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THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION AND CONSERVATIONIST FORESTRY NORMS: A BRIDGE TOO FAR

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ABSTRACT

This article explores the attempts to create a global tropical timber regime and examines its underlying competing environmental norms of exploitation, conservation and preservation. It outlines a history of forestry exploitation over time and tracks the stilted development of a global tropical timber regime. It further examines the development of the International Tropical Timber Agreement and its concomitant Organization. Legro’s test of the robustness of a norm is applied to the tropical timber regime to determine when and why, and through whose agency, normative change has not been effected within the International Tropical Timber Organisation where conservationist norms have failed to take root.

Key Words: tropical timber, norms, exploitation, conservation

TABLE OF CONTENTS

Introduction .......................................................................................................................... 2
Tropical Forest Deforestation ............................................................................................. 8
Causes of Tropical Forest Deforestation ........................................................................... 10
Building an international tropical timber regime? ............................................................ 22
The International Tropical Timber Agreement ............................................................... 38
The International Tropical Timber Organization ............................................................... 44
The ITTO and the Year 2000 Objective .............................................................................. 49
The 1994 Successor Agreement Negotiations .................................................................. 51
The Year 2000 Report ......................................................................................................... 62
Successor Agreement to the International Tropical Timber Agreement 2006 .............. 65
Conclusion ........................................................................................................................ 69
Introduction

The global tropical timber regime is considered a failure by many observers because states have considered that their interests are better served by allowing the harvesting of tropical timbers to continue. This is because of the economic rewards provided. The regime was originally created as a cartel arrangement to ensure an efficient supply of timber to consumer states. While attempts have been made to strengthen the conservationist aims of the regime by creating the International Tropical Timber Organisation (ITTO), a particularly effective veto coalition compromising both producer and consumer states, has stymied its development of such a norm.

In seeking to understand this normative failure, this paper proposes to examine the normative contestation between environmental exploitation, conservation and preservation to become the prevailing norm underpinning the tropical timber regime. First however, the differing environmental norms need to be clearly delineated to enable us to better chart their evolution or explain the factors which have retarded their development. Inexplicably, the concept of ‘exploitation’ as it pertains to the environment has received scant conceptual analysis from researchers.¹ One of the few authors to explore the meaning of the general concept in any depth is Taylor who, rather than defining exploitation per se, speaks in terms of an exploitative attitude which he defines as occurring whenever nature is thought of as nothing more than a vast repository of resources, both physical or biological, to be developed, used, and consumed by humans for human ends.”² For the purposes of this paper, exploitation will be defined where humanity treats resources as merely instrumental, to be developed and consumed, without

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consideration for the survivability of the resource, the overall ecosystem or the rights of future generations of humans.

The conservationist norm is bound up with the production process and regards the nonhuman world merely in terms of its use-value terms, as a resource to be utilized. Therefore a conservationist perspective treats the biosphere as a reservoir of matter-energy to be altered by technology for human consumption. However, if the saving of a resource is from utilization rather than for utilization, however, we are generally speaking of “preservation”. John Passmore defines preservation as: “…the attempt to maintain in their present condition such areas of the earth’s surface as do not yet bear the obvious marks of man’s handiwork and to protect from the risk of extinction those species of living beings which man has not yet destroyed. Thus, at its heart, preservationism accords an intrinsic or non-instrumental value to the world even if it conflicts with human interests.

Although descriptions and evaluations of norms in environmental literature proliferate, studies as to why people adhere to particular norms are rare. Even in strategic studies of norms, little analysis has been carried out on the dynamics of norm articulation and internalisation and “…how [norms] can get started, how a partial norm can be sustained and become well established and how one norm can displace another.” As Jeffrey Legro argues:

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The literature on norms has generally mis-specified their impact because of several conceptual and methodological biases...by concentrating on showing that norms “matter” analysts have given short shrift to the critical issues of which norms matter, the ways they matter, and how much they matter relative to other factors.\(^7\)

Legro posits that analysts, whatever their theoretical persuasion, have two biases relevant to the study undertaken here, which has rendered their analysis flawed. The first bias is an inability to perceive “norm robustness” as an independent variable, separate from the effects attributed to the norm.\(^8\) There is such a plethora of norms competing in the international arena that one can always “discover” a norm to explain an effect cited. It is crucial, therefore, to be able to understand why some norms are more influential than others in a particular forum. The second bias is that most analysis to date focuses on norms perceived to have “worked” rather than examining case studies where norms have failed to find purchase and have failed to be accepted. To better understand the influence of norms in the global community, it is also necessary to study cases of the success, failure and obsolescence of norms. As Legro correctly argues “[w]hy norms did not emerge or were not consequential is as important as why they did or were.”\(^9\)

This article responds to these criticisms by Legro by seeking to discover why environmental exploitation has failed to be supplanted as the dominant norm by environmental conservation and preservation within the tropical timber regime. This entails exploring how much rival norms have played a critical role within negotiations to

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\(^8\) Ibid.: 33.

\(^9\) Ibid.: 34.
create environmental regimes and when and how normative transformation was brought about. It will ask how much the successful norm has mattered relative to other norms and material factors. Examining a normative ‘failure’ may shed much light on norm construction and normative evolution or lack and the factors which bring about such a breakdown. Legro’s work enables us to do so by examining the evolution of norms and determining their relative robustness. He proposes a three-pronged test to determine the strength of a particular norm: specificity, durability, and concordance.  

According to Legro, a norm’s strength can be judged on its specificity or “how precisely a norm distinguishes appropriate from inappropriate behavior.” Or to put it another way, “how well guidelines for restraint and use are defined and understood.” Are they overly complex and ill defined or simple and precise? This is “assessed by examining actors’ understandings of the simplicity and clarity of the prohibition.” This precision depends to a great extent on the explication of the norm in such documents as written conventions. A non-specific standard of behaviour means that there could be a wide range of behavioural possibilities that could be determined as appropriate and do not allow any straightforward assessment of whether a norm has been violated. Such unspecified norms are not suitable as a standard for appropriate behaviour and cannot be treated as an independent variable that can explain a norm’s efficacy.

Legro goes on to look at how durable a norm can be by asking us to demonstrate “how long the rules have been in effect and how they weather challenges to their

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10 Ibid.
13 Ibid.
14 Boekle, Rittberger, and Wagner, "Norms and Foreign Policy: Constructivist Foreign Policy Theory," 7.
prohibitions.” Are violators and violations of the norm penalized and in what way? The violation of a norm does not necessarily mean that the norm has no validity. The norm against incest is a strong one despite there being repeated infractions of the taboo. For Legro the point is that the actors are punished or censured, either at a societal level or they sanction themselves for their transgressions. Lastly Legro examines the concept of concordance or commonality, that is, “how widely accepted are the rules in diplomatic discussions and treaties (that is, the degree of intersubjective agreement).” Do states agree on the acceptance of the validity of a norm? Has it been internalized? Do they put conditions on acceptance and therefore diminish it? Are these rules so taken for granted that no actor even considers violating them?

The strength of the obligation inherent in a norm is determined in these cases by the units within a system who share that norm’s values. Thus we can speak of a high degree of commonality if all actors share a certain value-based expectation of behaviour, a medium degree if a majority of actors share the same expectation of behaviour, and low commonality if a minority ascribe to the expectation of behaviour. According to Legro, a norm must have at least a medium level of commonality before it can be said to be exerting any influence on a states’ behaviour. This can be examined by evaluating records of national and international discussions on particular norms as did done here. The expectation of this approach “is that the clearer, more durable, and more widely endorsed

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16 Ibid.: 35.
17 Commonality is generally defined as meaning “how many actors of a social system share a value-based expectation of behavior.” Boekle, Rittberger, and Wagner, “Norms and Foreign Policy: Constructivist Foreign Policy Theory,” 6.
19 Ibid.
a prescription is, the greater will be its impact” and consequently its robustness.\textsuperscript{22} The greater the level of commonality, the more robust the explanation. The lower the commonality the greater the likelihood that the expectation is not an independent variable but rather some other variable. Analysts must demonstrate “that certain groups assert themselves over their rivals because of the norms they share” and only then will that norm be the explanatory variable.\textsuperscript{23}

This paper will take up the challenge issued by Legro and, using his test of norm robustness, seek to unpack the notion of normative competition and transformation within the global tropical timber regime. This paper will examine the intense logging of tropical timber within various states, with particular emphasis on the Asia-Pacific region. It charts the extensive exploitation of the region by over-logging and the environmental impact of such degradation. It critically examines the attempts by concerned members of the International Tropical Timber Council (ITTC) and Environmental Non-Governmental Organizations (ENGOs) to limit such destruction by the development of a tropical timber protection regime and evaluates the success of such measures. Further, it asks what explains the failure of the norms of conservation and preservation to supplant the dominant norm of exploitation underpinning the tropical timber regime. Here is a “hard case” of ‘progressive normative failure’ where the conservationist and preservationist arguments of the various ENGOs and concerned states have not been accepted and where exploitation continues to be the order of the day. Such an ongoing situation requires a critical evaluation and explanation.

