

## "Painting it REDD? Regarding the Status of Forests in International Law"

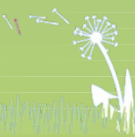
3rd DAAD workshop "Forests in Climate Change Research and Policy: The Role of Forest Management and Conservation in a Complex International Setting"

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## 1. Preliminary remarks: the role of law in forest regulation

- law as a reflection of society's values
  - constitutional role of law
  - standard-setting function
  - harmonization function
  - consensus (lowest common denominator policy)
  - implementation and enforcement deficit
- thirty-percent solution



# 1. Preliminary remarks: the role of law in forest regulation

(P) The lack of an international convention on global forests



## Forest Services and Functions

### Provisioning

- fuel wood
- industrial wood
- non-wood forest products

### Regulating

- watershed management
- soil conservation
- health care
- biodiversity
- carbon sequestration and atmospheric regulation

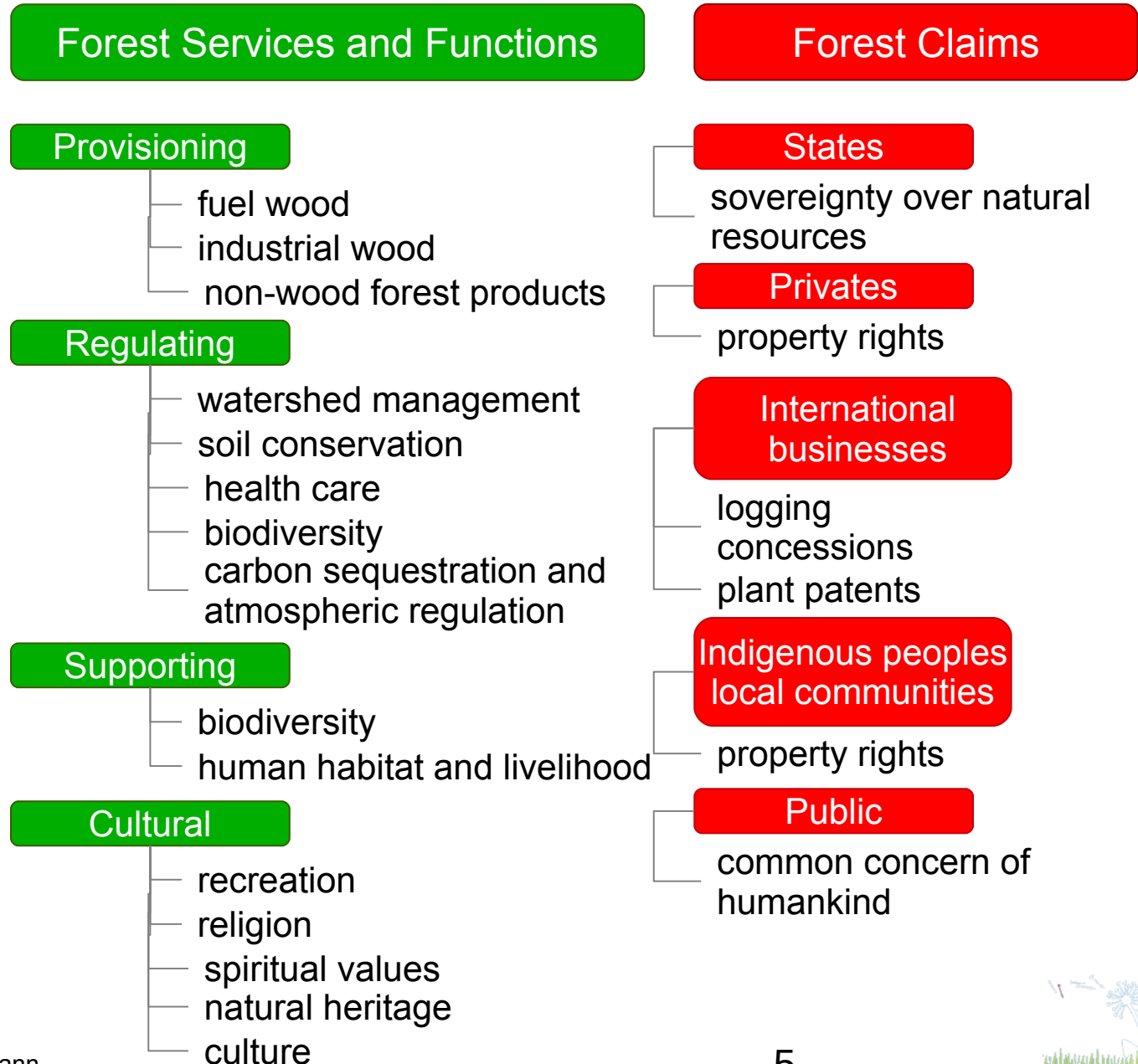
### Supporting

- biodiversity
- human habitat and livelihood

### Cultural

- recreation
- religion
- spiritual values
- natural heritage
- culture





## Forest Ownership

State owned

Privately owned

Community owned

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## Forest Claims

### States

sovereignty over natural resources

### Privates

property rights

### International businesses

logging  
concessions  
plant patents

### Indigenous peoples local communities

property rights

### Public

common concern of humankind



# “The International Forest Regime“

## International Forest Processes

ITTO

FAO

UNCED-processes

IPF – IFF – UNFF - processes

Forest certification

FLEGT

World Bank

Forest Europe-process



## “The International Forest Regime“

### International Forest Processes

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### “International Forest Law“

ITTA

CITES

Ramsar

WHC

WTO law

Climate Regime

Biodiversity Regime

UNCCD

Principles of IL





### 3. The current status of forests under international law

The international forest regime:

- is limited in scope and mandate;
- is fragmented;
- is an ad-hoc system of duplication of efforts;
- the precursor for the lack domestic forest legislation.



## 4. Options for international forest regulation

Forests under the climate regime:

- sinks and sources for carbon dioxide
- subject to discussions within LULUCF and REDD
- subject to accounting difficulties with regard to:
  - + definitions (forest, afforestation, reforestation, deforestation);
  - + measurement (reliable forest information and reporting);
  - + permanence (emission reductions measures need to be permanent);
  - + leakage (displacement of emissions);
  - + state sovereignty and rights to land.



## 4. Options for international forest regulation

### REDD advantages

treaty and negotiation infrastructure

biodiversity safeguards

financial incentive

political window of opportunity

### REDD disadvantages

fragmentation of international law

sectoral approach (tropical forests)

accounting difficulties

biodiversity trade-offs



## 4. Options for international forest regulation

Status Quo

CBD Protocol Approach

UNFCCC Approach (REDD+)

International Forest Convention

Comprehensive Convention

Framework Convention

Coordination Convention



## Literature (Selection)

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Thank you for your attention!

