Redefining the Issues: NGO Influence on International Forest Negotiations

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This paper sets out to evaluate the degree to which NGOs have influenced textual outputs on international forest policy since the mid-1980s. The term NGO is used to denote a non-profit organization in civil society. It encompasses international and national NGOs, local community NGOs (sometimes referred to as “grass roots organizations”) and indigenous peoples’ groups. Not-for-profit groups created by business to represent for-profit interests are not considered in this study.

Is there a common agenda on forests among NGOs? In many respects there is. For example, most Northern-based and international NGOs work to empower their counterparts in the South through capacity building, enabling participation in projects run by governmental and international agencies and, more fundamentally, enabling local NGOs to establish and run their own projects. However, one danger of collaboration is that Southern-based NGOs may find themselves “co-opted” to a Northern NGO agenda.1 Nicholas Hildyard, for example, warns of the danger of Northern campaigners viewing the grassroots “not as the political base to which we are accountable, but as convenient political muscle to be mobilised in support of an agenda set by professional campaigners.”2

Along with such cautions we should note that the diversity of forest NGOs encompasses ideological distinctions such as those between system reformation and system transformation NGOs,3 and between those NGOs that adopt outsider tactics to target institutions and those that prefer a more collaborative insider approach. The diversity and richness of NGOs campaigning on forests suggests that there is no coherent and strongly unified agenda across the full range of forest NGOs. However this does not rule out the existence of a set of com-

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1. Eccleston 1996, 82.
2. Hildyard 1993, 42.

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common concerns on forests. Concerns that are shared across the vast majority of NGOs that contest the forest issue include:4

- The urgent need to halt and reverse deforestation in all forested regions. Reforestation should reproduce the original natural forest conditions as closely as possible.
- Forest management should be ecologically sustainable over the long term. This objective includes the protection of old growth forests, sustainable yields of all forest products, protection of endangered species, elimination of clearcutting and the protection of watershed and soil conservation functions.
- Deforestation is often the result of incursions into the forest by powerful international and national politico-economic interests. Halting deforestation thus requires some redistribution of power relations from the global and national levels to the local level. Such a power shift is necessary to address many of the underlying causes of deforestation, including IMF structural adjustment programs, external debt and large-scale development projects. The emphasis instead should be on locally-driven community management projects.
- The wishes of local communities and indigenous forest peoples should be the primary driving force in forest policy. The right to autonomy of local communities and indigenous peoples should be respected. The traditional knowledge of forest peoples should be recognized as an intellectual property right, and such peoples should receive a share of the benefits that accrue from the commercial exploitation of this knowledge. The special role of women in forest conservation should be recognized. The rights of local communities and indigenous peoples to land should be recognized, including the reform of inequitable distributions of land tenure.

This brief summary is not exhaustive, although it is indicative of the demands made by NGOs and indigenous peoples’ groups in international forest negotiations over the last two decades.

In order to analyze how successful NGOs have been in inserting these concerns into international outputs on forests, this paper applies the theoretical framework developed by Michele Betsill and Elisabeth Corell5 and published earlier in Global Environmental Politics. The framework has three key components. First, with respect to data type: researchers should identify the information NGOs sought to transmit to policy makers, the opportunities NGOs had to transmit this information and the resources they had at their disposal. They should examine whether the text agreed to at the end of a set of negotiations contains language drafted or proposed by NGOs, and whether the text reflects

4. The existence of a set of common demands does not, of course, prevent disagreement and divisions between NGOs, nor rule out the need for dialogue and discussion on campaigning priorities, strategy and tactics.
NGO priorities. Researchers should also inquire whether NGOs coined terms that became part of the negotiating jargon. Second, with respect to the data source: researchers should include primary texts, secondary texts, interviews and research observations from the negotiations. Third, with respect to the methodology: researchers should seek to identify the causal mechanisms linking NGO participation to any influence they exert. Counterfactual analysis is also proposed: what would have happened if NGOs had not participated in the negotiations?6

I follow this framework in the remainder of this paper. The positions taken by NGOs at forest negotiations have been ascertained principally from the written statements they have circulated as observers. Some of these statements were also given verbally. NGO activists have been interviewed, both as a check on the NGO position as given in the written statement and to seek opinion from activists on the influence they believe that NGOs have achieved. The outputs from negotiation processes, in particular the text of legal instruments and other formal United Nations documents, have been carefully scrutinized to see if there is evidence of language first proposed by NGOs. Primary source material (such as NGO position statements and NGO reports) and secondary source material have been gathered from a range of sources.7 Various NGO campaigners have been interviewed. I also rely on observations at the fourth session of the Intergovernmental Forum on Forests in 2000 when I had the status of a NGO observer.8

The remainder of this paper seeks to assess how far the NGO concerns identified above have been translated into international textual outputs on forests. The forests regime9 has become especially distinct since the early-1990s with intergovernmental agreement on a substantial body of soft law on forests, including the United Nations Conference on Environment and Development (UNCED) forest principles and the Proposals for Action produced under the auspices of the Commission on Sustainable Development in 1997 and 2000. However the origins of the forests regime date back to 1985 when the International Tropical Timber Organization (ITTO) was created. The regime spans several organizations and instruments with a forest-related mandate, such as the Kyoto Protocol on climate change, although our principal focus here is on those negotiations where forests or forest products have been the central issues.

I first explore NGO influence on international negotiations on the trade of forest products at the ITTO and World Trade Organization. I also examine NGO influence on forest negotiations at the UNCED, the World Commission on Forests and Sustainable Development, the Intergovernmental Panel on Forests

7. Among many such sources I am particularly grateful to the World Wide Fund for Nature-UK, Friends of the Earth-England and the International Institute for Environment and Development.
8. I am grateful to UNED-UK who kindly provided accreditation for this meeting.
9. On the international forests regime see for example Tarasofsky 1999; Glück et al 1997; and Humphreys 2003.
1. The International Trade of Forest Products

Tropical forests first became an international institutional issue when the UN Food and Agriculture Organization (FAO) created the Committee on Forest Development in the Tropics in 1967. In 1972 the FAO created the Committee on Forestry with a mandate for both tropical and non-tropical forestry. However, until the mid-1980s these two intergovernmental committees attracted a very low share of the FAO budget and were principally technical fora for the exchange of information and expertise on forest management practices. Their emphasis was on the development of forests, rather than their conservation or sustainable use.