\textsuperscript{22} Ibid.
\textsuperscript{23} Boekle, Rittberger, and Wagner, "Norms and Foreign Policy: Constructivist Foreign Policy Theory," 6.
Tropical Forest Deforestation

It is nigh on impossible to accurately reflect the rate of deforestation that has occurred. Such rates as are cited should be treated with scepticism since definitions of deforestation tend to vary, collected data is imprecise and subject to different interpretations, and rates of deforestation can fluctuate wildly from year to year.\(^{24}\) However, the data on deforestation can provide an overall picture, fuzzy, though it may be, of the size and scope of the phenomenon. Certainly humans have always exploited the resources of tropical forests but again, as with whaling, the issue has emerged only when human populations and/or technologies have increased the scale and rate of exploitation to the point that tropical forests are threatened globally. At the dawn of the nineteenth century, it is estimated, there was about 3.5 billion hectares of forests in tropical states.\(^{25}\)

Throughout the 19th century economically viable forests were cut down for either fuel or building material to feed the burgeoning industrial economies.\(^{26}\)

In the 1920s and 1930s, international journals devoted to forestry catalogued the increasing rate of destruction of tropical forests, but the issue was not accorded a high priority by states at that time, which assumed that forests were so large and plentiful that

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humans could draw resources from them for centuries before there would be a problem. With the end of World War II and the rise of decolonisation, forests were opened up to industrial exploitation. Such practices suited both the state-building goals of the newly independent states as well as the burgeoning craving for tropical timber in Japan and the West. The drive to exploit tropical forests began in earnest in the late 1950s and gained momentum in the 1960s with forest being seen as having less value compared to cleared land’s potential use for agriculture.

It is estimated that between 1964 and 1984 half of every tree ever harvested by humans was cut down. There is general agreement that depletion rates in the late 1970s, that ranged from 76,000 to 100,00 km$^2$, with a further 100,000 km$^2$ are grossly disrupted. By 1976 the scope of the problem was beginning to be understood by global international organizations. The FAO publication *Unasylva*, published in 1976, concluded that the rate of tropical forest deforestation was 11 million hectares annually. It arrived at this figure by including all states in the tropical zone (65). It then gathered all available state annual rates of deforestation (13) and extrapolated across other states to achieve an average. The study was criticized as being deeply flawed, for both its methodology and its non-inclusion of critical states such as Brazil and Indonesia, but the report has become a yardstick, with its upper estimate of 15 million becoming lodged in

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the global consciousness.  

In 1980 a further study by the FAO estimated that, worldwide, deforestation was occurring at the rate of 114,000 square kilometres every year. Deforestation figures compiled during the 1980s, indicate that harvesting occurred at 16.9 million hectares per annum during the 1980s at an annual deforestation rate of 0.9%, and since 1980 annual rates of deforestation have nearly doubled, from 0.58% to 1% or approximately 17.1 million hectares per year. By 1990 global deforestation was estimated to be 1,715 million hectares approximately with an estimated 38% of this area considered to be tropical rainforests (656 million hectares). While we can quibble about the precise rate it is clear that tropical forest degradation is an ongoing, serious problem.

**Causes of Tropical Forest Deforestation**

Which actors and what factors have caused the rapid deforestation of tropical forests?

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36 South-east Asian forests have been particularly decimated. The UN Economic and Social Commission for Asia and the Pacific concluded in 1990 that dramatic deforestation occurred in the region between 1950 and 1976 when approximately four million hectares was cleared annually. In just the Sarawak region alone, between 1962 and 1985, 30% of the forests were felled. Sing C. Chew, *World Ecological Degradation: Accumulation, Urbanization, and Deforestation 3000 B.C. - A.D. 2000* (Walnut Creek, CA: AltaMira Press, 2001), 146. From 1974 to 1999 the Pacific Rim region has lost 50% of their timber even though states such as the Philippines and Indonesia, with significant areas of forests, have become increasingly mired in debt. Paul Stanton Kibel, *The Earth on Trial: Environmental Law on the International Stage* (1999), 128. In the 1960s and 1970s the Philippines cut down over 90% of their forests for development and export. Abramovitz and Mattoon, "Reorienting the Forest Products Economy," 63. A Report by the FAO, *The Tropical Forest Action Plan: report of the independent review* published in 1990 puts the global loss of tropical forests at 170,000 square kilometres annually, an increase of 54% over the previous decade. The World Resources Institute, in its Report *World Resources 1990-91* estimated the rate of deforestation as closer to 204,000 square kilometres. Colchester, "Colonizing the Rainforests: The Agents and Causes of Deforestation," 1-2.
Opinions vary with many global development agencies and intergovernmental bodies blaming poverty while many ENGOs attribute the problem to Trans-National Corporations (TNCs) and the excessive consumption of developed states.\(^{37}\) Both sides have a point and the interlocking problems make it impossible to discern one primary cause. The two principal organizations examining deforestation, the ITTO and the FAO, tend to blame agriculture and development policies, excessive fuelwood gathered, overgrazing, fires, overexploitation of timber and poor harvest practices, in that order, for the depletion of forests.\(^{38}\) Logging is considered to be a merely a factor that “aggravates changes in forest cover.”\(^{39}\) Sing Chew argues that many of these factors are not so much causes but symptoms of other social, economic and political trends created by state policies, the global division of labour and capitalism, which are not taken into consideration within such reports.\(^{40}\)

However, ENGOs and other observers maintain that logging is the primary cause of forest loss and damage.\(^{41}\) The World Resource Institute in 1997 reported in *The Last Frontier Forests: Ecosystems and Economies on the Edge* that logging was a moderate to

\(^{37}\) Colchester, "Colonizing the Rainforests: The Agents and Causes of Deforestation."


A high threat to 50% of the remaining forest in Asia, 69% in South America and 79% in Africa. In 1995 Nigel Dudley, Jean-Paul Jeanrenaud and Francis Sullivan in, *Bad Harvest: The International Tropical Timber Trade and the Degradation of the World’s Forests* argued that “far from being a negligible cause, the timber trade is the primary cause of forest degradation and loss in many of the remaining natural forests.”

Such forest exploitation has carried out by governments or by corporations or individuals licensed by the state. States have gone ahead with “development” programs that emphasize forest conversion regardless of the medium to short-term consequences citing as a rationale a higher moral duty to help lift their citizens out of poverty. Tarlock believes that the currently unsustainable levels of forest felling have their foundations in the 1960s when South and Central American states utilized foreign loans to “develop” their forests for mineral extraction, cattle ranching or sowing export crops and such approaches have become the norm across the globe.

To understand more fully the normative debate within the ITTO one must be cognizant of the concerns the producer states have had about the Organization limiting their economic development to satisfy developed states’ domestic popular opinion. This fear influences the way developing states deal with the North and limit the ITTO’s ability to implement environmental programs. Northern environmental values are deemed antithetical to Southern development priorities. Indeed, the evidence suggests

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that the most important norm influencing the behavior of producer states is the norm of development. Undoubtedly, government policy to pursue economic development has been one of the root causes of extensive deforestation in Lesser Developed Countries (LDCs). For developing states, which are the bulk of the timber producing states, the alleviation of poverty by governments sponsored development has been the overriding objective.

The LDCs aspire to the same level of development enjoyed by many Northern states. Developing states argue, with some justification, that developed states built their material wealth by extracting their own forests, and developing nations are utilizing the same approach. From the perspective of Southern states, concerns about intergenerational equity are far less pressing than improving the welfare of current generations through development paid for by timber exports. For many LDCs, the primary purpose of state owned forests is to provide industries with raw material and in the long term to provide potential exports. However, it is was not just the felling of

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50 Thompson, "The Ecological-Economics of Non-Sustainable Development: Logging Tropical Forests in Southeast Asia and the Pacific," 201.
51 Bryner, From Promises to Performance: Achieving Global Environmental Goals, 262.
52 James J. Douglas, A Re-Appraisal of Forestry Development in Developing Countries (Boston: Martinus Nijhoff Publishers, 1983), 134. Ngau, Apoi, and Ling, "Malaysian Timber: Exploitation for Whom?," 42. For example, in the late 1980s, the forest sectors in Indonesia, Malaysia and the Philippines were worth $USD 400, 425 million and 50 million a year each. Thompson, "The Ecological-Economics of Non-Sustainable Development: Logging Tropical Forests in Southeast Asia and the Pacific," 204. In 1989 the forestry sector contributed between three and six percent of the total Gross Domestic Product of Malaysia and Indonesia. Barbier et al., "Deforestation: The Role of the International Trade in Tropical Timber," 277. The 1980s in particular was an era of enormous government mandated development projects place such as the Amazon region within Brazil. Highway programs were expanded and hydro-electric dams were built,
trees for export revenues that created deforestation. Once timber extraction has begun, bulldozers and cranes move in and forestland opens up to the agricultural or urban development that is seen as essential to producer states’ economic development.\textsuperscript{53}

The ENGOs understand very well the link between state development policies and tropical deforestation and the restrictions it imposes on the ITTO. The World Rainforest Movement (WRM) argue in their \textit{Declaration of the World Rainforest Movement: An Emergency Call to Action for the Forests and their Peoples} that:

\begin{quote}
Deforestation is the inevitable result of the current social and economic policies being carried out in the name of development. Such destructive projects and policies include; plantations, both for industrial forestry and for export crops; ranching schemes; dam projects; commercial logging; mining and industry; the dispossession of peasants and indigenous peoples; colonization schemes; highways into forested areas; pollution; tourism.\textsuperscript{54}
\end{quote}

However, it is not just domestic pressure to develop that has led to deforestation. For example, pressure has been applied to developing state by institutions such as the World Bank which has insisted on development projects and export-oriented economic policies.\textsuperscript{55} High levels of foreign owned debt has placed some LDCs in invidious positions that force them to agree to strictures placed on them by International Organisations (IOs) such as the World Bank. Consequently, to meet crippling interest payments LDCs are forced to ignore or cheat the tropical timber regime and exploit their

\begin{flushleft}
\textsuperscript{53} Ngau, Apoi, and Ling, "Malaysian Timber: Exploitation for Whom?," 43.
\end{flushleft}
forests at an ever-greater rate.\textsuperscript{56} The debt crisis of the 1980s particularly exacerbated the political situation leading to many developing states becoming dependent upon the revenue from timber exporting to repay debts owed to developed states.\textsuperscript{57} The twin lash of both domestic and global pressure to develop only reinforced global tropical deforestation as a way to appease domestic and international constituencies. Without an understanding of this context it is difficult to understand fully the actions of producer states within the ITTO.

