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What is the ‘Problem’ of Global Forest Governance?

D R A F T – DO NOT CITE

Abstract

The paper compares the performance of different intergovernmental processes (UNFF, CBD, UNFCCC) that deal with forests and forest management and whose effectiveness can be assumed to be very different. Examples range from ‘non-governance’ to the establishment of institutions and concrete instruments. The paper investigates into the underlying problem constructions and examines the role of actor networks and scientific disciplines on the different levels of forest governance. It argues that diverging conceptualizations about what constitutes a forest and about the problem to be governed contribute significantly to the observed variance in the performance of the institutions. The paper also argues that globalized definitions of forests contributed to the initial success of the CBD and the UNFCCC compared to the UNFF, but that national and local dimensions of forests still persist. The paper concludes that an effective multi-level governance of forests is hampered by a problem of scale, i.e. discontinuities in problem definitions, predominant actor networks, and prevailing conceptualizations of sustainable forestry across the different levels of forest governance.

1. Introduction

Forests are traditionally regarded as local resources within state boundaries. However, in recent years, ideas about forests occurred which placed them into the context of global ecosystems. This tendency towards a globalization of problems is not confined to forests but a phenomenon that can be found in a range of issues. While, for example, environmental problems were conceptualized mostly as local problems until the 1960s (e.g. soil erosion, overuse of forests), transboundary framings of environmental problems such as cross-border pollution of air and rivers gained prominence in the 1970s. Later, with the protection of the Antarctic, the Ozone layer, or the Earth’s

atmosphere, global commons became a central concern of environmental politics.¹ Even problems that were previously framed as local issues now often imply a global dimension.² At the same time, this tendency does not mean that local issues vanished into globalized constructions. Despite the increasing prominence of globalized problem constructions, local understandings were maintained and still are policy relevant. Policy institutions which aim at dealing with environmental problems are based on specific problem constructions. These different perspectives are sometimes conflicting and competing, and their relative strength varies between institutions.

Although forests were one central topic of the UNCED in 1992, there still exists no coherent international regime that aims at establishing a framework for their sustainable management. Other than for climate change, for the loss of biodiversity, and for desertification, no convention on forests came into existence in Rio. Today, global forest governance resembles a fragmented conglomerate of different conventions and negotiation forums. Besides the 'genuine' UN forest process (the United Nations Forum on Forests, UNFF), the UN Climate Change Convention and the Convention on Biodiversity gradually integrated forests and forest management into their portfolio.

While negotiations in the UNFF revolve around an understanding of forests as privately owned local resources that should be steered by human interventions, environmental conventions are based on an underlying idea of a 'globalized forest' which is constructed via global earth-system benefits that forests provide – e.g. in the global carbon cycle or the protection of the global biodiversity. These globalized conceptualisations of forests were developed by coalitions of scientists, international bureaucracies, NGOs and environmental administrations. While environmental concerns tend to shape the international level of forest governance, domestic forest policies and local practices of forest management are dominated by proponents of the traditional, resource-based understanding of forests which are organised in actor networks of forest owners, forest administration, timber industry (often acting as TNCs), and also forestry sciences.³

The paper starts from the empirical observation that the intergovernmental institutions of international forest governance differ significantly in their performance: While the UNFF is stalled between national interests, the CBD introduced a Working Programme on Forests and concrete targets for forest conservation areas. The UNFCCC deals with forests under the topic 'Land-Use, Land-Use Change and Forestry'. Moreover, instruments such as the Clean Development Mechanism or Reduced Emissions from Deforestation and Forest Degradation are negotiated under the Framework Convention on Climate Change. Using the case of the Earth's forests, the paper will follow the question why widely similar intergovernmental institutions perform differently in governing one and the same object. The institutions which will be compared are akin in most variables: All three emerged in the context of the UNCED, they possess almost identical membership, show similar power constellations between their members, and the state of knowledge about the specific role which forests play is incomplete in all cases. However, it will be shown that they differ in fundamental ideas about the meaning of 'forest' and about the problem to be governed.

¹ For a more detailed description of this process cf., Frank 1997.

² E.g., Kaul/Mendoza (2003:99) maintain that „global public goods are largely national public goods that have gone global”

³ Cf., Morisse-Schilbach/Werland forthcoming; Winkel/Werland forthcoming.

The second paragraph introduces the different institutions of intergovernmental forest governance. It describes the role of forests under the United Nations Forum on Forests (UNFF), the Convention on Biological Diversity (CBD), and the UN Framework Convention on Climate Change (UNFCCC). The paragraph aims at giving a rough idea about the performance and relative effectiveness of these institutions in dealing with forests and forestry practices.⁴ Starting from the diverging performance of these institutions, the third paragraph will trace back the underlying problem constructions and conceptualisations of 'forest'. It will be asked in how far these conceptualizations match or conflict with a traditional understanding of forests and forest management.⁵

The final paragraph will draw conclusions about the effect of forest conceptualizations on the performance of the respective institutions of intergovernmental forest governance. It will be asked, whether globalized problem definitions contributed to more 'successful' forest governance and, if so, where the limits to such approaches lie.

2. Institutions of Forest Governance and their Outputs

After negotiations to a forest convention in the context of the UNCED had failed, the issue was taken up in a variety of institutions. Besides the attempt to keep forests as an independent issue in what will be called the 'core forest process', other conventions, including the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) gradually integrated forests and forest management into their portfolio. Collectively, these institutions are sometimes referred to as the 'International Forest Regime'. However, it will be shown that the respective institutions are based on very different conceptualizations of forests. Since the standard definition of a regime mentions the convergence of actors' expectations (Krasner 1983), the notion of a forest regime is misleading. Rather, intergovernmental forest governance resembles a conglomerate of different, and sometimes even contradictory processes.