In the late-1970s negotiations commenced for a commodity agreement on tropical timber. During the negotiations, the technical and developmental framing of forests emphasized at the time within the FAO was challenged by NGOs. At an intergovernmental meeting held before the main negotiating conference, an intervention by the International Union for the Conservation of Nature and Natural Resources (IUCN) (and supported by other NGOs) argued that the agreement should recognize the importance of forest conservation and its long-term relationship with tropical forest development. States subsequently agreed to this and inserted a clause that parties to the International Tropical Timber Agreement, 1983 should aim at the “sustainable utilization of and conservation of tropical forests and their genetic resources, and at maintaining the ecological balance in the regions concerned.” The 1983 agreement has since been superseded by the International Tropical Timber Agreement, 1994. The two agreements are the only international commodity agreements to contain a conservation clause.

The history of the ITTO since then is one where the objective of conserving tropical forests has conflicted with the expansion and diversification of the international tropical timber trade. From the outset, the ITTO adopted an open-door policy to international, national and local NGOs. Any NGO that successfully presents its credentials at the ITTO’s twice-yearly meetings is granted observer status, as are national timber trade federations. In the late-1980s and early-1990s NGOs constructed a coalition to promote and defend environmental interests, despite North-South differences between NGOs and the ideological division between system-reforming and system transforming NGOs. The

10. The intervention was made by the IUCN secretariat. Strictly speaking the IUCN is not a pure NGO, as its decision-making bodies comprise both governmental and nongovernmental representatives.
12. Gale 1998a, 353. See also Gale 1998b. In fact, Gale does not use the term NGOs, preferring instead “progressive civil society organizations” which may be either “system reforming” or “sys-
NGOs have pushed for a contraction of the tropical timber trade, in contrast to the producer countries and the timber trade organizations, which have advocated an expansion to the trade. The consumer countries have pushed for a greater emphasis on conservation, but without directly challenging the emphasis of the producers and trade federations on expanding the volume of timber traded.

Four years after the ITTO started operating, Friends of the Earth drafted a proposal for timber labeling: tropical timber from sustainable sources would receive an ITTO label certifying sustainability. The proposal was formally tabled at the ITTO by the UK delegation. It was blocked after objections from Indonesia and Malaysia, the latter stating that the proposal was "a veiled attempt . . . to encourage the current campaign of boycott" against the international tropical timber trade. So despite successfully influencing the UK delegation, Friends of the Earth was unsuccessful in influencing the ITTO as a whole, as its proposal lacked support from key delegations in the producers' caucus. The failure of the ITTO to adopt a timber labeling scheme served as a catalyst to the efforts of the World Wide Fund for Nature (WWF), along with other NGOs and timber businesses, to create the Forest Stewardship Council, an independent voluntary timber certification scheme. Since its founding assembly was held in 1993 the FSC has become firmly established as a worldwide certification and labeling mechanism. NGOs have therefore had more success in modifying the business agenda on certification and labeling than they have had on the intergovernmental agenda.

One significant ITTO landmark was research by the International Institute for Environment and Development (IIED) on sustainable forest management. In 1988, the IIED reported that only one eighth of one per cent of the world's tropical forests (namely in Queensland, Australia) provided timber managed in a sustainable fashion. These findings led the WWF, backed by other NGOs, to call on the ITTO to adopt the target date of 1995 by which time the international tropical timber trade should come entirely from sustainable sources. The ITTO opted instead for the target date of 2000. NGOs thus had some success on this issue although WWF's recommended target date was adjusted by five years. What were the resources that resulted in this influence?

In the case of the IIED the main resource was the quality of the research, which the ITTO had itself commissioned. The research team was carried out by experts, led by Duncan Poore, whose credentials and integrity were impeccable; the IIED report therefore demanded attention from and a response by the

tem transforming." While Gale's distinction is analytically useful, his attempt to place NGOs into one or other of these two categories is suspect. He includes in the former category IUCN, IIED, WWF International, and in the latter Friends of the Earth, although the criteria for doing so are not entirely clear. See Gale 1998b, 352.

16. Poore has held a range of prestigious positions including Director General of IUCN and Director of the Commonwealth Forestry Institute at Oxford.
ITTO. An important route of influence for the WWF was its status as a trusted insider NGO, which led to the appointment of WWF advisers to the national delegations of three countries: UK, Denmark and Malaysia. The presence of its advisers on national delegations gave the WWF an important route of influence, with these advisers being privy to behind-closed-doors intergovernmental discussions from which NGO observers were excluded.

The 2000 target date was originally adopted only by the tropical timber producers at the ITTO. However, at the negotiations for the successor agreement to the original 1983 agreement, NGOs, supported by the tropical timber producers, lobbied hard for consumer governments to adopt the 2000 date as well. One of the first consumer governments to give its support to the adoption of the target 2000 date was the USA. The USA made this decision after considerable NGO pressure from US NGOs, in particular the WWF-US, although the National Wildlife Federation, the Sierra Club and Friends of the Earth-US also played a role.17 Towards the end of the negotiations other consumer governments conceded on this point. The preamble to the final text—the International Tropical Timber Agreement of 1994—notes the “statement of commitment to maintain, or achieve by the year 2000, the sustainable management of their respective forests made by consuming members...”18

NGOs failed, however, to achieve their main objective in these negotiations, namely an expansion in the scope of the new agreement to include all timbers. The NGOs were supported in this aim by the producer countries, but opposed by the consumer countries, which wished to retain the tropical-timber-only scope. Shortly after the start of the negotiations, WWF announced that it was withdrawing its advisers from all national delegations. This move was intended to apply pressure on delegations to expand the scope of the new agreement, to signal discontent at the ITTO’s poor conservation record, and to highlight the absence of NGOs from other national delegations.19 The consumers’ view ultimately prevailed on scope after consumer delegations had intimated that they were unwilling to continue funding projects in tropical timber countries if the scope of the agreement was expanded.