The global tropical timber trade is a critical source of foreign exchange earnings for several states that traditionally have a poor export record.\textsuperscript{58} Despite the attempts by the ITTO and the FAO to blame other factors, timber production has traditionally been, and is likely to remain in the short-term, the primary resource usage of the forest.\textsuperscript{59} The global trade in tropical timber is over a century old and has experienced both peaks and troughs. Jan Laarman estimates that after World War One exports in tropical timber rose throughout the 1920s peaking in either 1929 or 1930. The Great Depression and World War Two limited tropical timber exports but after the War an uninterrupted export expansion occurred which dwarfed all previous export growth, with serious consequences for the tropical rainforests that supplied the timber. Exports rose from an annual average of 2.8 million cubic metres in 1946-50 to 66.6 million cubic metres by 1976-80, a factor

\begin{itemize}
\item\textsuperscript{58} Barbier et al., "Deforestation: The Role of the International Trade in Tropical Timber," 277.
\item\textsuperscript{59} Smouts, \textit{Tropical Forests, International Jungle: The Underside of Global Ecopolitics}, 105.
\end{itemize}
increase of 24. We can observe further export growth in absolute terms during every five-year period until 1980.\textsuperscript{60}

The reasons for this increase range from, on the demand side, the increase in income and population in states like the U.S. and Japan that led in turn to an increased demand for tropical timber. On the supply side, increased technological advances in mechanized logging and timber transportation have enabled the cutting of forests that hitherto were considered economically unfeasible.\textsuperscript{61} Laarman estimates that from 1900 to 1980 almost 1.2 billion cubic metres of tropical hardwood were logged and exported.\textsuperscript{62} The major tropical timber exporting nations in this period were Indonesia, Malaysia, Cote d’Ivoire, Brazil, Gabon, and the Congo.\textsuperscript{63}

In the latter half of the 1960s, global logging accelerated to the point that exploitation was so great that forest managers were unable to control it. Large swathes of forests were razed globally, particularly in South East Asia, with little effort to conserve forests for intergenerational needs.\textsuperscript{64} Problematically, forests were only considered valuable for the timber and carbon, leading to a disincentive to promote sustainable

\textsuperscript{61} Ibid., 150-51.
\textsuperscript{62} Ibid., 158.
\textsuperscript{63} Like the figures describing deforestation it is nearly impossible to gauge the growth in tropical timber exportation since the figures are so unreliable. The FAO has made the most thorough attempt to obtain accurate figures but has conceded that even its own estimates must be treated cautiously due to problems in obtaining accurate statistics. The problem is compounded by definitional problems regarding the “tropics”, “tropical countries”, and a definitive answer to what constitutes a “tropical wood”. Ibid., 148. No doubt the figures are deliberately downplayed to hide the scale, nor can we account for illegal or domestic cutting with any certainty. FoE estimates that approximately half of the tropical timber for sale in the West is derived from illegal logging. Tim Boekhout van Solinge, "Eco-Crime: The Tropical Timber Trade," in Organized Crime: Culture, Markets and Policies, ed. D. Siegel and H. Nelen (New York: Springer, 2008), 98.
\textsuperscript{64} Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 14.
practices.\textsuperscript{65} There were some producer states, like Brazil and Indonesia, whose governments foresaw long-term problems, and attempted unilaterally to ban the export of logs from their reserves in the 1970s and 1980s. Brazil imposed such a moratorium in the 1970s and Indonesia put up restrictions in 1980 and a total ban in 1985, neither of which lasted due to pressure from organizations like the International Monetary Fund (IMF).\textsuperscript{66} Ironically these states have proven over the years to be two of the greatest resisters to enacting change within the ITTO. Despite these attempted control mechanisms it is generally considered that the logging industry went through a boom during the 1980s and 1990s with record exports and profits.\textsuperscript{67}

By the end of the second millennium, the U.S.A and Japan have become the two biggest consumer states of timber, with many of their companies having extensive logging operations in many parts of the globe. These included Siberia, Asia, Latin America and West Africa. While the U.S.A. still has comparatively greater reserves of forests, its voracious need for timber products has ensured that U.S. corporations have exploited other states’ forestry resources.\textsuperscript{68} For nearly two decades Japan has treated Southeast Asia as an extension of its own woodyard, importing eleven million cubic metres of unfinished logs from Southeast Asia on average during the 1980s until the early 1990s. The total volume of tropical timber imports into Japan was 29\% of the world’s trade in 1986.\textsuperscript{69} Hypocritically Japan, while taking three-quarters of timber exports from South-east Asia, could easily supply its entire hardwood timber needs from domestic

\textsuperscript{65} Ibid., 23.
\textsuperscript{69} Ibid., 152.
forests. It has refused to do so while other states are willing to sell off their natural assets relatively cheaply, though.\textsuperscript{70}

Both producer and consumer states have perceived it to be in their interests to continue the clearfelling of tropical forests to ensure that demand for tropical timber remains high and supply costs low.\textsuperscript{71} Both producer and consumer states’ governments are well represented as boardmembers and shareholders among the TNCs who specialize in logging, with their corporate headquarters in the U.S.A., Japan, Germany, France, Finland, Sweden, Indonesia and Malaysia.\textsuperscript{72} The developed world has also had its “hand on the chainsaw” through its principal role in the international tropical timber trade, and the exploitation of forests by timber TNCs, and its voracious appetite for timber resources.\textsuperscript{73}

**Protecting Tropical Forests**

The destruction of tropical rainforests, perhaps more than any other global environmental issue, raises intriguing questions of conflicting interests and values and for our purposes clashing environmental norms.\textsuperscript{74} Globally many people worry about the destruction of

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\textsuperscript{70} Myers, “The Future of Forests,” 26.

\textsuperscript{71} Kibel, *The Earth on Trial: Environmental Law on the International Stage*, 128.


\textsuperscript{73} Myers, “The Future of Forests,” 25.

\textsuperscript{74} Brunnee, “A Conceptual Framework for an International Forests Convention: Customary Law and Emerging Principles in Global Forests and International Law,” 41. What constitutes a tropical forest remains contested. Smouts, *Tropical Forests, International Jungle: The Underside of Global Ecopolitics*, 5. There is a tendency to treat tropical forests as “monolithic” in nature where in reality there are many different types of tropical forests ranging from rain forests in the wetter equatorial and tropical areas to semi-deciduous and deciduous forests. Poore, *Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management*, 12. It is defined in fact, by “opposition to dry, arid forests…and especially in contrast to the grassy, sparsely treed savannah.” Therefore, it needs to be understood that the social construction of what constitutes a “tropical forest” in global discourse is a function of political ecology. It is not a precise scientific term but rather “a
the tropical forests and what such a loss may entail for species diversity and climate change. While they may not wish to live in such regions the loss of the forest ecosystems worries them. Marie-Claude Smouts characterizes this as recognition of an “existence value” which has been clearly shown in global surveys testing people’s beliefs about whether tropical forests are in danger and should be saved. The global debate on protecting forests has crystallized, to a great extent, around logging that is perceived by many critics as the main cause of deforestation.

However, despite the global concern over the destruction of forests, promoting “existence values” and saving tropical forests have proved difficult over the years since the emphasis by both producer and consumer states has been on utilizing tropical timber rather than conserving or preserving tropical forests. The ITTO has become, at least in the eyes of the tropical timber producing and consuming states, the global entity charged with regulating the tropical timber industry, and by extension, global forests. It started as a commercial cartel operation but has evolved into an organization that purports to promote the sustainable use of global tropical forests. Flaws in the principles and practice of the regime, however, combined with an inability of dissenters to the ITTO to displace those with entrenched interests within the timber industry, have frustrated this goal.

Since World War II, sovereign self-determination of states has encompassed the certain type of social, political, and economic relations that structure man’s interactions with nature in a given environment. The term serves as a device to draw attention to the problem of exploitation via deforestation, its concomitant problems of poverty, and the destruction of indigenous communities. Smouts, Tropical Forests, International Jungle: The Underside of Global Ecopolitics, 4.


