation is an important common thread through the Desertification, Biological Diversity and Climate Change conventions<sup>31</sup>. Specifically, the report suggests potential areas for synergy include capacity building, scientific and technical cooperation, financial cooperation and preparation of national strategies.

At COP-5, a report on the implementation of the Convention was considered. It concluded that :

"The Convention was found to be largely successful in raising awareness of the need for sustainable management of natural resources at grassroots level, but the interest raised must be sustained by appropriate action. Provisions for support must be earmarked within the UNCCD NAP (National Action Plan) for further awareness-raising activities and to sustain the participa-

tory implementation of the Convention. More specifically, it is recommended that local area programmes be developed, identifying opportunities for synergistic initiatives to be taken on a territorial basis, at the grass-roots level."

Thus, although the Convention's bottom-up approach is laudable, it appears that more needs to be done to fully implement it.

## 5 Ramsar Convention

As the title suggests, the Ramsar Convention aims to promote the conservation and wise use of wetlands considered as internationally important. The definition of wetlands is such as to encompass mangrove and peat forests, which are among the most threatened forest types<sup>32</sup>. The Convention currently has 130 Parties.

Every Party to the Convention is required to nominate at least one of its wetlands to the List of Wetlands of International Importance that meets one of the criteria set forth in the Convention<sup>33</sup>. Listed wetlands are to be conserved, while other wetlands are to be used wisely<sup>34</sup>. The Convention specifies that wetlands should have nature reserves on them, regardless of whether they are listed or not<sup>35</sup>. The Ramsar Convention has evolved from its original focus on wetlands as habitats for waterfowl to one that addresses broader issues of wetland destruction and wetland biodiversity.

In 1996, the Ramsar COP adopted a strategic plan for 1997-2002, which calls for priority attention to be given to the designation of new sites under-represented on the list, including, *inter alia*, mangroves<sup>36</sup>. At present, the Standing Committee is preparing a new draft Strategic Plan (2003-2008) to be presented for adoption at the next meeting of the COP. Among the operational objectives envisaged for implementing the strategic plan are the encouragement of active and informed participation of local communities and indigenous peoples in the conservation and wise use of wetlands, and promotion of the involvement of the private sector. Also on the agenda for COP-8 are proposed new guidelines for global action on peatlands, adopted recently by the Standing Committee.

Ramsar COP-7 adopted "guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands". These urge "the Contracting Parties to create, as appropriate, the legal and policy context to facilitate indigenous people's and local communities' direct involvement in national and local decision-making for the sustainable use of wetlands, including the provision of necessary resources". In addition, pursuant to Resolution VII.9, the COP has adopted an Outreach Programme (1999-2002).

<sup>23</sup> Article 11.

<sup>24</sup> Article 13.

<sup>25</sup> Article 16.

<sup>26</sup> Article 17.

<sup>27</sup> Article 26.

<sup>28</sup> Article 8 (3) (b) (i) for Africa and Article 4 (c) for Latin America and the Caribbean.

<sup>29</sup> See for example reports from Greece and Zimbabwe.

<sup>30</sup> Note du secretariat, Synthèse des Rapports sur les Connaissances Traditionnelles, UN Doc. ICCD/COP (2)/CST/5, 6 octobre 1998.

<sup>31</sup> Note by the secretariat, Promotion and Strengthening of Relationships With Other Relevant Convention : Collaboration and synergies among Rio conventions for the implementation of the UNCCD, UN Doc. ICCD/COP (2)/7, 17 November 1998.

<sup>32</sup> Article 1.1.

<sup>33</sup> Article 2.

<sup>34</sup> Article 3.

<sup>35</sup> Article 4.

<sup>36</sup> Operational Objective 6.2.

The Ramsar Convention has been pivotal in seeking to create synergy with other conventions, including the CBD, CCD and UNFCCC<sup>37</sup>, and recently concluded cooperative agreements with other conventions, notably the CBD, World Heritage Convention and CCD, and has a joint work plan with the CBD on inland waters.

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

The objective of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is to prevent the overexploitation of listed species caused by international trade. It employs controls on the market so as to eliminate threats to endangered species caused by international trade.

The Convention establishes three appendices, which classify species in accordance with their conservation status<sup>38</sup>. Species listed under Appendix I are the most endangered and therefore commercial international trade in them is highly restricted. Appendix II species may become endangered unless trade in them is controlled and, as such, export of Appendix II species must be preceded by a finding by the exporting Party's management and scientific authorities that the export will not be detrimental to the survival of that species. The scientific authority must also ensure that all exports of Appendix II species are limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems and above a level at which that species might become eligible for listing under Appendix I.

Approximately 800 species are listed on Appendix I and nearly 35,000 species are on Appendix II. While most Parties are bound by such listings, specific reservations may be entered at the time that a species is added to an Appendix, or at the point when a country becomes party to the convention. A Party with a reservation is considered a non-party with respect to trade in that species.