With the negotiations polarized between government delegations, the political space within which NGOs could maneuver was limited. This led to some frustration among the NGOs, with one campaigner, Bill Mankin of the Global Forest Policy Project, commenting that “NGOs had worked hard to convince members that the negotiations offered an opportunity to chart a new course. Yet it was hard to tell whether NGOs’ textual proposals had been seriously considered or not.”20

Nonetheless, by the end of the negotiations it was clear that NGOs had successfully exerted influence on two issues in addition to the 2000 target: the

promotion of reforestation; and recognition of the rights of local communities. The 1994 agreement does not mention the word "rights" with respect to local communities, but it does go some way to meeting the concerns of the NGOs. Article 1(j) of the agreement states that an objective of the agreement is to encourage "reforestation and forest management activities as well as rehabilitation of degraded forest land, with due regard for the interests of local communities dependent on forest resources."21

Overall, however, NGO influence has been slight on the ITTO. Confronting a powerful coalition of timber trade federations and timber producing states, NGOs have been unable to ensure that environmental considerations prevailed over timber exploitation. Having withdrawn its advisers to national delegations in 1992, WWF ceased attending the ITTO in 1994. Frustrated that the opportunity had not been taken to expand the ITTO into an International Timber Trade Organization with responsibility for all timbers, most international NGOs, and many smaller ones, ceased attended meetings of the ITTO after the conclusion of negotiations for the International Tropical Timber Agreement, 1994.22

The ITTO has since continued to meet every six months.23 However its future is far from clear. Towards the end of the 1990s the World Trade Organization (WTO) initiated work on a Forest Products Agreement. The US administration was one of the main supporters of the proposed Forest Products Agreement, the aim of which was to eliminate tariffs on all wood products as part of the US's trade liberalization agenda.24

When NGOs learned that a Forest Products Agreement could be signed as early as the 1999 WTO meeting in Seattle, they initiated a concerted campaign. A statement signed by 140 NGOs worldwide was circulated to the WTO and the Commission on Sustainable Development stating that:

We condemn the proposal because, if implemented, we fear it will lead to increased logging and consumption of ecologically and socially valuable forests around the globe. We also condemn the proposal because of the undemocratic and ecologically irresponsible manner in which it is being developed.25

In response to these concerns, the US government announced in July 1999 that it would conduct an analysis of the economic and environmental impacts of the proposed agreement. However the US government did not announce that it would halt negotiations, which at this stage were taking place behind closed doors. Consequently the results of any analysis by the US government could not have fully informed the negotiating position of the US government.26

23. For a comprehensive history and thorough analysis of the ITTO see Poore 2003.
25. FERN 1999. The 140 NGOs originate from around the world as follows: 5 international NGOs; 39 Europe; 6 Africa; 7 Australia/New Zealand; 67 North America; 6 South America; 10 Asia.
The Forest Products Agreement was not signed at the Seattle meeting of the WTO, nor at the time of writing (March 2004) has the issue re-emerged at subsequent WTO meetings, such as the failed WTO summit at Cancun in September 2003. Deforestation was one issue among a multitude of issues that led to the massive street protests against the WTO at Seattle and which contributed to several negotiation sessions being abandoned.

Here we can pose a counterfactual question: what would have happened if NGOs had not opposed the proposed Forest Products Agreement? We have seen that there was NGO lobbying and the agreement was not concluded. However it cannot be concluded that the Forest Products Agreement was dropped because of NGO pressure, either the campaign by forest NGOs prior to Seattle or the demonstrations by NGOs and the nascent global justice movement on the streets of Seattle. The lack of transparency with which the WTO operates means that establishing the cause-effect relationships for the apparent abandonment of the Forest Products Agreement cannot be done with certitude. NGO campaigning certainly led to some reconsideration of the US position, at least in so far as the position of the US government can be judged from its public policy statements, although there was no indication in mid-1999 that the US or the WTO was planning to abandon the agreement.

Reasons other than NGO campaigning may explain why the agreement has not been concluded in the WTO. First, the Forest Products Agreement was a relatively low concern for core governments, and since Seattle the priority has shifted towards completing the General Agreement on Trade in Services (GATS). Second, the US government appears to have shifted its tactics with respect to the negotiation of international law on forest products. A forest products agreement is one of the priorities of the US delegation in negotiations for the proposed Free Trade Area of the Americas, which one US NGO, the American Lands Alliance, has condemned as a “free logging agreement.”

Third, since Seattle the WTO has become increasingly preoccupied with the question of agricultural subsidies, which has become a major concern for developing countries.

2. UNCED Forest Negotiations

Following the creation of the ITTO in the late-1980s, a petition and lobbying campaign was launched by the European environmental NGO network ECOROPA for the United Nations General Assembly to convene an emergency special session on tropical deforestation. While the campaign succeeded in focusing international attention on the cultural and ecological destruction of tropical forests resulting from forest-based industrial development, it failed to initiate a General Assembly special session. The main reason for this was that the General Assembly was on the verge of formally moving to convene the

UNCED in Rio. Three months after the petition was presented the General Assembly passed resolution 44/228 announcing that the UNCED would be held in 1992. Among the issues that the resolution requested the UNCED to consider was forests.