Core Forest Process

Already during the Preparatory sessions to the UNCED it became apparent that a binding forest convention would not be passed in Rio. While OECD countries favored a convention on forests, most developing countries opposed a binding instrument. The second Preparatory Committee (PrepCom 2) which took place in March and April 1991 concluded in its Decision2/13 that

*"all steps and options (including at a minimum [...] a non-legally binding authoritative statement of principles) for a global consensus on the management, conservation and development of all types of forests..."*⁶

...should be considered. In the course of the negotiation rounds, at PrepCom3, the G77 issued a draft proposal which targeted at passing at maximum a non-legally binding convention on forests.⁷

⁴ To circumvent the complex problem of measuring the impact of institutions on the state of the Earth's forests, the paper will focus primarily on the output dimension which is relatively easy to measure.

⁵ Cf. Winkel / Werland forthcoming.

⁶ Quoted in: Humphreys 1996:93.

⁷ Humphreys 1996: 94.

Accordingly, a non-binding forest declaration, the so called Forest Principles⁸ with its fuzzy outline “to contribute to the management, conservation and sustainable development of forests to provide for their multiple and complementary functions and uses” could be agreed upon in the Rio-process on the protection of the Earth’s forests.⁹ The G77 also succeeded in widening the scope of the Forest Principles to “all kind of forests, both natural and planted, in all geographic regions and climatic zones”¹⁰. Member States’ sovereign rights about their forests and about forest resources are explicitly referred to in the first Article (1(a))

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

The Forest Principles do not demand that a binding convention shall be reached in the future. Nevertheless, based on the Forest Principles, a negotiation process developed in the 1990s. This ‘core forest process’ was subsequently conducted in a variety of institutional arrangements: the Intergovernmental Panel on Forests (IPF) was established in 1995 by a resolution of the Commission on Sustainable Development (CSD). Its aim was to promote the implementation of the forest principles and to develop propositions for a binding legal agreement on forests which should be approved at the Earth Summit+5 Conference in 1997. However, no agreement on a forest convention was reached on that conference. On the contrary, a growing refusal of such an instrument became apparent. In addition to an increasing number of states, the majority of environmental NGOs, which had supported a convention at the UNCED, now opposed a legally binding forest convention, fearing that the negotiation context could detract attention from environmental concerns but pronounce economic functions of forests.¹¹

In order to maintain the forest policy dialogue, the Intergovernmental Forum on Forests (IFF) was established. The IFF was supposed to evaluate and continue the work of the IPF, as well as to assess the further perspectives for adopting a legally binding instrument in the future. When its mandate ended without any conceivable results, the IFF proposed to at least continue the negotiation process. In 2000, the United Nations Forum on Forests (UNFF) was installed as an organ of the UN Economic and Social Council.¹² The Forum was originally designed as five years negotiation period. But also in this context no agreement on a legally binding instrument on the protection of forests was reached. In February 2006, the Sixth Conference of the Parties agreed on the continuation of the UNFF rounds,

⁸ The Forest Principles’ official name is “The Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests.”

⁹ Besides the Forest Principles, only Article 11 of the non-binding Agenda 21 (“Combating Deforestation”) also refers to the forest.

¹⁰ Preamble (e)

¹¹ Cf., Chaytor 2001, 9 and Rosendal 2001, 454-455.

¹² Resolution E/200/35

now with the goal passing a non-binding legal instrument in the future.¹³ UNFF-6 also agreed on four Global Objectives on Forests.¹⁴ These include:

- Reverse the loss of forest cover worldwide through sustainable forest management (SFM), including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation;
- Enhance forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people;
- Increase significantly the area of protected forests and other sustainably managed forests, and increase the proportion of forest products derived from sustainably managed forests; and
- Reverse the decline in official development assistance for sustainable forest management and mobilize significantly- increased new and additional financial resources from all sources for the implementation of SFM.

The Global Objectives are not legally binding and focus mostly on development goals, financing, and forestry practices. Since there still is no concrete definition of ‘sustainable forest management’ (SFM) yet, all references to SFM as guiding principle for forest management practices are de facto ineffective. Compared to the emphasis on the economic dimension of forests and forestry, forest conservation and protection are only minor issues in these goals.

After more than 16 years of negotiation in the core forest process, member states finally agreed on a Non-Legally Binding Instrument on All Types of Forests (NLBI) in 2006. While most OECD states (e.g. EU, Canada) initially favored a legally binding instrument, forest rich developing countries (e.g. Brazil, India, Indonesia) insisted on passing a weak, non-legally binding agreement.¹⁵ The UN General Assembly adopted the non-binding instrument in December 2007. The NLBI also makes reference to the nonspecific concept of sustainable forest management as central implementation instrument. It maintains the focus on development issues.¹⁶ Despite the adoption of the NLBI, and the four Global Objectives, the core forest process still remains mostly ineffective: first, the agreed instrument is not legally binding, i.e. participation and compliance are voluntary and the Global Objectives are not specified in any quantifiable way. The concept of sustainable forest management is not defined clearly and, accordingly, does not imply changes in management practices; i.e. it has yet to affect “changes in the behaviour of actors, in the interests of actors, or in the policies and performance of institutions”.¹⁷ As the Environment Negotiation Bulletin (ENB) concluded, after the adoption of the NLBI, “the sense of urgency that brought the forests issue into the mainstream of international environmental politics is no longer present within the UNFF”.¹⁸

¹³ Food and Agriculture Organization of the United Nations, 2006.