76 Ibid. For example, Roberto Repetto of the World Resources Institute (WRI) speaks for many critics when he argues that commercial logging is the main cause of global deforestation. Marcus Colchester, “The International Tropical Timber Organization: Kill or Cure for the Rainforests?,” in The Earthscan Reader in Tropical Forestry, ed. Simon Rietbergen (London: Earthscan Publications Ltd, 1993), 186.
right to exploit sovereign natural resources in the services of state development.\textsuperscript{77} Many developing states have argued post-Stockholm that they are entitled to exploit their sovereign resources, particularly forests, as compensation for the colonial dependence forced on those states in the nineteenth and first half of the twentieth centuries, and they have continued to attempt to raise their export earnings by cutting down their forests.\textsuperscript{78} These states’ privileging of the norm of development has meant that in the case of tropical timber, it was not just a contest between different environmental norms but rather a broader, old-fashioned battle between developmental and environmental norms. Thus to understand the normative contest within the ITTO and its broader implications, it is critical that we examine the role played by those advocating developmental as well as environmental norms.

International efforts to protect tropical forests have been a relatively recent phenomenon since forest management was considered an internal sovereign affair. In the 1970s the only global text even tangentially related to forests was the Ramsar Convention (adopted in 1971 and put into effect in 1975) that aimed to protect wetlands of global significance and their waterfowl.\textsuperscript{79} While many in the broader global community no longer regard tropical rainforests as merely a commodity to be exploited, can it be said that this newfound belief has influenced the primary actors involved in the tropical forest regime?\textsuperscript{80}

In the last few decades an enormous body of scholarly and popular writing has

\textsuperscript{77} Tarlock, "Exclusive Sovereignty Versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management," 43. See for example, \textit{Permanent Sovereignty over Natural Resources} Resolution 1803 (XVII).
\textsuperscript{78} Tarlock, "Exclusive Sovereignty Versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management," 42.
\textsuperscript{80} Tarlock, "Exclusive Sovereignty Versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management," 38.
championed the need for rainforest conservation. Conservationists have tended to favour creating a system of protected areas, for example, nature reserves, through either a zoning idea where different regions are specified for particular activities, or by a system where multiple usage of all areas is allowed. The concept of sustainable development has been incorporated into the debates on forests and Sustainable Forest Management (SFM) and generally conservationist ideals have become accepted terms in the global forestry discourse since the 1992 Rio Summit. However, like the term sustainable development, SFM is an elastic term that enables stakeholders to import into the concept the content that suits their agenda. For this reason it has been a success as a rhetorical device promoted by stakeholders. It leaves much to be decided as a practical application.

Alternatively, the most common solution espoused in the North to save the tropical rainforests is the preservationist approach, that is, designating large swathes of forested land as forest reserves not to be logged. The argument is made that deforestation is proceeding at such a pace that it outstrips efforts to regenerate the forest and that it is critical to preserve the biodiversity of such forests. This preservationist approach to tropical forests “…seeks to protect internationally recognized forest resources by setting standards of harvesting and control. Nations designate forest areas within their territory

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83 Ibid., 15. SFM’s defining feature has been a conservationist one. That is of ensuring an unimpeded, continuing supply of timber for the foreseeable future. The value of a forest was primarily based on its function as a store of timber—not its biosphere as a whole. Andrew Robert Cock, "Tropical Forests in the Global State System," *International Affairs* 84, no. 2 (2008): 322.
84 Ibid., 184.
85 Ibid., 172, Switzer, *Environmental Politics: Domestic and Global Dimensions*, 279.
for inclusion in the international list of protected areas.\textsuperscript{86} As shall be seen, such preservationist arguments have failed to gain any purchase at the global level, however, and indeed have rarely been argued due to a variety of factors including vested interests opposed to anti-logging practices, preservationist leaning ENGOs being denied access to the ITTO discourse and other non-environmental norms being privileged over preservationism.

Smouts agrees that preservationist approaches have become marginalized and argues that conservationism has become dominant in the global tropical timber discourse without explaining why.\textsuperscript{87} While conservationism has become dominant over preservationism as an alternative to exploitation within the tropical timber discourse, it is not true to say that conservationism has been able to supplant exploitation as the norm underpinning the regime. The reasons behind this failure of norm entrepreneurs to impose conservationist or preservationist mores and practices on the states involved in the tropical timber trade is the central focal point of this paper. The general narrative is widely accepted that exploitation has prevailed over conservation in the tropical timber regime.

**Building an international tropical timber regime?**

With the problems of tropical forest destruction so well publicized globally for decades there was an inevitable outcry for a regime to protect the tropical forests. The genesis of the International Tropical Timber Agreement and its concomitant Organization can be found not in individual states choosing to come together to overcome a mutual problem


but rather from within the United Nations Conference on Trade and Development (UNCTAD). UNCTAD was dedicated to the ideal of restructuring historical patterns of global trade to enable lesser-developed states to participate and derive greater benefits. It sought to pursue this goal through trade in tropical timber. The fact that states did not voluntarily come together to combat deforestation is significant and helps to understand the truculence and evasion shown by both producer and consumer states associated with the tropical timber regime.\textsuperscript{88}

In November 1966 an UNCTAD/FAO Working Party on forest and timber products recommended that a tropical timber bureau be created. At a subsequent meeting in September 1968 the idea was revisited and again it was proposed that such an entity be established. At this time the only preoccupation was that of trade and the bureau was meant to collect and exchange data on markets and on the uses of timber products.\textsuperscript{89} The UNCTAD proposal languished for the next eight years due to stakeholder concerns that any such organization might be too bureaucratic, or alternatively, that it should have a wider brief than just tropical timber and should apply to all timber. The timber companies were especially concerned that such an entity would participate in commercial activities, possibly limiting their activities.\textsuperscript{90}

Following the Stockholm Conference in 1972 there was a flurry of global activity on the issue of tropical forest protection. In 1974 the International Union for the Conservation of Nature (IUCN) held conferences on the topic of \textit{Guidelines for Tropical Forest Management} in Caracas, Venezuela and Bandung, Indonesia. The conference

\textsuperscript{89} Ibid.
\textsuperscript{90} Ibid., 29.
recommendations were embodied in the *Ecological Guidelines for Development in Tropical Rain Forests*.\(^91\) In July 1974 the idea to establish a tropical timber bureau was reinvigorated by the International Trade Centre (ITC), which commissioned a study to create such an entity for export producing states. Although there is no direct evidence linking the renewed global interest in the issue of tropical timber protection to the desire to create a tropical timber organization it can be reasonably stated that it helped create a more favourable climate for such an entity, even though the timber states were not driving the issue.\(^92\)

The eventual report revealed there was approval for such an organization among producer states but that importing states should also be part of any accord. The authors thought the bureau’s functions should be:

- to stimulate demand for, and further the use of tropical timber, including the lesser-known species and the products manufactured therefrom;

- to collect, collate and disseminate technical information on various tropical timbers warranting promotion and carry out appropriate market development programmes in light of the requirements of the import markets and the existing facilities for these types of work;

- to develop channels for, and maintain, the free exchange of market intelligence and technical knowledge between importing and producing companies.\(^93\)

\(^91\) Ibid., 14.
\(^92\) Ibid., 29.
\(^93\) Ibid., 29-30.
A further complicating factor to be borne in mind when examining the creation of the tropical timber regime was the price of commodities in the 1970s and the desire of producer states, mostly developing states, to extract a higher price for their resources. Following the success of the Organization of the Petroleum Exporting Countries (OPEC) cartel in 1973-74, many LDCs felt that cartels could enable states to control commodity prices and thus increase their power relative to developed states.\textsuperscript{94} The issue of resource prices on the global market had been simmering since 1964 but UNCTAD had been unable to convince developed states of the necessity to improve the current order, which advantage the producer states in terms of their export revenues. Coupled with this changing global resource pricing order were new perceptions of appropriate resource usage and environmental protection (see previous papers on Antarctica and whaling) and the end to a commodities boom cycle in 1972. UNCTAD and the G77 states believed that these factors could lead to developed states changing their attitudes towards commodity agreements and global regulation resulting in higher prices for raw materials, greater development, and a decrease in global poverty.\textsuperscript{95}

To promote this change in the global commodity order UNCTAD, led by Gamani Corea, the Sri-Lankan Secretary-General of UNCTAD, created the Integrated Program for Commodities (IPC) to encourage International Commodity Organizations to be set up,


A commodity in this context is understood as “any product that is essentially undifferentiated. A product is considered a commodity if there is no difference between it and other versions produced by different companies.” Lauren Flejzor, “Reforming the International Tropical Timber Agreement,” RECIEL 14, no. 1 (2005): 19.

focusing on resources such as tea and rubber. From 1974 until 1979, the IPC sought to restructure the global resource order to enable LDCs to derive a greater percentage of wealth from commodity trading. Tropical timber was a late addition to the set but was one of the few resource issues to actually conclude negotiations and create a commodities agreement. Thus when examining the tropical timber regime it must be borne in mind that it was not created to conserve/preserve tropical forests: rather it was designed to facilitate the orderly extraction of tropical timber. States’ interests in this regime have always been perceived as tied to the issue of timber production and marketing, with forestry protection at best a secondary consideration.