To appreciate the influence that NGOs had on the UNCED forest negotiations, it is first necessary to understand the structure of the negotiations themselves. The forest negotiations saw considerable North-South disagreement at the intergovernmental level. The developed North sought to construct deforestation as a “global” environmental issue. In as much as deforestation was an environmental issue, it was framed by the Group of 77 Developing Countries (G77) as a local one. Claiming sovereignty over their forest resources, G77 countries asserted their right to forest development and resisted what they perceived as Northern interference over their forest resources. G77 countries used the forests negotiations to introduce issues that they had first raised in the 1970s, such as increased financial and technology flows from the North. Northern concessions, the G77 argued, were necessary in exchange for any commitments by the South to tropical forest conservation. The North, unwilling to recognize the validity of the G77’s issue linkages, sought to keep the negotiations narrowly focused on forest conservation and favored a forests convention, which the South did not. The agreed outcome was the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (usually abbreviated to “Forest Principles”).

The structure of the negotiations presented NGOs with both opportunities and constraints. On the one hand, the North-South polarization meant that government delegations were narrowly focused on their own interests and on resolving conflicts with their “opponents.” This limited the political space within which NGOs could operate. On the other hand, the different framings of the forests issue between governments of the North and South gave NGOs some room to maneuver that would not have existed had delegates been broadly in agreement. NGOs were able to exploit the intergovernmental differences by lobbing different delegations on different issues, depending on the preferences of individual delegations.

However, the opportunities for NGOs to take advantage of the intergovernmental differences would have been enhanced had NGOs themselves been more unified. On some issues NGOs disagreed. For example, there was no clear NGO position on whether there should be a forest convention, with some NGOs inclined towards a convention that contained strict conservation targets and provisions on the rights of indigenous peoples, while other NGOs totally opposed a forest convention.

However, despite divisions, NGOs did realize some of their objectives. The negotiations over the Forest Principles were simply one focus for forest NGOs. With most of the world’s terrestrial biodiversity found in tropical forests, the negotiations for the Convention on Biological Diversity, 1992 (CBD) were also
targeted by forest NGOs. NGOs exerted some influence over both negotiation processes, and NGOs’ historical concerns appear in both documents. These include public participation,29 the role of indigenous knowledge in forest biodiversity conservation,30 the role of women31 and the sharing of the benefits that arise from utilizing indigenous or traditional knowledge with local indigenous people.32

NGO proposals rarely survived intact. For example, NGOs also lobbied for mention of inequitable patterns of land tenure—in other words, the concentration of land ownership in the hands of economically and politically powerful interests. However on this issue delegates added a caveat to the wording proposed by NGOs. The reworded clause in the Forest Principles refers to the promotion “of those land tenure arrangements which serve as incentives for the sustainable management of forests.”33

As the negotiations progressed, and North-South positions hardened at the intergovernmental level, delegates concentrated on resolving the core differences between themselves, principally financial aid and the desirability of a post-UNCED global forests convention. Prior to the fourth and final preparatory committee meeting, NGOs submitted their proposed draft of the Forest Principles.34 However, with the negotiations mired in disagreement at the intergovernmental level, there was no political space for NGOs to open up the negotiations at such a late stage. Tony Juniper, of Friends of the Earth, conceded that, at the final preparatory committee and at Rio, NGOs were unsuccessful in their attempts to change the text.35 The influence that NGOs achieved on the text of the Forest Principles occurred early on in the negotiations.

Overall, the UNCED forests and biodiversity negotiations represent partial successes for forest NGOs. The negotiations represent a trend that has continued into the post-UNCED era: NGOs have succeeded in placing issues on the agenda, and in getting some of their concerns inserted into negotiated texts. However, the language often is heavily amended and qualified by delegates so that the substance of the final text is diluted, with substantive commitments avoided. One further point should be noted: it cannot necessarily be concluded that if a text reflects NGO concerns, this proves NGO influence at international negotiations. For example, the role of women in natural resource use is a matter of broad social discourse, while participation is a concept that has been widely recognized outside international negotiations by, for example, bilateral and multilateral aid agencies. I will return to the theme of broader shifts in discourse at the end of the paper.

32. United Nations 1992a, principle 14(d); United Nations 1992b, Preamble, also mentioned in Article 1 and Article 8(j).
The UNCED outputs on forests were widely seen as weak, and as soon as the Rio conference was concluded, efforts began to form a World Commission on Forests and Sustainable Development. While not an intergovernmental negotiating forum, this commission was an important target for NGOs for much of the 1990s. It is therefore instructive to examine the influence that NGOs achieved on this body.

3. World Commission on Forests and Sustainable Development

The process of organizing the World Commission on Forests and Sustainable Development (WCFSD) began immediately after UNCED, although it was 1995 before the Commission was formed. The WCFSD was the first world commission to consider sustainable development and environmental issues since the World Commission on Environment and Development (Brundtland Commission). However, unlike the Brundtland Commission, where the UN Secretary General appointed the chairperson and the commission reported to the General Assembly, the WCFSD was an independent commission with no formal relationship to the UN.

The WCFSD attracted early NGO criticism for initially failing to consult NGOs and for appointing no NGO representative to the Commission. Later the Commission appointed M.S. Swaminathan, a former president of IUCN, and Yolanda Kakabadse, the then IUCN president, as commissioners. The WCFSD also consulted widely with a range of NGOs and other actors, including academic and a variety of international organizations. Five public hearings were held in order to seek citizens’ perspectives on forest-related issues. These hearings were attended by a broad range of local community and indigenous peoples’ groups and were one of the most important international routes for NGO influence on forests in the late-1990s.

The Commission reported in 1999. The theme of economic development was far less prominent in the report of the WCFSD than it was in that of the Brundtland Commission. While the economic functions of forests were noted, corruption and the unsustainable practices of forest-based industries were more strongly criticized. The WCFSD stressed the ecological and social functions of forests, more than industrial ones. For example, the report stated that forest management cannot “be left only to private interests, as the public interest becomes more pressing as human demands increase. . .” The emphasis on the “public interest” and the fate of communities whose livelihoods have been destroyed by deforestation were recurring themes in the Commission’s findings.