¹⁴ http://www.un.org/esa/forests/pdf/session_documents/unff6/newsrelease-endofsession.pdf

¹⁵ Schneider 2007.

¹⁶ “to enhance the contribution of forests to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability”

¹⁷ Young and Levi, 1999: 5

¹⁸ ENB Vol. 13, No.144, 11.

A review of the literature on the core forest process finds that the prevalent negotiation mode in the UNFF was distributional and positional bargaining between states.¹⁹ UNFF Member States acted as self-interested utility maximizers. This strategy inhibited the adoption of a substantial convention which opposed their perceived national interests – namely unrestrained timber production.²⁰ Forest-rich states either rejected a legally binding instrument or sought a fairly weak convention.²¹ Moreover, some forest rich states such as Brazil commonly use the weak UNFF as strategic instrument to block forest negotiations in other, binding institutions such as the CBD²² by referring to the Forum as the only adequate institution to deal with forests. This possibility might explain the maintenance of the UNFF and the interest of forest rich countries in keeping a weak UNFF alive.

Consequently, interest articulation of forest-rich states (veto players), conflicts of interests between industrialized and developing countries about the conservation of primary forests, and the lack of appropriate compensatory mechanisms led to a standstill of UNFF forest policy. IPF, IFF and UNFF conferences have not been able to establish a consensus about an internationally coordinated approach on the protection of the planets' forests. The institutionalization of a coherent global forest policy within the UNFF has essentially failed: beyond the maintenance of an informal dialogue, the negotiations did not bring about solid structures of international forest politics, nor did the core forest process contribute to changes in national legislation or behaviour of actors.

The Convention on Biological Diversity

As a species-rich biosphere, the protection of forests is one central issue of the conservation of biodiversity. The convention follows the premise that “biological diversity is being significantly reduced by certain human activities” and that its conservation is a “common concern of humankind”.²³ First attempts to establish a Biodiversity convention were made by the International Union for Conservation of Nature (IUCN) and other environmental NGOs during the 1980s. Based on the NGOs' work, first formal negotiations on a Convention on Biological Diversity were held in an ad hoc Working Group which was established by the UNEP Governing Council in 1987. The ad hoc Working Group agreed that an umbrella convention for the existing treaties and institutions on the national level (protected areas, national parks, etc.), on specific ecosystems (e.g., wetlands), or on specific species would not suffice.²⁴ Instead, the Working Group claimed that “a new global treaty on the conservation of biological diversity was urgently needed”.²⁵

Signatory states to the CBD committed themselves, among others, to “establish a system of protected areas where special measures need to be taken to conserve biological diversity” (CBD Art. 8a). The preservation of biodiversity in its natural environment (in-situ conservation) shall be ensured through “necessary legislation and/or other regulatory provisions” (CBD Art. 8k) on the national level, and “consideration of the conservation and sustainable use of biological resources” shall be

¹⁹ Humphreys 2001, 130-131.

²⁰ Cf. Humphreys 1996.

²¹ Cf., Humphreys 2001, 131; Rosendal 2001, 453; Dimitrov 2005, 14-15; Chaytor 2001, 9; Hönerbach 1996; Davenport 2005.

²² ENBVol.9, 444.

²³ CBD, preamble.

²⁴ Burhenne-Guilmin/Casey-Lefkowitz 1993.

²⁵ Burhenne-Guilmin/Casey-Lefkowitz 1993.

included into national decision-making processes (CBD Art. 10a). In 2002, the 6th Conference of the Parties (CoP) formulated the target to achieve a “significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth” by 2010 (CBD/VI/26). The 2010-target was specified in Decision VII/30, where it inter alia was agreed to have “at least 10% of each of the world's ecological regions effectively conserved” (Target 1.1). This target shall be achieved by setting up a global network of “comprehensive, effectively managed, and ecologically representative national and regional systems of protected areas” (Programme of Work on Protected Areas, CBD/VII/28).

With the “Programme of Work on Forest Biological Diversity”²⁶ which was adopted in 2002 and amended in 2004, forests were explicitly introduced as an issue on its own rights into the CBD negotiations.²⁷ The Programme of Work is based on a comprehensive approach which focuses on the three main goals of the Conventions: protection, sustainable use, and access and benefit sharing of global biodiversity. The Programme emphasizes that all forest related actions under the CBD should refer to the ecosystem approach²⁸ as primary framework of action. The ecosystem approach was developed by ecologically oriented scientific disciplines (ecology, biology) recognizes that humans are integral part of ecosystems and emphasizes participatory approaches to forest management. It maintains that sustainable forest management must “be integrated and work with the natural limits and utilize the natural functioning of ecosystems”²⁹. The approach also contains a social, participatory dimension: it is described as

“...an overall methodological framework for supporting decisions in policy-making and planning [...]. The ecosystem approach is a tool that contributes to the implementation of various issues addressed under the Convention, including the work on, inter alia, protected areas and ecological networks.”³⁰

In order to support participative decision making, “interested communities” shall be involved through the development of efficient and effective structures and processes for decision-making and management.