Against this backdrop, and to promote UNCTAD’s mission, negotiations for a tropical timber agreement (which eventually became the ITTA), began in 1976 with a series of preparatory meetings that were to last 6 years. While states were not willing to drive the process, IOs were keen to pressure the states to achieve a regime that would better conserve tropical forests. UNCTAD, which was still keen to create a regime under its aegis, organized the first of a series of Preparatory Meetings on Tropical Timber

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97 Chasek, Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy, 95.
98 Gale, "Discourse and Southeast Asian Deforestation: A Case Study of the International Tropical Timber Organization," 238. In many ways tropical timber is not a commodity in the strictest sense since it is difficult to characterize as one resource. Unlike jute, for example, it comes from a wide variety of tree species in many varied places in the world. This makes it difficult to treat as a homogenous resource. Colchester, "The International Tropical Timber Organization: Kill or Cure for the Rainforests?" 188.
100 Kasimbazi, "Sustainable Development in International Tropical Timber Agreements," 141.
101 Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 14. For example, the FAO, at the Fourth Meeting of its Committee on Forest Development in the Tropics, held in November 1976, dedicated itself to evaluating "the values of tropical moist forest ecosystems and the environmental consequences of their removal." Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 14.
in May 1977.\textsuperscript{102} At this point in time states, whether producers or consumers, perceived no real benefit in participating in such a body although producer states were still open to a tropical timber regime if it suited their desires for a continuing tropical timber trade.\textsuperscript{103}

The First Preparatory Meeting in May 1977 on tropical timber dealt with questions of issue definition and the scale and the scope of problems in the tropical timber industry.\textsuperscript{104} Consistent with their previous approach, delegates of both producer and consumer states were concerned to promote investment in the industry to ensure the long-term supply of tropical timber stocks. At the Second Meeting (24-28 October 1977), producer states outlined a set of recommendations designed to minimize market and price instability, again focusing on their interest in maximizing timber exports. Consumer states, with the same desire for a steady supply, were also amenable, and agreed to study the proposal and continued their examination, up to and including the Third meeting (23-27 January 1978).\textsuperscript{105}

Delegates to the Fourth Preparatory Meeting (31 July-4 August 1978) agreed that four issues would be included in a possible global agreement on the harvesting of tropical timber: reforestation and forest management, higher levels of processing within producing states, research and development, and market fluctuation. The participants also requested that the secretariats of the FAO and UNCTAD, working with any relevant


\textsuperscript{105}Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 96-97.
body, create a draft document encompassing the above points.\textsuperscript{106} The Fourth Meeting also marked a seminal moment as it was the first time that environmental considerations in relation to tropical timber were discussed. Duncan Poore notes that this shift in focus was due to the dawning recognition, in the late 1970s, of a global consciousness of the high rates of deforestation globally, and the lack of reforestation projects to deal with the problem.\textsuperscript{107} Despite these environmental concerns there appears no evidence that states saw it as critical to their interests to deal with the problem of global deforestation at this time, preferring to focus on commodity trade issues.

The draft report was duly presented at the Fifth Meeting (22-26 October 1979) but the members were unable to complete their consideration of the text. Again environmental issues were discussed peripherally, with much of the documentation on the issue focusing on reforestation and forest management.\textsuperscript{108} The decision was taken to reconvene the following year and the following reports were annexed to the meeting report: the chair’s draft recommendations, the producer states’ draft conclusions and recommendations from the consumer states submitted by the United States.\textsuperscript{109} The consumer states were adamant that the key to any agreement from their perspective was the assurance of a continuous supply of tropical timber.\textsuperscript{110}

At the second session of the fifth Preparatory Meeting (7-18 July 1980) the Chair observed that the three draft agreements were substantially close enough to have allowed the FAO and UNCTAD secretariats to prepare five studies on three of the four elements.

\textsuperscript{106} Ibid., 97.
\textsuperscript{108} Ibid.
\textsuperscript{109} Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 97-98.
that had been agreed could underpin any potential agreement. A further factor that had an impact on the negotiations was that of the parallel negotiations to create a Common Fund. During the break between the two sessions, negotiations had been concluded on the Common Fund. This removed one potential obstacle to the creation of a tropical timber agreement: the need for financial arrangements to assist commodity development.\(^{111}\) Critically, however, a proposal to create a reforestation fund was rejected by the International Bank for Reconstruction and Development (IBRD), a branch of the World Bank, which argued that such a fund was unnecessary as the IBRD would provide needed funds for forest regrowth and management. Poore considers this failure to access a secure source of untied funds to be a major flaw of the proposed organization because it removed a potential source of influence in favour of conservationist aims (that is, funding could have been made conditional on conformity with certain conservation guidelines).\(^{112}\)

The problematic solving of the overarching financial issues opened the door for discussions to move from the general to the specific. The meeting concluded with the following recommendations:

- On the issue of research and development the criteria for the selection of projects was approved and the task of developing a list of research and development projects was delegated to an intergovernmental group of experts.

- The group agreed that there was a need to improve market intelligence and requested the secretariats of the FAO and

\(^{111}\)Chasek, *Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy*, 98.

UNCTAD create a report on the subject and delegate to an intergovernmental expert panel the task of creating proposals for the next meeting.

- The delegates recognized that financing would be essential to ensure reforestation projects would succeed and asked that the secretariats of UNCTAD, FAO and the World Bank prepare a paper on the issue for the sixth meeting.  

That Sixth Meeting occurred from the 1 - 11 of June 1982 where it was agreed that the preparatory phase was at an end and that the basic elements to an international tropical timber agreement was in place. Consensus was achieved and an instrument was created which had as its foundation the following summarized sections which emphasised the need for cooperative ventures if the regime was to succeed:

1. Individual research and development projects that had been drafted drawing on the 42 project profiles already examined (e.g. wood utilization, forest development) would be selected by a designated producer/consumer body for implementation within the framework of a proposed agreement.

2. The various proposals such as monitoring and evaluating data to improve market intelligence meet the threshold test for an international agreement.

3. Cooperation between producing and consuming states should cover issues such as technology transfers, training, the encouragement of investment and the creation of joint ventures.

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Such activities would be monitored by the new body created and would have a mandate to solve any problems in cooperation with any other competent entity.

4. Producer states and consumer states should cooperate to ensure a regular review of national and international support with a view of encouraging increased technical assistance for national reforestation and forest management programs. Further there was a need to review the future requirements of international trade in industrial tropical timber products and identify and evaluate potential schemes to satisfy the need for industrial timber.\textsuperscript{114}

The institutional requirements of such an arrangement was not considered at the meeting due to lack of time so a further meeting was called from the 29\textsuperscript{th} of November until the 3\textsuperscript{rd} of December. The Japanese delegation put forward their own draft articles for an international agreement based on previous agreements on rubber and jute but no other state saw fit to do so.\textsuperscript{115} At the end of discussions the Members agreed to create the International Tropical Timber Organization.\textsuperscript{116} The ITTO was designed as an autonomous entity with a mandate to administer the agreement and oversee its operation. The meeting also decided the organizational structure and organs of the ITTO. Two categories of members were set up, producers and consumers, but the exact definition of these categories was left open. Lastly the delegates decided on a definition of the term “tropical timber”.\textsuperscript{117}

\begin{footnotes}
\footnote{Ibid., 98-99}
\footnote{Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 99.}
\footnote{Poore, \textit{Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management}, 35.}
\footnote{Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 99.}
\footnote{Ibid., 99-100.}
\end{footnotes}
Poore argues that one can observe an evolution over the course of the Preparatory Meetings, from concerns over how best to improve tropical timber supplies and market intelligence to grappling with the vexed questions relating to conservation of forests. However, the issue of preserving such forests appears to not have been discussed, nor was it a consideration. Poore believes that ecological values were to gradually become embedded over the course of the discussions and eventually formed a bedrock part of the proposed ITTO.\textsuperscript{118} However, he does not identify which actors/states held such beliefs, nor can it be ascertained under what conditions such environmental concerns would manifest in practice. Certainly environmental issues were discussed but the evidence suggests they were only ever secondary concerns. It is highly debatable, given the subsequent performance of the ITTO, that such ecological concerns were critical to states’ interests let alone internalised to the point where states considered such issues automatically.

A Conference on Tropical Timber was convened on 14\textsuperscript{th} March 1983 in Geneva, Switzerland. By the end of the first session, March 31\textsuperscript{st} 1983, delegates from 70 countries (36 producers and 34 consumers accounting for 98\% of the tropical timber trade) had agreed to 37 of the 43 articles.\textsuperscript{119} Problematic issues were the location of the headquarters of the new organization (Belgium, France, Greece, Japan, the Netherlands and the U.K. all vied to host the ITTO).\textsuperscript{120} Also, the number of committees to be

\textsuperscript{118} Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 34.
\textsuperscript{119} Chasek, Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy, 100., Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 36.
\textsuperscript{120} Chasek, Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy, 100. Japan was eventually chosen as the site of the new Organization after it agreed to underwrite the new Organization. Japan also worked hard to secure the agreement of producer states, offering them preferential trading deals to agree to join the fledgling entity. These deals evolved into a “network of influence” wielded by Japan
established proved to be a sticking point. The Chair offered three (Economic Information and Market Intelligence, Reforestation and Forest Management and Processing) while the consumer states argued that only two were necessary. A more important difference was over the definition of tropical timber for the purposes of the agreement, with producer states focusing on production and resource management, and consumer state wishing to privilege issues of trade.\textsuperscript{121}

There is little evidence to suggest an intention on the part of the states to foster social learning or trust between producer and consumer states and ENGOs. ENGOs might have hoped that the ITTO would foster social learning about the importance of conservationist practices, but the states were more preoccupied with furthering their economic interests. In particular, this was seen as an opportunity to bed down the business cartel which had been running up until that point. It is reasonable to surmise that developing states were interested in the ITTO in the hope that they might receive financial aid to bolster their forest policies, and so were willing to be involved in negotiations, but there is no evidence they were interested in improving conservationist practices as well.