37. The five public hearings were held in Jakarta, Indonesia (March 1996), Winnipeg, Canada (October 1997), San José, Costa Rica (December 1996), Yaounde, Cameroon (May 1997) and St. Petersburg, Russia (October 1997). Source: WCFSD 1999, 187–98.
“The public interest goes beyond the material interests of a single group and . . .
exceeds the sum of all group interests.”40 The relationship between poverty and
forest degradation is prominent.41 While the custodial services of local commu-
nities “subsidise the world,” the rights of such communities are not valued.42
NGO concerns thus found a clear expression in the Commission’s findings.

The Commission recommended the establishment of a new institution,
ForesTrust International, to act as “a citizens’ force for discharge of the public
trust and defence of the public interest in forests.”43 It was envisaged that
ForesTrust International would have various components, including an omb-
budsman, with the power to investigate abuses of power and to pass judgments.
Another proposed dimension to ForesTrust was ForestWatch, with responsibil-
ity for monitoring the forest situation worldwide. The ForestWatch proposal of
the WCFSD has taken root: in 1997 the World Resources Institute created
Global Forest Watch, a network of NGOs that aims to promote transparency
and accountability in the world’s forests by tracking the actors involved in forest
development and monitoring “the degree to which these actors are following
national and local management laws and regulations.”44 It must be noted that
Global Forest Watch is a World Resources Institute initiative rather than a
WCFSD one.

The WCFSD supported, and to a large degree reflected, NGO efforts to
shift the forest conservation agenda for the 21st century towards increased
public sector and community involvement in the forests and the elimination of
short-term exploitation for profit. It was clear that the long term contribution
and impact of the Commission would depend very much on the extent
to which its findings could influence other actors in the international forests
regime.

It is now five years since the Commission reported, and it seems clear that
its overall impact has been negligible. Two reasons can be identified for this.
First, the discourse that the WCFSD aimed to promote on the public value of
forests found little support among the world’s governments. It clashed with the
entrenched discourse of global neoliberalism that has gained ascendancy in
almost all developed countries over the last two decades, especially in the United
States. While the WCFSD was careful not to challenge or criticize any particular
business, government or international organization, its emphasis on the collective
and public values of forests failed to resonate with those governments purs-
uing neoliberal trade policies, which emphasize the primacy of individual values
over collective values, of private business values over public values, and of
trade and the global market over environmental conservation. Furthermore, the
discourse advocated by the Commission attracted only limited support among

40. WCFSD 1999, 71.
41. WCFSD 1999, 48–52.
42. WCFSD 1997, 62.
43. WCFSD 1999, 76.
developing countries. While the Commission was sufficiently cautious not to attempt to reclaim forests as a global public good, which would certainly have alienated the majority of developing governments that assert sovereignty over forests, its emphasis on the public values of forests ultimately offered no material alternative to developing governments wishing to exploit their forests.

Second, the commission’s hearings occurred contemporaneously with a process taking place under the auspices of the Commission on Sustainable Development (CSD). The CSD established two sub-groups on forests in the late 1990s, namely the Intergovernmental Panel on Forests (IPF) (1995–97) and the Intergovernmental Forum on Forests (1997–2000). Members of the WCFSD attended both these fora, where early drafts of the WCFSD’s report were circulated. Despite this, the WCFSD process and the CSD process existed virtually in isolation from each other. The intergovernmental agenda of the CSD process was not reflected in the WCFSD, while the WCFSD’s emphasis on corruption and the empowerment of civil society found limited overt support at the CSD. The WCFSD and the CSD forests dialogue of the late 1990s were parallel processes and, like parallel lines, they never met.

In short, NGOs achieved considerable influence on the WCFSD, which acknowledges the role of NGOs in promoting the public value of forests and in exposing corporate malpractice. However, when it became clear that the WCFSD itself would achieve limited influence on mainstream forest policy discourse, NGOs refocused their efforts on the CSD process that began in 1995.


The CSD created the IPF with a two year lifespan. Not surprisingly the agenda agreed by the CSD for the IPF strongly reflected the unfinished business of the UNCED, and included issues such as financial and technology transfers and the relationship between trade and the environment. However, NGO lobbying also affected the IPF’s agenda. Two examples can be cited.

The first is an issue on which forest NGOs have a long campaigning history, namely the contribution that “traditional forest-related knowledge” can make to sustainable forest management. Having successfully inserted language on indigenous knowledge in the Forest Principles and the biodiversity convention, NGOs succeeded in placing this issue on the agenda of the IPF. No single NGO statement or NGO action can be identified as the source of this influence. Instead, the inclusion of TFRK in the IPF’s agenda was the result of consistent campaigning by numerous forest NGOs over several years.

However, the second example of NGO influence, which concerns the mandate of the IPF in clarifying international institutional arrangements, can be traced to a single NGO statement, which subsequently led to changes in text produced by the CSD. At the CSD meeting of 1995 that established the IPF, a
statement was submitted by the Global Forest Policy Project (GFPP), a project of the National Wildlife Federation, Sierra Club and Friends of the Earth-US. This stated that the “Global Forest Policy Project respectfully submits the following recommendations for consideration by members” of the CSD. The recommendations included that the IPF would “[C]ommission a thorough review and assessment, by an independent high-level body, of existing international instruments and institutions concerned with forests and related matters” [emphasis in original]. The review would “[I]dentify overlaps and redundancies . . .” and “[I]dentify gaps where existing instruments or institutions appear insufficient to address important forest policy issues and problems. . . .” The text subsequently issued at the end of the CSD meeting stated that the IPF would, for program area V on the role of international institutions, “[d]evelop a clearer view of the work being carried out by international organizations and multilateral institutions . . . in order to identify any gaps, and areas requiring enhancement, as well as any areas of duplication.”