Although the Working Programme has no binding status, it contains concrete activities that are supposed to contribute to the conservation and sustainable use of the biodiversity of forest ecosystems. For example, it demands the establishment of “adequate and effective protected forest area networks”. Decision CBD/VIII/15 from 2006 demanded that until 2010, “at least 10% of each of

²⁶ CBD/VI/22

²⁷ A first Work Programme for Forest Biological Diversity was agreed upon in 1998 at CoP4. However, this Programme only focused on research, co-operation and development of technologies, but did not introduce targets. It was explicitly described as “complementary tool to national forest and land-use programmes” (COP 4 Decision IV/7)

²⁸ UNEP/CBD/COP/DEC/VII/11. “The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.” (CBD UNEP/CBD/COP/DEC/VII/11, Annex I A 1.)

²⁹ UNEP/CBD/COP/DEC/VII/11, Annex I A 3 (a).

³⁰ CBD UNEP/CBD/COP/DEC/VII/11, Annex I A 4.

the world's forest types are effectively conserved".³¹ Thus, the extent of protected areas can be used as a one proxy indicator for progress in conserving the global biodiversity.³²

Table 5. Major habitat types—global coverage and the area protected.

	habitat name	total habitat area (1000 km ²)	total area protected (1000 km ²)	proportion protected (%)
1	tropical moist forest	9306	2798	23
2	tropical dry broadleaf forest	2830	342	11
3	tropical and subtropical needle-leaf forest	2044	304	13
4	temperate and boreal broadleaf forest	3965	577	13
5	temperate and boreal mixed forest	3057	376	11
6	temperate and boreal needle-leaf forest	9210	1539	14
7	temperate and boreal sparse forest	1359	219	14

Source: Chape et al. 2005: 451 (extract)

The example of Germany indicates that the CBD also provides a source of legitimacy for domestic environmental actors:³³ While responsibility for forest politics in Germany is traditionally located at the ministry of agriculture, the Ministry for the Environment gained increasing influence by referring to the CBD and environmental NGOs regularly point to the government's commitments under the Convention.³⁴ It also contributed to changes in traditional concepts of forest management at least in parts of the forestry community.³⁵

The UN Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) refers to forests and forest management by calling upon its signatory states to...

"...promote and cooperate in the conservation and enhancement [...] of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans [...]"

The Kyoto Protocol to the UNFCCC introduced the category of Land Use, Land-Use Change and Forestry (LULUCF) as one greenhouse gas inventory sector.³⁶ Article 3.3 of the Kyoto Protocol specifies that net changes in greenhouse gas emissions from direct human induced land-use change and forestry activities since 1990 are accounted for in Parties' greenhouse gas inventories and

³¹ This target was reaffirmed in CoP 9 Decision IX/5 on Forest Biodiversity: (h) *Strengthen efforts to establish, maintain and develop national or regional forest protected area networks and ecological connectivity, where appropriate, and identify areas of particular importance to forest biodiversity, taking into account the target of having at least 10 per cent of each of the world's forest types effectively conserved, as contained in decision VIII/15, as a contribution to the programme of work on protected areas, and further strengthen efforts to provide for sustainable financing of forest protected areas, from all available sources, including innovative financial mechanisms for the establishment and effective management of forest protected areas.*

³² It needs to be noted, however, that the formal introduction of protected areas does not necessarily mean a positive impact on global biodiversity ("paper parks"). However, coverage of protected areas is considered one sub-indicator in Decision VII/30.

³³ Oran Young and Marc Levy (1999) speak of an internal realignment function of international regimes.

³⁴ Morisse-Schilbach/Werland 2009.

³⁵ Winkel/Werland, forthcoming

³⁶ Decision 11/CP.7

credited against emission targets of Annex I countries.³⁷ The integration of afforestation, reforestation and deforestation into national greenhouse gas inventories is mandatory. Article 3.4 provides for additional LULUCF activities which can be included into Parties' accounting for the first commitment period on a voluntary basis. These additional measures include forest management practices.

Kyoto Protocol Article 6 on Joint Implementation (JI) and Article 12 on the Clean Development Mechanism foresee the possibility to achieve a portion of Annex I countries' emission targets through conducting mitigation projects either in other Annex I countries (JI) or in non-Annex I countries (CDM). Afforestation and reforestation projects are explicitly mentioned in the respective Articles. During the first commitment period (2008-2012), CDM projects were exclusively confined to afforestation and reforestation. The introduction of *Reduced Emissions from Deforestation and Degradation* (REDD) as one mechanism for global forest governance under the UNFCCC is currently discussed and will be a central issue at COP 15 in Copenhagen. REDD aims at reducing the rate of forest loss in developing countries. It goes back to a proposal made by Papua New Guinea and Costa Rica in 2005. The idea was to set up an instrument which provides incentives to developing countries to reduce or even reverse tropical deforestation and to maintain forests. The primary focus of the mechanism is the role of forests in storing carbon and regulating climate; however other services such as housing or the protection of biodiversity are considered as having "similar global values".³⁸ Remaining problems with REDD include the permanence of carbon storage, the additionality of REDD projects, or the effects of newly generated certified emission reductions (CERs) on carbon markets.

Conclusion

This very short overview showed that the different intergovernmental institutions performed quite differently when dealing with forests. For the purpose of this paper, focus will be on the output dimension which is much easier to determine than impacts on the Earth's forests.