Developing states elites understood that one pathway to quickly developing was to exploit their abundant forests, and this certainly did affect their perception of the ITTO as a potential brake on their operations.\textsuperscript{122} Developing state leaders were supported in this position by the majority of their constituents, who believed that rapid economic development must occur despite the environmental cost. This trend continues today. For

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\textsuperscript{121} Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 100.

example, in a recent survey in Brazil 82% of Brazilians agreed with the proposition that “Brazil must use the resources of Amazonia to develop the country.” Development discourse has also permeated the forestry debate. It started doing so in the 1960s and 1970s via the World Forestry Congresses and the work of international forestry experts such as Chief of the Forests Economics Branch, Forest Products Division of the FAO, Westoby. Thus, by the time of the negotiations of the ITTO, the concept of exploiting forests for development was deeply entrenched at both the domestic level and within the various forestry IOs.

There is another dimension to this issue too. Despite the public support for development, the historical record is clear that such activities tend to favour the ruling classes. Thus, states’ interests in development are primarily those of political and economic elites within producer societies. Poor rural and urban people or indigenous tribes, enjoy very few of the benefits. However, they suffer a disproportionate part of the costs, both environmental and economic. For example, in Malaysia, as more and more forestland has been opened up for exploitation, the impact on the rural population has been profound in terms of the loss of traditional livelihoods. The historical record also shows that the expectation that the development of state’ forests will increase the welfare of a majority of people within LDCs has not been realized, despite the high

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125 Raymond, "Road Development in Northwestern Brazil: Economic Integration against Ethnic and Ecological Degradation," 94.
environmental cost of razing tropical forests. As shall be seen later in the paper, attempts by ENGOs and other actors to point this out to the ITTO have been blocked or fallen on deaf ears.

Radoslav Dimitrov’s work provides a possible explanation for the behaviour of both producer and consumer states and why they participated in the ITTA negotiations. For states the “normative logic of appropriateness” requires states to participate in regime negotiations. He postulates that states needed to be seen actively engaging with environmental problems. No state can afford the opprobrium directed at it for not being seen to do something about deforestation. This was particularly true at the time of the creation of the ITTO, as the global ENGO movements of the 1970s worked hard to publicize the problem of global deforestation. At this point the global significance of tropical forests was becoming increasingly appreciated by developed state populations as part of an overall concern, that was growing about global environmental problems such as resource supplies and the loss of global biodiversity. While such growing ecological awareness was mostly limited to developed states it is reasonable to surmise that both producer and consumer states felt pressure to be at least seen to be tackling this issue in a concrete way by attending negotiations and agreeing to a draft document. Such a strategy avoided reputational costs and potential shaming as poor environmental actors.

Despite producer and consumer states having concluded a draft for ratification

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130 Ibid.: 17.
131 Switzer, Environmental Politics: Domestic and Global Dimensions, 277.
and signing, their continued indifference to the ITTA being passed meant that the earliest date for definitive entry into force, October 1\textsuperscript{st} 1984, was not met. By early 1985 there was concern that the date for “provisional entry into force” would pass without an agreement being ratified. While the consumer states willing to agree to the ITTA’s provisions were nearly unanimous in their approval of the draft (only Spain and Italy did not sign and ratify at this stage), gaining the acquiescence of the producer states proved more problematic. By mid-February 1985 only six states (Liberia, Indonesia, Gabon, Honduras, Bolivia and Malaysia) had signed and only Indonesia and Malaysia had ratified the agreement. At least eight more instruments were required to be lodged, otherwise the Agreement could not enter into force.\footnote{Poore, \textit{Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management}, 37.}

When in 1985 it appeared that the Agreement was in trouble, with no states ratifying the text by the agreed deadline, the International Institute for Environment and Development (IIED) organized a conference in March in London. This brought together key states (Japan, the U.K., Malaysia, Indonesia, Brazil and the Netherlands) plus industry representatives, to promote the entity and to encourage ratification.\footnote{Gale, "Discourse and Southeast Asian Deforestation: A Case Study of the International Tropical Timber Organization," 241.} At the end of the seminar, after much debate, the conference participants agreed to a Statement to be sent to all state participants.\footnote{Poore, \textit{Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management}, 37.} The statement read in part:

This seminar, convened to explore the implications of the Agreement for the relationship between the utilization and conservation of the tropical forest resource, confirmed that these need not be contradictory goals…The benefits derived from the
trade, however, could greatly contribute to the management and conservation of the resource which in turn ensures the sustainability of economic and social development.

Nevertheless, despite the consensus as to the potential value of the agreement, the seminar noted with grave concern that the requirements for entry into force have still not been met…The seminar urges everyone concerned to do all in their power to see that the Agreement enters into force…The seminar stresses that the ITTA can rightly be regarded by the whole international community as a major success for international cooperation and solidarity.137

Interestingly, and indicative of the thinking of states at this time, the Seminar participants seemed to believe that the global logging trade played virtually no part in the rising rates of deforestation. Rather, an argument was outlined that the trade could only be a boon to conservationist activities in tropical forests. Despite this rather peculiar position the ENGOs such as the IUCN, the IIED and the World Wildlife Fund (WWF) were sufficiently enthused about the potential of an ITTA that they used their domestic state affiliates to encourage states to sign on to the agreement. Japan, in particular, was active in spruiking the potential of such an agreement to South American states, especially the critical state of Brazil. To the surprise of the ENGOs the conference was successful, and enough ratifications were deposited in New York by the March 31st deadline to enable UNCTAD to call the first meeting of the ITTO in June 1985.138 This initial Agreement came into force on the 1st April 1985 for an initial period of five years.

137 Ibid., 38.
It was extended twice, for two-year periods.\textsuperscript{139}

Why states were willing to sign on is still an open question. Certainly, the producer states saw merit in obtaining funding but it is also likely that they realized that such an organization was inevitable and wished to ensure control of such an entity. Japan fought very hard for the new ITTO Secretariat to be situated at Yokohama, and with the lobbying aid of the WWF, IUCN and the UK Friends of the Earth (FoE-UK) in consumer states, the proposal was eventually agreed to by all the negotiating states.\textsuperscript{140} The main producer and consuming states also ensured that they maintained financial control of the fledgling entity. For example, in 1989 just over fifty percent of the ITTO’s annual budget was sourced from Japan, Brazil, Indonesia, Malaysia, the U.S.A. and Korea, all of which were heavily involved in the tropical timber trade.\textsuperscript{141}

However, for all states, given the global awareness of the issue of tropical deforestation, there was pressure to be seen to be addressing this issue, and the ITTA allowed them the greatest latitude to continue “business as usual” while arguing that they were aiming to conserve tropical forests. That is, despite agreeing to the ITTA, the member-states, as shall be seen in the rest of the paper, continued to flout many of its provisions. Since there are no enforcement provisions in the agreement, states have continued their exploitative behaviour, seeking short-term gains that benefited the producer elites and the timber consumers of the importing states.

\textbf{The International Tropical Timber Agreement}

Opinions regarding the purposes of the ITTA and the behaviour it was meant to engender

\textsuperscript{139} Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 100-01.


\textsuperscript{141} Ibid., 85.
remain divided to this day. Pamela Chasek believes that the ITTA is primarily a commodities agreement that unusually, has no price regulation mechanisms or market intervention powers. Its aim is “to promote sustainable development of tropical forests by encouraging and assisting the tropical timber industry and trade and thus conserve the resource base upon which they depend.”  

Fred Gale argues that the ITTA is meant to be a conventional commodities agreement (for example, it contains mention of buffer stocks) and is designed to stabilize prices. However, by the time a draft was prepared it was clear that tropical timber could not be regarded in such a light, due to the problematic nature of tropical timber extraction. Ans Kolk agrees with this conclusion, but for differing reasons, pointing out that while the ITTA was originally envisaged as being yet another commodity agreement, the attempted melding of conservation with the promotion of trade and increasing producer states’ revenues made it an exceptional agreement.

The ITTA as a document tries to balance these inherent contradictions when it “attempted indirectly to conserve tropical forest resources by addressing uncertainty and fluctuation in the international market for tropical timber, with the idea that a more stable international market will allow states to choose when to harvest and sell their forest resources, rather than being driven to do so by market pressures or opportunities.”

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143 Fred P. Gale, "The Mysterious Case of the Disappearing Environmentalists: The International Tropical Timber Organization," *Capitalism, Nature, Socialism* 7, no. 3 (1996): 106-07. One factor against it being a conventional commodities agreement was the heterogeneity of tropical timber. This mitigated against the development of any price stabilization scheme. The market in tropical timber also lacks transparency because traders make profits by buying cheap and selling dear. So purchase and sales prices are considered proprietary information not to be revealed. Lastly a buffer stock already exists in the form of tropical forests that it would be better to leave growing rather than pay the costs associated with harvesting the wood. Gale, "The Mysterious Case of the Disappearing Environmentalists: The International Tropical Timber Organization." 106-107
Such an approach, however, ends up creating a cartel which is monopolistic in nature. This is more likely to lead to incentives to exploit rather than conserve tropical timber since states’ interests are met by focusing on ensuring a steady import/export trade in the short-term for the benefit of the cartel members.