The influence of the GFPP with respect to the language on overlaps/duplication and gaps is clear. However, the full import of the GFPP did not carry through into the CSD text; it can be seen that the emphasis on an independent high-level body was lost. Furthermore, the GFPP recommendations also contained a list of institutions and instruments the IPF could consider, including International Labor Organization (ILO) Convention No. 169, which recognizes the rights of indigenous and tribal peoples to determine their own development and land use policy. However, reference to this ILO convention was not adopted by the CSD. Indeed, the repeated efforts of the NGO community for the CSD to recognize and work within the provisions of ILO Convention 169 have met with failure. One reason for this is that there is a conceptual tension between the rights of indigenous people to determine their own land use policy and the sovereign rights of states to determine their own natural resource policy. In intergovernmental negotiations it is usually the latter that prevails.

The IPF and its successor, the Intergovernmental Forum on Forests (IFF), each met four times for two-week periods. Despite the limited time spent in formal negotiations, both the IPF and the IFF produced substantial written outputs, the Proposals for Action, namely suggestions and recommended actions, principally for governments but also for international institutions. These outputs were possible due to the work that took place between formal sessions. International agencies, such as the FAO and the secretariat of the CBD, prepared background papers. Furthermore, various intersessional initiatives were held that examined specific thematic issues. Intersessionals tended to be informal and were open to NGOs and indigenous peoples groups, an arrangement that enabled a broadening of the international forest policy debate. Indeed, for two intersessionals, NGOs played a prominent role; it is instructive to examine

some of the language NGOs proposed at these intersessionals and whether it was adopted by states during the CSD process.

NGOs, in cooperation with the governments of Colombia and Denmark, co-organized between the third and fourth sessions of the IPF, an “International Meeting of Indigenous and Other Forest-Dependent Peoples on the Management, Conservation and Sustainable Development of all Types of Forests” in Leticia, Colombia. This resulted in the Leticia Declaration, which included some draft proposals for action for consideration by the IPF. A comparison between the Leticia Declaration and the text adopted by the IPF at its fourth session reveals that the former did influence the latter. Consideration cannot be given here to all language proposed in the Leticia Declaration. However, the case of traditional forest-related knowledge is particularly illustrative, as the attention given within the UN system to indigenous people and traditional knowledge is arguably the most significant campaigning achievement of forest NGOs over the last two decades.

The Leticia Declaration advocated that use of traditional forest-related knowledge “should not be made without the prior informed consent of the Peoples concerned.”48 Subsequently the final report of the IPF stated that:

> Governments and others who wish to use TFRK should acknowledge, however, that it cannot be taken from people, especially indigenous people, forest owners, forest dwellers and local communities, without their prior informed consent.49

The principle of prior informed consent advocated by the Leticia Declaration thus finds expression in the final IPF report. However, there was some weakening of the proposal. First, the Leticia emphasis on “Peoples” (upper case, plural) was changed in the IPF report to “people” (lower case, singular), which denotes a lower status for indigenous peoples in international law. Second, the emphasis in the Leticia Declaration on indigenous peoples has been broadened to include knowledge from a range of other actors. Indeed the IPF stressed that:

> TFRK should be broadly defined to include not only knowledge of forest resources but also knowledge of other issues that are considered relevant by countries based on their individual circumstances.50

Such an emphasis of TFRK can easily be interpreted to admit agencies that have promoted forest loss, such as industrial timber companies. This broadening of the concept to include the knowledge of actors from outside the forests thus weakened the original NGO proposal.

The fact that states were prepared to admit a weakened version of the concept of TFRK into the IPF outputs does not explain why they were prepared to

49. United Nations 1997b, para. 36.
50. United Nations 1997b, para. 32.
admit the concept in the first instance. Rosendal argues that although TFRK has been promoted primarily by NGOs, as an issue it ranks high on the G77 agenda as it asserts the importance of protecting the intellectual property rights of tropical forest countries over their genetic inheritance. The issue was particularly salient to Brazil and Ecuador as well as to “North-South bridge-builders” such as Norway and Canada.51

Like the IPF, the IFF was a CSD sub-group; indeed in effect it was the IPF with a revised agenda. NGOs continued to attend the formal negotiation sessions and to play an active role in the intersessionals. One intersessional initiative in which NGOs played a leading role was on the underlying causes of deforestation. At the first meeting of the IFF, NGOs announced their willingness to contribute to research on the causes of deforestation. Subsequently seven regional workshops and one workshop of indigenous peoples’ organizations were held. The results fed into a global workshop hosted by the government of Costa Rica and co-organized by NGOs and UNEP. The final report of the initiative, prepared by the Biodiversity Action Network, was presented to the third session of the IFF.52

A comparison of the text proposed by the NGOs with the final report of the IFF reveals findings that are similar to those on the impact of the Leticia Declaration at the IPF: some text proposed by the NGOs was adopted, while other proposals were either altered or not adopted at all. For example, some of the causes of deforestation reported by the NGO initiative appear in the IFF’s report, although the text has been substantially modified. The report from the NGO workshop stated that, “The non-recognition of the territorial rights of indigenous and other traditional peoples, and the resulting invasion of these territories by external actors was often highlighted as an underlying cause.”53 The IFF’s report notes the role in deforestation of “inadequate recognition of the rights and needs of forest-dependent indigenous and local communities within national laws and jurisdiction.”54 Another example may be cited: where the NGO report emphasized “the lack of empowerment and participation of local communities in decisions over forest management,”55 the language used by the IFF was simply “lack of participation.”56

Much language in the NGOs’ report does not appear at all in the IFF’s report. The NGOs emphasized as underlying causes “Government led colonization processes into the forests, stemming from inequitable land tenure patterns.”57 This criticism of government-led policies is not reflected in the IFF’s report (not surprisingly, given the sensitivity of much of the G77 on sovereignty over their

52. Verolme and Moussa 1999, 1.
57. Verolme and Moussa 1999, 3 (emphases in original).
resources), although the IFF’s report does note the role of “lack of secure land tenure patterns” in deforestation.\textsuperscript{58} The role of inequitable land tenure arrangements as a driving force of deforestation has been a consistent theme in the forest NGO literature.