Despite negotiations in the core forest project were upheld in a sequence of forums until today, only non-binding and nonspecific declarations were passed. The passage of a legally binding instrument on all forests under the UNFF is no longer an issue. References to Sustainable Forest Management as the proposed management practice have no effect on behaviour and forestry practice since the concept is not clearly defined. Forest rich developing states tend to use the UNFF as instrument to block forest negotiations in other, legally binding institutions such as the CBD. Accordingly, opponents of a binding international agreement on forests – whether as an own convention or in the form of a protocol to another convention – have an interest in maintaining a weak, nonbinding UNFF. Overall, the output of the core forest process can be considered very weak or even negative.

³⁷ Art.3, 7. In the first quantified emission limitation and reduction commitment period, from 2008 to 2012, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five. Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.

³⁸ UNEP/WCMC 2007.

On the other hand, forests under the CBD are considered in an own working programme. One explicitly formulated target of the CBD is to set up protected forest areas; at least 10 percent of all forests types shall be protected by 2010. However, it is not clear yet if this target will be reached and how many of these areas are really protected – and which portion is merely ‘paper parks’. As the example of Germany has indicated, the CBD is used as source of legitimacy for environmental actors in influencing domestic forest policies (internal realignment). Accordingly, the CBD produced a higher outcome than the UNFF, while the impact of the CBD on the state of the Earth’s forest cannot be easily determined.

Finally, under the UNFCCC, forests are integrated into accounting systems and national greenhouse gas inventories. Moreover, specific instruments on forests were developed: CDM/JI projects contain afforestation and reforestation as one option for Annex I parties to meet a certain portion of their commitments under the Kyoto Protocol. The REDD mechanism received a lot of attention in the UNFCCC negotiations and will be one central issue at the 2009 CoP in Copenhagen. Problems that remain are the disappointing performance of CDM and problems of permanence, leakage, and additionality in forest projects. Compared to the UNFF and the CBD, the UNFCCC developed relatively concrete instruments (output). However, since REDD is still under consideration, the impact on forests cannot be estimated yet.

3. Underlying Forest Conceptualizations

The following chapter investigates in how far underlying problem constructions and ideas about forests contributed to the different performance of the institutions which were described in the previous chapter. Problem constructions and understandings about what constitutes a forest and services will first be identified. It will be outlined which actor coalitions dominated the different processes and succeeded in framing the problems to be governed. Special emphasis will be on the role of spatial scales in these framings.

It will be argued that the UNFF reproduced the traditional paradigm which is based on a local conceptualization of forests and which is held and reproduced by most proponents of the forestry sector, i.e. forest owners, forest administrations, timber companies, and also forestry science. This resource-based understanding is deeply rooted in century-old forest management practices and forest-related knowledge as well as in global market structures with international timber trade and transnational timber companies (TNCs). According to this paradigm, forests are understood as resources which should be steered by human interventions. Until the 1980 natural resource management regimes, e.g. on fish stocks or on forests, reflected maximum sustainable yield approaches.³⁹ These economy-based approaches meanwhile have been supplemented by social and environmental concerns what led to the paradigm of Sustainable Forest Management; however this paradigm still is based on economic production functions of forests.

The adoption of this paradigm ultimately led to a stalemate of forest negotiations. At the same time, the CBD and the UNFCCC are based on significantly different conceptualizations of forests which seem to be better suited to international problem solving and can be ascribed to ecologically

³⁹ On the development of forest management practices cf., Winkel/Werland forthcoming, and Morisse-Schilbach/Werland forthcoming.

oriented epistemic communities. However, as will be shown, local conceptualizations of forests (re-)entered the negotiations in these forums as well later. Global problem construction cannot be effective without also considering local discourses, interests, and practices.

Earlier International Attempts to Regulate Forests

Forests came onto the international political agenda in the 1980s, after awareness about tropical deforestation became an issue in many developed countries. Environmental NGOs played an important role in raising interest in tropical deforestation.⁴⁰ This process was accompanied by the publication of the FAOs Forest Resource Assessment in 1980. The assessment provided the first comprehensive data set about tropical deforestation and covered almost the entire land area of the tropical developing countries.⁴¹ While tropical deforestation was considered to bear global consequences, for example disturbing the global climate, deforestation and forest degradation in the temperate and boreal regions was not considered problematic at this time. OECD countries framed the problem as a problem of forest degradation in the tropical forest belt and sought a convention on tropical forests⁴² which were framed as a global common in this discourse.⁴³

Accordingly, first international attempts to regulate forests and forestry practices exclusively focused on tropical forests: The International Tropical Timber Agreement was passed in 1983. As the name indicates, it rather dealt with international trade in tropical timber – what is astonishing, since tropical timber only accounted for ca. 10% of international timber trade in 1993⁴⁴ – and was not based on a comprehensive understanding non-timber forest functions. The focus on economic functions of forests and on trade was mirrored in the allocation of voting rights in the International Tropical Timber Organization which was founded in 1985. It depended to a large part on the Member States' importance in international timber trade. For producers, voting rights are inter alia allocated according to the area covered by forest and by the amount of timber produced, while importing countries gain rights according to their consumption of tropical timber. The ITTA is a resource based agreement which focuses on the production function of forests. Although social and ecological concerns were subsequently included into the ITTOs agenda, the “sustainable supply of timber” remains one central objective of the ITTO.⁴⁵ The pronunciation of forests' resource dimension, the maintenance of sovereign rights over forests, and the reluctance to formulate prescriptions on forest management can explain why tropical developing countries accepted the ITTO although it exclusively focuses on tropical forests.

The Core Forest Process

Other than Biodiversity and Climate, forests were not an already relatively established issues which was considered in an own process independently of the UNCED Preparatory Committees (PrepComs). In the wake of the UNCED, attempts to put forests on the UNCED's agenda were made from state and non-state actors from developed countries or international institutions, e.g. the European

⁴⁰ Schreurs 2007, Arts 1998.