To date, some 15 timber or woody species have been placed on CITES appendices. Proposals to list endangered tree species that are harvested for their timber have been highly controversial, particularly where the species is of commercial importance, such as the Brazilian rosewood (*Dalbergia nigra*), listed in Appendix I, and the African teak (*Pericopsis elata*), listed in Appendix II. Some mahoganies are also included in the Appendices, such as Pacific coast mahogany (*Swietenia humilis*) and Caribbean mahogany (*S. mahagoni*), both included in Appendix II. Costa Rica and Bolivia have placed their populations of big leaf mahogany (*S. macrophylla*) in Appendix III, and other range states, including Brazil and Mexico, have pledged to do the same.

After a proposal by Bolivia and the USA to include big leaf mahogany on Appendix II was narrowly rejected for a third time, a decision was taken at COP-10 to establish

a Mahogany Working Group. The purpose of the working group was initially to examine the status, management and trade of big leaf mahogany throughout the species' range. However, at COP-11 the terms of reference of the working group were revised to include a review of the effectiveness of Appendix III listings, an assessment of information management and the issues associated with legal and illegal trade, as well as a study of potential measures that might widen the scope of Appendix III listings.

In addition to disagreement over the role CITES should play in relation to timber species, there is also a degree of misperception about the effect of listing species. For example, the view prevails in some quarters that listing a species in Appendix II means that no trade can occur<sup>39</sup>. There has also been heated debate about the scientific evidence pertaining to the listing proposals. For example, the Plants Committee and the Secretariat have recommended at previous COPs that the Parties place *Swietenia macrophylla* in Appendix II, and yet these were rejected by slim majorities at COP-9 and COP-10.

At COP-9, the Parties decided to establish the Timber Working Group (TWG) to address some of the particular controversies surrounding these species. The TWG sought to identify implementation problems, clarify the meaning of "readily recognizable" parts and derivatives as it relates to trade in timber products, and examine the role of CITES vis-a-vis other international organizations. It has also helped inform members about the specific implications of CITES for the timber trade, and clarified CITES's implications for those more familiar with the timber trade and less familiar with CITES. The Parties adopted all of the TWG's recommendations at COP-10<sup>40</sup>. However, the TWG has not reconvened since COP-10 and the Standing Committee has subsequently recommended that it remain inoperational.

## 7 Assessment

This survey reveals that the major multilateral environmental agreements that relate to forests are continuing to develop in ways that will impact on forest conservation. The most relevant MEA continues to be the CBD, although much will depend on whether the forthcoming COP-6 will adopt a truly action-oriented programme of work on forest biodiversity. As noted above, the weakness of the current programme of work

<sup>39</sup> It has even been reported that some developers have stopped using materials derived from Appendix II listed species for this reason. See *Increasing Public Understanding of the Role of the Convention in the Conservation of Timber Species*, Recommendation of the Second Meeting of the Timber Working Group of CITES, CITES Doc. SC.37.13, TWG.02. Concl.09 (Rev. 3) (1996). See also CITES COP Resolution Conf. 10.13, Implementation of the Convention for Timber Species.

<sup>40</sup> See Resolution Conf. 10.13, Implementation of the Convention for Timber Species.

<sup>37</sup> See Resolution VII. 4.

<sup>38</sup> Article II.

is that it does not support specific policy outcomes. Thus, the next work programme should not only contain specific targets and timetables, but should also be supported by measures that assign specific personnel and funds to ensure it delivers concrete results. The impact of other MEAs on forests varies. Many of the key controversies in the Kyoto Protocol relating to sinks have been resolved, but further decision-making regarding the details of the treaty needs to take place before the relevant provisions can be implemented. The Convention on Desertification has the potential to support forest conservation, but it is still at an early stage. Ramsar is making progress in addressing the small number of important forest types under its remit. And while CITES has the potential to play a role in ensuring that trade is supportive of forest conservation, political divisions are still impeding its full impact.

In addition, the implementation of forest-related MEAs must be considered in conjunction with the results of the UN forest policy process - the UN Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests, both of which included proposals relating to forest conservation<sup>41</sup>. These proposals are being further considered under the new UN Forum on Forests, whose next session will be devoted to forest conservation.

Another key message from the above survey is that the various initiatives and actions being pursued under the auspices of MEAs must be coordinated in order to

effectively contribute to forest conservation. Synergy among forest-related MEAs should be enhanced through the new Collaborative Partnership on Forests (CPF) that was recently established under the UN Forum on Forests. However, it is too soon to say whether the CPF will succeed in ensuring that collaboration is truly enhanced between MEA secretariats, relevant international organizations, and their programmes and activities. Meanwhile, the actions under the Ramsar and Desertification Conventions aimed at enhancing international cooperation may serve as useful models for achieving synergy.

Public participation, and particularly the role of indigenous and local communities, is recognized as an essential element of all the foregoing MEAs. However, despite being a priority issue on the international agenda, it is apparent that efforts to involve all stakeholders in a meaningful way in forest conservation must be redoubled. Again, reference should be made to the national forest programme process that was developed under the IPF/IFF, which is intended to be participatory, iterative and holistic<sup>42</sup>. As such, national forest programmes have the potential, if properly implemented, to not only ensure effective public participation in forest conservation, but also to tie together the actions undertaken by states in implementing their obligations under MEAs.

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<sup>41</sup> See for example Paragraph 10 of the IFF Proposals for Action.

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<sup>42</sup> See for example Paragraph 17 of the IPF Proposals for Action.