NGOs were also unsuccessful in their proposal for the IFF to recognize as an underlying cause “the privatization of forests for the benefit of large-scale private or corporate landowners.”\textsuperscript{59} Indeed, with respect to the private sector the IFF took a view opposite to that of the NGOs, and emphasized instead the role of private sector finance in forest projects: “The concept of an international investment promotion entity to mobilise private sector investment in SFM [sustainable forest management] deserves further consideration.”\textsuperscript{60} The IFF’s report is also replete with mention of “public-private partnerships,” a concept that has assumed a prominent place in neoliberal discourse over recent years, and which captures the idea that the state should mobilize private money to replace declining public expenditure on public goods and public services. This reinforces a point made earlier, namely that NGO textual proposals will be blocked where they run directly counter to neoliberal discourse.\textsuperscript{61} Government delegates will screen NGO textual proposals for language that challenges the core interests of the global economy; such language will be selected against in the negotiation process.

The final report of the IFF mentions the concept of multistakeholder dialogue.\textsuperscript{62} NGOs at the IFF lobbied for inclusion of this concept, although its inclusion was not solely the result of NGO advocacy at the IFF. The multistakeholder dialogue concept was first adopted at the second UN Conference on Human Settlements (Habitat II) in 1996. It was later adopted by the CSD.\textsuperscript{63} The adoption of the concept by the IFF was the cumulative result of lobbying by many NGOs, and not solely forest NGOs. Multistakeholder dialogue is increasingly being adopted outside the UN system. For example, the Ministerial Conference on the Protection on Forests in Europe held in Vienna in 2003 included a multistakeholder dialogue segment.

This section has presented some snapshots of NGO influence on the post-UNCED forests negotiations that took place under the auspices of the CSD. There were, however, other issues on which NGOs exerted influence. Tom Griffiths, of the World Rainforest Movement, argues that of the approximately

\begin{itemize}
\item \textsuperscript{58} United Nations 2000, para. 58.
\item \textsuperscript{59} Verolme and Mousa 1999, 4 (emphasis in original).
\item \textsuperscript{60} United Nations 2000.
\item \textsuperscript{61} The benign view that developed world governments appear to have of the private sector is not always shared by the developing world. For example, at the second meeting of the IPF in 1996 the delegation for the Philippines stated that the private sector might not be motivated by sustainable development. See IISD 1996, 7.
\item \textsuperscript{62} For example, United Nations 2000, Annex, para. 5.
\item \textsuperscript{63} I am indebted to Felix Dodds of the Stakeholder Forum for explaining the origins of the multistakeholder dialogue concept; personal communication, Stockholm, 29 August 2003. See Hemmati 2003.
\end{itemize}
300 IPF/IFF Proposals for Action produced, “78 address indirectly or directly indigenous proposals on land tenure, participation, cross-sectoral policies, community forest management and traditional forest-related knowledge.” There were areas where NGOs had less success. NGO proposals that were not incorporated in the proposals for action relate to demands for autonomy and self-determination and the “mainstreaming” of international law on indigenous peoples’ rights into international forest policy.

By the end of the IFF process most NGOs held the view that there should be no further political negotiations on additional proposals for action. Governments instead should concentrate on implementing the existing proposals. While the language in the agreed proposals was far from what the NGOs would have liked, most NGO campaigners felt that they would gain greater influence by monitoring and contesting the implementation of these proposals within individual countries and through national reporting and peer review at the UN than could be gained from further multilateral negotiations.

5. United Nations Forum on Forests

After the IFF was dissolved in 2000 the decision was taken to create a new organization, the United Nations Forum on Forests (UNFF) reporting directly to the Economic and Social Council (ECOSOC).

As they have with previous international initiatives on forests, NGOs sought to influence the UNFF agenda from the very start. The UNFF’s agenda was largely shaped by an initiative hosted by Germany called the 8-Country Initiative. This process, which was held in consultation with the UNFF secretariat, concluded with a workshop in Bonn where NGOs stressed that “existing national-international reporting mechanisms are either ineffective or inappropriate to assess the implementation of the IPF/IFF Proposals for Action” and that the “UNFF must do something original to foster and promote implementation.” However one activist, Marcus Colchester, noted that the workshop discarded “key civil society recommendations relating to the need to apply a bottom up approach to the UNFF focus on implementation based on monitoring and reporting involving NGOs, IPOs [Indigenous Peoples’ Organizations] and civil society.”

It is thus no surprise that when the UNFF process began in 2001 that it tended towards the politics of the lowest common denominator. Australia had spoken in favor of compulsory national reporting, and proposed that countries

64. Griffiths 2001, 4.
67. The eight countries were Germany, Australia, Brazil, Canada, France, Iran, Malaysia and Nigeria.
68. World Rainforest Movement 2000.
“will” report on implementation. The US, supported by some developing countries, argued for voluntary national reporting. The US also argued against collectively agreed implementation targets, and insisted that countries alone should set their own targets and timetables. The wording agreed was that targets would be "set by individual countries within the framework of national forest processes, as appropriate." With countries slow to submit national reports, some NGOs were considering abandoning the UNFF after its second session in 2002. As campaigner Bill Mankin has argued, the record of the IPF and IFF on implementation is an "indictment" of the "entire post-UNCED forest debate."

6. Redefining the Issues

A number of conclusions emerge from this study. The Betsill/Corell framework asks that we focus on the resources that NGOs have at their disposal. NGOs have a range of such resources. Particularly important here is their moral status as concerned independent organizations with autonomy and independence from other actors. This gives NGO research an authoritative status, as we saw for example with the IIED report on sustainable forest management for the ITTO.