⁴¹ Skole/Tucker 1993

⁴² Hönerbach 1996: 36

⁴³ Hönerbach 1996

⁴⁴ Hönerbach 1996

⁴⁵ ITTC(XXXII)/17, 18 May 2002

Commission, the European Parliament, the World Resources Institute, the FAO, or the G7. They commonly referred to tropical forests as part of the global carbon cycle and demanded either an own convention on forests or a forest protocol to the Climate Convention.⁴⁶

However, forests were considered an issue on its own and not as part of broader ecological problems. Since forests traditionally were considered a resource, it was not representatives of environmental administrations and bureaucracies (e.g. UNEP) but actors with a background in agriculture and forestry, for example national agricultural administrations, or the FAO which negotiated in the PrepComs. The same applies to UNFF negotiations.

Diverging understanding of forests and different ideas about an adequate scope of a forest convention overshadowed negotiations in the preparatory committees to the UNCED. While OECD member states' aim was to pass a convention which focused on the conservation of *tropical* forests,⁴⁷ specifically the forest-rich developing countries rejected a binding convention on forests and claimed that forests were national resources. Rather, the G77 followed a development agenda which emphasized national rights about their own resources.⁴⁸ They strongly rejected the framing of forests as 'global commons' or as 'common heritage of mankind', fearing these concepts would interfere with their sovereignty over their own resources.⁴⁹ Also at the third PrepCom, the UNCED secretariat released a document on 'Guiding Principles for a Consensus on Forests' which was heavily influenced by the FAO⁵⁰. Finally, based on the Guiding Principles and the G77 proposal, the UNCED secretariat drafted a 'Statement of Forest Principles' which – due to the G77 majority in the PrepCom – mostly reflected the G77 position. The draft did not contain any reference to the concepts of 'stewardship', 'common heritage', or even 'global commons'.⁵¹

In the meantime, 41 developing countries had adopted the 'Beijing Ministerial Declaration on Environment and Development' (A/CONF. 151/PC/85) in 1991. The Declaration affirms developing countries' refusal of the concept of 'common heritage'. It acknowledged that "while the protection of the environment is in the common interests of the international community, the developed countries bear the main responsibility for the degradation of the global environment" and that, accordingly, "environmental considerations should not be used as an excuse for interference in the internal affairs of the developing countries"⁵²

During the negotiation in Rio, the Malaysian ambassador once again claimed that "forests are clearly a sovereign resource – not like atmosphere and oceans, which are global

⁴⁶ Humphreys 1996: 86

⁴⁷ Hönerbach 1996:34, Arts 1998: 211

⁴⁸ Arts and Buizer (2008) identify a slightly different development discourse in global forest policy.

⁴⁹ Cf, Schreurs 1997.

⁵⁰ Humphreys 1996: 93.

⁵¹ Humphreys 1996: 99.

⁵² Quoted in: Humphreys 1996:94 and Matsui 2002: 154-155.

commons. [...] We cannot allow forests to be taken up in global forums”.⁵³ Accordingly, the Forest Principles which were agreed upon in Rio emphasized the sovereign rights of countries over their forests; with development and economic aspects of forests being highlighted. This focus was maintained throughout the IPF/IFF process and the UNFF negotiations. Throughout the negotiations which led to the non-legally binding instrument on all forests (NLBI) at UNFF-6, developing states “insisted on a specific reference to the principles on sovereign rights of countries to exploit their own resources and common but differentiated responsibilities”⁵⁴ Moreover the NLBI does not make any reference to other, binding conventions such as the UNFCCC or the CBD which could be used to question the national sovereignty over forest resources.

The framing of forests as sovereign resources inhibited the emergence of a perceived common interest between UNFF Member states. The Core Forest Process reproduced a ‘traditional’ understanding of forest as resources on the international level without giving global environmental concerns and common interests a strong stand in the negotiations. As a consequence, the framing of forests as resources allowed domestic economic stakeholders, i.e. forest owners and timber companies who act in an increasingly globalised timber market to have a strong voice in many key states and throughout the intergovernmental negotiations⁵⁵. Accordingly, many forest-rich developing countries adopted utility functions that favoured undisturbed timber production over the international regulation of forest management which they feared would interfere with their national sovereignty and existing forestry practices.⁵⁶ Moreover, the maintenance of a weak UNFF process is in the interest of those countries who wish to avoid that forests are considered in other, binding conventions.⁵⁷ Thus, it can be argued that UNFF were not abandoned since UNFF proved to be a instrument to retain national sovereignty over forests.

The more or less exclusive focus on tropical forests and forest management led to the emergence of a strong veto coalition. According to this framing, payoff structures of a binding convention for tropical developing countries were perceived as purely negative.⁵⁸ Furthermore, the framing of forests as national or privately owned resources did not provide for a common interest of all UNFF members. Accordingly it did not become clear why e.g. mechanisms for financial compensations should be installed.

An institutionalist, interest-based approach to international forest politics seems appropriate to explain the blockade of the core forest process. However, it fails to answer the question why forests are treated rather effectively in other contexts like the climate regime, and the Convention on Biological Diversity.

Convention on Biological Diversity

⁵³ Quoted in the New York Times, 12 June 1992. Source: Schreurs 1997: 182.

⁵⁴ ENB, Vol 13, No.144:4.