The Agreement defined tropical timber in Article 2(1) as comprising “non-coniferous tropical wood for industrial uses, which grows between the Tropic of Cancer and the Tropic of Capricorn…”\textsuperscript{146} The objectives of the ITTA clearly reveal that its focus is on tropical timber utilization, with its agreed aims being:

- To create an effective framework ensuring cooperation and consultation between tropical timber consumer and producer states.
- To ensure the diversification and expansion of the global tropical timber trade and improve market conditions.
- To promote and augment forestry research and development with the aim of improving tropical forest management and the use of wood products.
- To encourage national forestry policies that encouraged sustainability and conservationist practices of tropical forests and their resources.\textsuperscript{147}

Again the language is of cooperation by the member-states to promote the tropical timber trade, plus an understanding of the need to put in place sustainable practices to conserve tropical forests. However, this latter objective appears to be undermined by the unspoken rationale that as far as the member-states are concerned “tropical forests would only continue to exist if they were used for an economic purpose – the most important being


\textsuperscript{147} Chasek, Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy, 95.
the production of wood.”

ENGOs, and IOs such as the WWF, FoE, the IIED, and the IUCN, were observers at the closing sessions of the negotiations and, due to their effective lobbying, were able to ensure that conservationist language was part of the Agreement’s objectives. Utilizing Finnemore and Sikkink’s analysis it is clear that, once again, the ENGOs were acting as the key normative entrepreneurs (and organizational platforms) for the norm of conservation. The primary documents of the negotiations and the secondary material reveal no real attempts by the ENGOs to argue for preservationist norms to be part of the Agreement. It is arguable that the ENGOs knew, given the opposition of producer and consumer states and timber companies, what they were up against and that their only hope was to start with the less ambitious aim of conserving areas and building on any success. The absence of traditional preservationist ENGOs such as Greenpeace enabled groups that traditionally espouse a conservationist ethos, such as the IUCN and the WWF to have a greater influence on the proceedings.

The negotiating states agreed with the conservationist aims and, as mentioned earlier, Article 1(h) was inserted in the text with the following aim:

To encourage the development of national policies aimed at sustainable utilization and conservation of tropical forests and their genetic resources, and at maintaining the ecological balance

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in the regions concerned.\textsuperscript{150}

However, despite negotiating states agreeing to this conservationist aim, as was pointed out earlier, there is no evidence that their behaviour changed. In the case of tropical timber, any “agreement” to put in place sustainable practices needs to be measured against what actually happens on the forest floor. A closer examination of the operation of the Organization reveals that neither producer nor consumer states have made conservation a priority over exploitation.\textsuperscript{151} As David Humphreys notes:

Neither the producers nor the consumers have contested the economic \textit{exploitation} \textsuperscript{[my italics]} of tropical forests for timber and for other forest products. Given this, and given also the conservation mandate of the ITTO, it is perhaps not surprising that the ITTO guidelines for the sustainable management of natural forests reflect inconsistencies between developmental and ecological objectives.\textsuperscript{152}

The \textit{Possible Action 33} document published in 1990 stated even more baldly the ITTO position on conservation versus trade when it declared that any environmental impact studies should “assess compatibility of logging practices with declared \textit{secondary} \textsuperscript{[my italics]} objectives such as conservation and protection.”\textsuperscript{153}

Over time it has become clear that the conservationist clause of the ITTA is

\textsuperscript{151} Poore, \textit{Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management}, 43.
fundamentally at odds with the “expansion and diversification” aim of the ITTA. The ITTA as a whole is considered deficient by many commentators in that it does not take into consideration the issue of forest diversity essential to a sustainable forest ecosystem. Kasimbazi is particularly critical, arguing that the ITTA emphasis on conservation to the exclusion of preservation undermines the Agreement, since it has no ability to support the tropical forest biosphere. However, the ITTO was founded on the idea that it was both politically and technically possible sustainably to extract timber from tropical forests while maintaining other values.

The Preamble of the ITTA encapsulates this duality when it states that it recognizes the “importance of, and the need for, proper and effective conservation and development of tropical timber forests with a view to ensuring their optimum utilization while maintaining the ecological balance of the regions concerned and of the biosphere.” In many ways the tension between the two goals of timber exploitation and maintaining the forests sustainably has led to the internal problems within the ITTO, as it tries to balance these competing interests and the stakeholders pushing their associated agendas.

The ITTO was not initially adverse to the input of outside organizations, whether they were IOs or ENGOS. Articles 14 and 27 of the ITTA encouraged the ITTO to use the facilities and skills of both national and international agencies and ENGOs in a

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collaborative effort on research and data collection. However, the failure to allow such organizations, particularly ENGOs, a “seat at the table” when it came to decision-making was to lead to institutional failure in achieving the objective to promote sustainable forestry.

Article 23 of the ITTA refers to projects to be undertaken by the ITTO and over time this has become a critical part of the work carried out by the organization. Article 20 established a donor “special account” to fund projects but from the beginning was to prove inadequate to the scope of the task. Moreover, the research projects undertaken by the ITTO have tended to focus on tropical timber to the detriment of tropical forests, with the conservation of forests being perceived as an incidental goal. Emmanuel Kasimbazi argues that such an approach leads inevitably to a diminution of ecological values and assets and the record of the ITTO bears this out.

The International Tropical Timber Organization

Under the ITTA the International Tropical Timber Organization is responsible for the administration of the regime. The ITTO has played a critical part in proselytising the idea of sustainable forest management. At the global level it has provided a forum for

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158 Kasimbazi, "Sustainable Development in International Tropical Timber Agreements," 144.
159 One of the key functions of the ITTO has been, via its three Permanent Committees, the vetting of proposed and approved projects. Cases given approval include the building of databases, reforestation projects and a project to assess timber incentives. Over two-thirds of ITTO project expenditure is disbursed by the Permanent Committee on Reforestation and Forest Management. D. Humphreys, "Hegemonic Ideology and the International Tropical Timber Organization," in The Environment and International Relations, ed. John Vogler and Mark F. Imber (London: Routledge, 1996), 223. Large portions of ITTO meetings are given over to adjudicating on requests for technical assistance after they have been assessed by technical experts. On average 20 projects are approved annually and by September 2000 the ITTO had financed 444 projects at a cost of US 180 million dollars. Smouts, Tropical Forests, International Jungle: The Underside of Global Ecopolitics, 146.
162 Porter and Brown, Global Environmental Politics, 100.
debates about the relevant norm to underpin the organization.\textsuperscript{163} Since its creation the organization has progressively broadened its mandate and it now competes with the traditional forest organization, the FAO, in the field of forest related information.\textsuperscript{164}

The structure of the ITTO is a curious one. It privileges exploitation and as such is similar to some share arrangements within certain corporate structures, where two types of official members, made up of producing and consuming states, have a total of one thousand votes each.\textsuperscript{165} The first 400 votes are reserved equally for producer states from Africa, Asia-Pacific and Latin America. A tranche of 300 votes are divided between states determined by their relative share of tropical forests. The last 300 votes are apportioned according to the average of the values of each states’ net exports of tropical timber during the previous three years (Article 10 (2) ITTA 1983). While this apportioning gives all states with tropical forests a say, countries like Malaysia, Indonesia and Brazil, with extensive forests or a large proportion of export timber, have the most sway within the ITTO. This is because the greater the export volume of tropical timber, the more votes are assigned.\textsuperscript{166}

Examining the inner workings of the ITTO, as personified in its voting structure, reveals further curiosities. The “rules of the game”, as constituted in the ITTO voting structure are seriously flawed in that they do not allow countries with large swathes of tropical forests to be accorded due weight. Rather, the quicker a state destroys its forests the more votes it gets, leading to the absurd situation where exploiting states carry

\textsuperscript{166} Gale, "The Mysterious Case of the Disappearing Environmentalists: The International Tropical Timber Organization," 107-08.
disproportionate weight in council deliberations. This leads to the favouring of the interests of the exploiters.\textsuperscript{167} Thus from its inception, the voting mechanism utilized by the ITTO ensured that conservationist aims would be secondary to the putative need to promote the global timber trade.\textsuperscript{168}

Consumer states are accorded ten votes each, with the remainder apportioned by their average volume of their net imports of tropical timber during the previous three year period, starting four years prior to the allocation of votes (Article 10(5) ITTA 1983). This system penalizes states that import higher-value goods such as furniture, in favour of states such as Japan that import large quantities of unprocessed logs.\textsuperscript{169} While the voting procedures of the ITTO can appear on the surface to be Byzantine, in practice most decisions are produced by consensus between the producer and the consumer blocs.\textsuperscript{170} The ITTA restricts voting rights to states alone and merely declares that members should “cooperate” with ENGOs to avoid duplication of efforts (Article 14(2) ITTA 1983). However, it does allow ENGOs to participate at Council Meetings as Observers (Article 15 ITTA 1983). The ITTA also contains no procedures or programs to allow for an increased ENGO presence over time.\textsuperscript{171}

Furthermore, the ITTA does not confer on the International Tropical Timber Council, the deliberative body set up within the ITTO, any specific powers or mandates

\textsuperscript{167} Kasimbazi, “Sustainable Development in International Tropical Timber Agreements,” 154.
\textsuperscript{168} Colchester, “The International Tropical Timber Organization: Kill or Cure for the Rainforests?,” 189.
such as submitting proposals to further conservationist ends. The Council cannot propose protocols to implement reforestation schemes or designate areas as protected. The ITTA also confers no authority on the Council for the monitoring or enforcement of its provisions. It cannot even require member states to provide an Annual Report.