The Betsill/Corell framework seeks to identify those conditions when NGO attempts to influence international environmental negotiations are successful, and those when they are not. This study has reached three main conclusions in this respect. First, the earlier NGOs become involved in an international process, the more likely they are to be able to influence that process. For example, NGOs were able to influence the contents of the International Tropical Timber Agreement, 1983 and the agenda of the Intergovernmental Panel on Forests because they were involved in the negotiations at a sufficiently early stage. However, the more advanced a negotiation process is, the more difficult it will be for NGOs to achieve textual changes, especially where key conflicts between delegations require resolution. The deep disagreement on many issues at the end of the UNCED forest negotiations restricted the political space available for NGOs. Possibly one reason why NGOs are showing disillusionment with the UNFF process is that they were unable to influence the agenda of this forum from the outset, and they see little opportunity to shift the terms of debate now that the forum has been created.

Second, NGOs are likely to be successful in campaigning for a concept or idea that has already been accepted in another forum. The forests regime overlaps with other international environmental regimes and fora, and concepts adopted elsewhere can influence forest negotiations (and, more tentatively, vice versa). Rules and principles adopted in one legal instrument may subsequently be adopted in another, resulting in a “spillover effect,” with some rules and

70. IISD 2001
principles finding expression in several legal codes. In order to assess fully the role of NGOs on the international forests regime, some understanding of the role that NGOs have on other negotiating arena is necessary. While the concept of traditional knowledge appears in the Forest Principles, it was the stronger formulation of this concept in the biodiversity convention that was invoked as a precedent when the concept was discussed at the IPF and IFF. Multistakeholder dialogue first appeared in a non-forests forum, but has subsequently been adopted in forest fora.

Third, in the short term NGOs are likely to influence the textual outputs of international forest negotiations if they phrase their recommendations in language that is congruent with mainstream neoliberal discourse and that does not threaten the powerful political and economic interests that have found representation in state delegations. NGO textual proposals are screened by government delegates and language that is too critical of governments or private interests allied to governments will be blocked. This is not to suggest that NGOs should blunt their critiques: on the contrary, NGOs have a moral responsibility to speak clearly on contentious and difficult issues. Much of the normative and critical force of NGO statements and arguments comes from their independence and their resistance to compromises. However, in the short term, NGOs' more radical textual proposals will at best be modified, and at worst will be completely filtered out of the negotiation process.

The emphasis on the short term in the previous paragraph is deliberate. The longer term influence of NGOs’ more radical proposals is considerably harder to judge. In the short term, tracking and assessing influence is relatively easy; one can compare the NGOs’ textual proposals with the final negotiated text, and seek evidence that the former has impacted upon the latter (as earlier parts of this paper have sought to do). However, over the long term, the formal tracking of NGO influence in this way is more problematic. Establishing cause-effect relationships becomes more difficult when the time span between cause and effect increases and when more variables are introduced (such as the same proposals being made several times by different NGOs in many different fora).

Another factor that complicates the assessment of NGO influence relates to the co-option of concepts: have some NGO concepts been accepted precisely because they can be manipulated and used by core political interests for their own ends? For example, it is not entirely clear that concepts such as participation and multistakeholder dialogue have been adopted solely because NGOs have successfully engineered a value shift in favor of more inclusive and democratic governance, or because the concepts have, at least in part, been adopted by governments because they fit with the emphasis in neoliberal discourse on the declining role of the state in the economy along with the concomitant emphasis on nonstate provision of public goods and services leading to an enhanced role

for private business, the voluntary sector, charities and so on. NGOs will use concepts such as multistakeholder governance and participation to pry open political processes for civil society. Business and private sector actors will use these same concepts to gain a louder decision making voice for themselves, while governments will be content to see other actors stepping forward to assume functions that were previously the domain of the state. The question then becomes: who has more power in such "open" and "transparent" dialogues?

Notwithstanding these reservations, it seems to be the case that on the forests issue NGOs have had considerable success over the long term in challenging mainstream discourse and in shifting the ideological terrain of negotiations. The theory of social construction is helpful here. Angela Liberatore has identified three “cognitive frames” for deforestation. The interpretations yielded by these frames may vary according to geographical location, culture, social conditions, the interests at stake and the values of the actor to whom the issue is salient. An economic growth cognitive frame will view deforestation “in terms of cost-benefit calculations, trade conditions and contributions to the gross national product.” An ecological cognitive frame sees deforestation in terms of its disruption of environmental functions, while a human rights cognitive frame will perceive “deforestation as a danger for and crime against indigenous populations.”

All three cognitive frames can be discerned in international forest negotiations. We have seen that forest use first became an international institutional issue in 1967. At this stage the issue was constructed as a technical resource issue, which fits with an economic growth cognitive frame. Forest NGOs have been active in lobbying for a reframing of the issue in line with ecological and human rights framings. We have seen that, despite reversals, NGOs have had considerable success in promoting the ecological and human rights dimensions of forest use in a range of fora and institutions since the mid-1980s. They have successfully placed new issues on the international agenda and have inserted language into negotiated text since the early-1990s on most of their key issues, including participation, the role of women, traditional forest-related knowledge, benefit-sharing, and land tenure security. In the 1980s, these issues were not on the international agenda. Today they are. There has thus been a steady broadening of the discourse employed in international forestry, evolving from a narrow economic growth frame to incorporate elements from the ecological and human rights frames. However, there has also been a tendency by some delegations to

75. Liberatore 1995, 68.
76. Indeed in the late 1980s most Northern NGOs tended to construct the forest issue more through an ecological cognitive frame. Understandably, Southern NGOs laid greater stress on human rights. One result of global networking among NGOs over the last two decades is that NGOs are now more aware of the concerns of their counterparts in other parts of the world, with the result that a social constructivist explanation of forest discourse among most NGOs of North and South that adopts Liberatore’s categorization would require reference to both the ecological and human rights cognitive frames.
agree to some concepts as buzzwords, and then modifying NGO definitions to yield language that is softer and more ambiguous, often depriving the concepts themselves of any substantive meaning.

Over the long term NGOs have played an important role in shifting patterns of values and interests, so that the forest agenda has been fundamentally reshaped. However, influencing text is no guarantee that action on the ground will subsequently be taken. Hence the emphasis of forest NGOs has shifted from contesting textual outputs to campaigning for those outputs already agreed to be implemented.

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