⁵⁵ Gulbrandsen 2004:83

⁵⁶ Cf., Humphreys 2001; Rosendal 2001; Dimitrov 2005; Chaytor 2001; Hönerbach 1996; Davenport 2005

⁵⁷ At CBD COP9 in 2008, the Brazil delegation maintained that the UNFF was the only adequate forum to discuss forestry issues (ENB Vol. 9 No. 444, 21 May 2008).

⁵⁸ One possible explanation why forest-rich OECD countries supported a forest convention is that they hoped to export ‘northern’ forest management standards to developing countries, what would have caused high adaptation costs and higher prices for tropical timber on the world market.

Forests in the CBD are considered as forming part of the 'global biodiversity'. The Convention on Biological Diversity developed from the 'scientific agreement' that the current rate of global species extinction exceeds the natural rate by far and that "biological diversity is being significantly reduced by certain human activities".⁵⁹ Conservation biologists and ecologists had been central scientific actors in bringing biodiversity conservation onto the global policy agenda.⁶⁰ Scientists did not act on their own but formed coalitions with other non-state actors in order to gain influence and to promote a "comprehensive, ecosystem approach" to nature conservation on the international level.⁶¹ This epistemic community framed biodiversity in terms of a global common: For example, Edward O. Wilson speaks of "the world's available gene pool" as "one of our planet's most important and irreplaceable resources". In this context, Wilson explicitly mentions that "wild species in tropical forests and other natural habitats are among the most important resources available to humankind".⁶²

Negotiations to a Convention on Global Biodiversity soon went beyond conservation issues and included the sustainable use of biological resources, questions about the access to genetic and benefit sharing from possible gains. Thus, they touched questions about ownership of and access to local and national resources. The return of the local resources agenda early in the wake of the CBD led to a double character of the CBD – somewhere between a global problem construction and local resource management. The concept 'common concern of humankind' which is mentioned in the CBD mirrors this character. It implies that states possess sovereign rights over their biological resources but are held responsible for their conservation. The concept refers to Article 21 of the Stockholm Declaration which states that

"States have in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

The CBD's 'Programme of Work on Forest Biological Diversity' makes reference to the 'ecosystem approach' in order to contribute to the conservation and sustainable utilization of forest biodiversity. Evidently, this perspective is based on a forest image that fundamentally differs from the understanding carried by traditional forestry actors – and which deems human interventions into natural processes necessary in order to realize forest owners' objectives.⁶³ With decision VII/11 of CBD COP7, the differences between the 'ecosystem approach' and 'sustainable forest management' have been settled: it declares that "sustainable forest management [...] can be considered as a means of applying the ecosystem approach to forests". SFM, which originates in the concept of 'sustainable yield forestry' and refers to "meeting present needs for forest goods and services, while ensuring their continued availability in the long term",⁶⁴

⁵⁹ CBD, Preamble

⁶⁰ Cf., Kesser/Thomas 2006, Epstein 2006, Takacs 1996

⁶¹ Raustiala 1997, Winkel/Werland forthcoming.

⁶² Wilson 1989: 65.

⁶³ Cf., Plachter/Volz 2000, Zundel 1990

⁶⁴ FAO 2003: 47

Fundamentally, the CBD is based on an understanding for forests as global common. Since it also emphasizes the resource function of forests, the CBD combines a conservation agenda (forests as global commons) with a development agenda (resources). The framing of forests thus provides potential for common benefits. Access and benefit sharing offers the possibility for developing countries to benefit from efforts to conserve nature – with tropical forests as most species rich habitats. However, since it is mainly enterprises from developed states (e.g. pharmaceuticals) which gain from access to genetic information, and not whole societies, the understanding of forests as global common needs to be questioned. Accordingly, besides voluntary financial commitments of some developed states⁶⁵, no instruments on financial transfer for the protection of primary forests were passed so far under the CBD.

Forests in the UNFCCC

From the beginning on, forests have been considered as closely connected to an undisputed global common, namely the global atmosphere. Flora and soils had been integrated into scientific global carbon cycle models since the 1970s.⁶⁶ Scientists pointed to the importance of forests for the global climate system and thereby established a first global dimension of forests and forest management. Human activities, such as forestry, influence “the natural rate of exchange of carbon between the atmosphere and the terrestrial biosphere”.⁶⁷ In 2000, the Intergovernmental Panel on Climate Change (IPCC) concluded that about 20 percent of annual global carbon dioxide emissions stem from tropical deforestation.

Thus, in the UNFCCC context, ‘forests’ have a twofold meaning: on the one hand they are regarded as integral part of the global carbon cycle where they act as carbon sinks, reservoirs, or sources (as specified in the Kyoto Protocol and the Marrakech Accords; mitigation dimension of forests); on the other hand they are seen as fragile and endangered by climate change (adaptation dimension of forests).

The United Nations Framework Convention on Climate Change refers to ‘forests’ by calling upon its signatory states to “promote and cooperate in the conservation and enhancement [...] of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans [...]” (Article 4 (1d)). During the successive negotiation rounds, the terrestrial biosphere’s capacity for carbon storage became politicized and even gained an international re-distributional dimension: the accountability of ‘sink activities’ that can be counted against states’ emission targets became a source of conflict between the parties to the convention. In particular forest-rich states pushed for a comprehensive approach that included land based sink activities.

The conclusion of the Intergovernmental Panel on Climate Change (IPCC) that about 20 percent of annual global carbon dioxide emissions stem from tropical deforestation brought the issue of ‘Reducing Emissions from Deforestation and Degradation’ (REDD) in developing countries onto the political agenda. Ironically, the exclusive focus on tropical forests, which was rejected by developing

⁶⁵ For example, Germany offered € 500mio for the protection of tropical forests at CoP9 in Bonn.

⁶⁶ Lövbrand/Strippel 2006

⁶⁷ Watson et al. 2000

countries before, now re-entered the forest negotiations – on the initiative of forest-rich developing countries.

The framing of forests as intrinsically tied to the global common atmosphere/stable climate generated an interest of OECD countries in conserving tropical forests. This interest was the genuine motivation for industrialized countries to put forests onto the agenda of UNCED. The perspective of gaining relatively cheap emission reductions through halting tropical deforestation contributed to the agreement of industrialized countries to concrete mechanisms. On the other hand, the definition of forests used in the UNFCCC (with the possible exception of REDD) does not discriminate between intact primary forests, secondary forests, or even plantations.⁶⁸ The framing of forests as possible carbon sinks, the accentuation of its exposure to external threats and the demand for adaptation measures are compatible with the resource conception of forests and the development agenda which was pursued by developing countries. Basically, the climate discussion does not formulate any problematic claims for forestry (in the sense of a conflict of objectives) that could be opposed to the primacy of timber production or the forestry sectors' freedom of action. The flexible mechanisms rather offer a new source of income and thus complement the production function of forests.

4. Conclusions – so far:

The puzzle on which this paper builds is that some intergovernmental institutions which are relatively similar in their origin, their membership etc. performed very different when dealing with one and the same object. While intergovernmental institutions of forest governance deal with resources which are situated within state territories, the paper investigated into the different underlying problem constructions and forest conceptualizations of the respective institutions.

In the climate regime and – to a lesser extent – in the Convention on Biodiversity, forests were integrated into concepts of a globalized environment. In the climate regime, forests were successfully framed as part of the global carbon cycle and thus as part of a global common. One characteristic of a global common is that no one and no state can be excluded from its use (e.g. atmosphere as carbon sink) or from the effects of its overuse (e.g. climate change). Thus, protecting forests as one measure to mitigate climate change is a common interest of all states. At the same time, the understanding of global forest services focused exclusively on the carbon storage (or: sink, or: reservoir) function of forests. It did not discriminate between primary forests, secondary forest, or plantations, and it did not formulate any possibly problematic requirements for existing forest management practices. Accordingly, the conceptualization of forests in the climate regime did not interfere with traditional, resource based practices of forest management, but opened up new economic possibilities for forest rich states and forest owners. It can be argued that these aspects contributed to the relative success of the UNFCCC when dealing with forests.

⁶⁸ Decision 11/CP.7 in FCCC/CP/2001/13/add.1): "Forest" is a minimum area of land of 0.05-1.0 hectares with tree crown cover (or equivalent stocking level) of more than 10-30 per cent with trees with the potential to reach a minimum height of 2-5 metres at maturity in situ. A forest may consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground or open forest. Young natural stands and all plantations which have yet to reach a crown density of 10-30 per cent or tree height of 2-5 metres are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention such as harvesting or natural causes but which are expected to revert to forest.

The CBD is more ambiguous in assigning forests the status of a global common. On the one hand they are framed as part of the *global* biodiversity, on the other hand, sovereign right of nations over their forests have been affirmed. The CBD also regulates access to genetic resources and the allocation of benefits from the use of these resources. It thus provides incentives both for developed and developing countries; however, concrete mechanisms have not been agreed upon yet. The CBD succeeded in establishing protected forest areas and was used as source of legitimacy for domestic environmental actors in domestic forest politics (domestic realignment⁶⁹).

During the PrepComs to the Rio Conference, forests were put onto the agenda by developed countries, in an attempt to frame – mostly the tropical – forests as global commons. The framing of tropical forests as a global common led to a negative payoff-structure for developing countries which feared interference with their national sovereignty and met their resistance. However, since forests were negotiated as an issue on its own and not as part of a genuine global environmental problem, the traditional forest image prevailed in the negotiations and forests still were considered national resources. This framing did not lend for a common interest of all member states and provided no incentive for establishing financial reimbursement instruments. Accordingly, developing countries rejected any binding convention on forests.

	UNFF	CBD	UNFCCC
Conceptualization of Forest	Resource, national sovereignty over forests	Combination of global common and resource; Principle 21	Intrinsically linked to global common (atmosphere/ stable climate)
Spatial Scale	Local / national	Global / national / local	Global
Interests	Timber production	Conservation and economic interests; benefit sharing	
Common interests	-	o	+
Actors	Forestry sector and administration	Environmental epistemic community,	Environmental epistemic community. private enterprises
Paradigm	Sustainable Forest Management (Maximum Yield)	Ecosystem Approach / SFM	Not specified
Complementarity with traditional forestry	++	Conservation: - ABS: +	+

To sum up, the problem of forest governance is the existence of a range of different problem definitions and forest conceptualizations – both horizontally between different intergovernmental institutions as well as vertically between actors on different spatial scales (forestry actors ‘on the ground’ and international negotiations): While there is a certain convergence between the institutions, diverging conceptualizations of forests persist – and lead to partly interblocking institutions. It was also shown that although forests are increasingly framed as global issues, the

⁶⁹ Young/Levy 1999.

local, resource-centred dimension of forestry persists. As long as these diverging conceptualizations prevail, forest governance will stay ineffective. However, REDD seems a promising approach to link global (stable climate, biodiversity) and local interests (resources).

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