Although producer states have more power on Council given the weighted voting system, there is nonetheless a dispute among commentators as to which side, producers or consumers, have the most power within the ITTO. Kolk believes that the voting structure vests power in the timber producer states which have been dominant in negotiations and that this has led to a diminution of the environmental objectives of the ITTA. Of the producer states in voting situations Brazil, while not a large player in the global timber market, often leads the producer states due to its well organized and large delegation, and has had a disproportionate voice in the ITTO. Brazil has frequently sided with Malaysia in forum negotiations to achieve the objectives of preventing measures aimed at limiting timber production, and both have functioned as a highly effective veto coalition, leading other producer states in this regard – such as Indonesia – over the years.

Porter and Brown argue that power resides more with the consumer states. They maintain, for example, that the ITTO is dominated by Japan, whose main consumer interest appears to be the maintenance its tropical timber quotas at their current level (Japan held 380 out of 1000 consuming state votes when the ITTO was created in 1986). European Union member states also have a vested interest in continuing the flow of

174 Kolk, Forests in International Environmental Politics: International Organisations, Ngos and the Brazilian Amazon, 137.
tropical hardwood to Europe, particularly for the manufacturing and sale of export furniture. The U.S.A. is the largest importer of finished tropical hardwood products and has been unwilling to take action against states like Malaysia and Indonesia though, with which it has a close military and political relationship. Nicholas Guppy is also critical of the role played by Japan in the ITTO. The goal of the ITTO was envisaged as one that would develop into a “world forum” where the promotion of the trade of timber would be balanced by conserving forests in a sustainable manner. Guppy argues that this goal has not been realized, primarily because of the actions of Japan, which is the largest consumer of timber products. Because of its voracious timber appetite, Japan provides the largest share of the funding to the ITTO and hosts the ITTO infrastructure. It therefore has been in a position to influence negatively attempts to introduce sustainable forestry.

Undoubtedly the global tropical timber market has been manipulated by the main consumer states, particularly Japan, to keep timber prices low for Japanese buyers. Among the producer states, Brazil, Indonesia and Malaysia form a powerful coalition nonetheless, to achieve their ends of continuing timber harvesting, and to access funding for new development schemes. The main consumer states Japan, the U.S.A. and the European Union all demand secure sources of tropical timber. So we can clearly observe two powerful veto coalitions converging to prevent challenges to their economic interests. This coming together of both producer and consumer states, dedicated to

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178 Ibid.
continuing timber exploitation, makes the promotion of conservationist norms within the ITTO a difficult and thankless task. Producer and consumer states set up separate caucuses, starting from the first few ITTO Meetings. This specifically excluded ENGOs. This denial of access makes it difficult for ENGOs to present their particular arguments, and prevents them from framing the debate in environmental rather than economic terms.\textsuperscript{179}

The ITTO and the Year 2000 Objective

As noted earlier, the Report \textit{No Timber without Trees} in 1989 determined that virtually none of the globe’s tropical forests were being managed according to sustainable principles, and that they would be logged into extinction unless immediate, remedial action was undertaken.\textsuperscript{180} The ITTC responded in June 1991 by creating the “Year 2000 Objective” which said that the ITTO should endeavour to ensure that the global tropical timber trade was sustainable by the end of the century.\textsuperscript{181} Poore labelled this objective as possibly the most important policy step yet undertaken by the ITTO.\textsuperscript{182} To assist in the achievement of the goal the organization created a fund for sustainable management of forests (the Bali Partnership Fund) with the aim of assisting member states to make the investments designed to increase the state capacity to implement a sustainable timber program.\textsuperscript{183} While both producer and consumer states were in favour of the general


\textsuperscript{180} Duncan Poore et al., \textit{No Timber without Trees: Sustainability in the Tropical Forest} (London: Earthscan Publication Ltd, 1989), 196.


\textsuperscript{183} Chasek, \textit{Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy}, 101.
target many members were against the adoption of specific targets, with the U.S.A., for example, arguing that any “…target does not carry implications for our government’s trade policy.” Clearly, for many states such an ambitious target was not going to be met without radical action. The desire to take such action was not readily apparent, either. Subsequent events were to show such fears were well grounded. The Review of Progress towards the Year 2000 Objective found that there were signs of improvement but that much remained to be done. It is clear that the funding commitments in the Bali Fund were neither clear nor powerful enough since they relied on voluntary contributions to effect the necessary change.

The lack of discernible action led to increasing frustration on the part of ENGOs and this was manifest at the ITTC meetings. At the 10th Session of the Council in Quito, Ecuador, in May 1991, Chris Elliott of the WWF spoke for many ENGOs when he complained that the meetings were degenerating into “…fruitless discussions, bargaining on projects concluded without transparency and the perceived lack of many delegate’s commitment to the ITTA, 1983, the Action Plan and Target 2000.” By the next Council Meeting in Yaounde in May 1992 disillusionment with the ITTO by ENGOS was near complete. Theo Anderson of the Ghanian branch of FoE, speaking on behalf of the ENGOs, declared that “[t]oo much time was devoted to projects and not enough to policy.”

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184 Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 73.
188 Ibid., 108.
The 1994 Successor Agreement Negotiations

However, the negotiations to create a Successor Agreement did offer a chance to alter the direction of the ITTO and to put in place a stronger commitment to environmental norms. The renegotiations for a Successor Agreement began in 1993 and took over a year to finalize. As noted by the President of the UN Conference, Wisber Loeis, in his address to the delegates, the mood amongst the delegates was particularly pessimistic as to the inherent schism in the ITTO. The main point of contention was the scope of the agreement with some consumer states and timber companies that wished to retain the status quo (in this case a commodities agreement covering only tropical timber). Producer states and ENGOs wanted the agreement to cover non-tropical timber, and provide that all timber should be sustainably produced by the year 2000. They also wanted to provide more funds for domestic forest projects.

The European delegates feared this result, not wanting the ITTO to become the paramount forest institution, as opposed to the FAO. Many states seem to have only considered their own interests at the negotiations. The European Union wanted to reserve to itself the right to amend any re-constructed agreement. China took the position that it would not sign any Agreement unless it was classified as a developing state, despite being a major consumer of tropical timber. On the other hand, some producer states threatened to withdraw from the negotiations altogether citing that the 1983 International

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190 Kasimbazi, "Sustainable Development in International Tropical Timber Agreements," 149.
Tropical Timber Agreement allowed trade discrimination against tropical timber.\textsuperscript{193}

ENGOs were present at the renegotiations, with the FoE, the WWF, the Rainforest Action Network, the Sierra Club, and the World Conservation Union attending as observers. It was difficult for the latter to directly influence proceedings.\textsuperscript{194} Their strategy was to argue, through some producer states, for a diminution of the operating scope of the Organization so that it would be limited to trade issues, collecting statistics, and providing information on market transparency and pricing. The ENGOs long-term goal was to ensure that all tropical and temperate timbers should eventually be harvested under a separate agreement, hopefully to slow the increasing rate of tropical deforestation.\textsuperscript{195}

At the first ITTA meeting after the UNCED proceedings in June 1992 the factions and their positions became clearly discernible. Most consumer countries, led by the U.S.A. and supported by the European Union, the U.K. and Switzerland, were unwilling to broaden the scope of the ITTA to include temperate timber. Producer states wanted a new agreement to address their concerns, particularly over funding. The consumer states’ bloc argued that any broadening of the agreement would change its fundamental structure, altering voting structures and membership. They pointed out that it would shift the balance of power from the South to the North and split the producer bloc. It was further claimed that such a move was unnecessary because the temperate timber industry was already transparent, and that the tropical timber states had already made significant

\textsuperscript{193} Kasimbazi, "Sustainable Development in International Tropical Timber Agreements," 149.
\textsuperscript{194} International Tropical Timber Organization, "International Tropical Timber Agreement."
progress in implementing sustainable development practices.\textsuperscript{196}

Producer states and some ENGOs were incensed by these arguments, pointing out that there was a double standard at work with developing states being forced to protect their rainforests, and consumer states being refused protection for their own temperate or boreal forests. The Brazilian representatives obtained a copy of the Dutch proposal to import only sustainably produced timber from 1995, which only heightened the tension.\textsuperscript{197} In response, both factions produced separate working texts for consideration by the delegates at the Second Preparatory Meeting.\textsuperscript{198}

The “protect economic interests at all costs” approach by producer and the major consumer states, and the lack of progress in negotiations forced many ENGOs to re-evaluate their support for the ITTO. William E. Mankin of the Global Policy Project summed up the current situation:

The future of ITTO was clouded with the last opportunity to give it a new lease of life was about to vanish...A decade of genesis and growth had still left ITTO in search of an identity, despite constructive criticism from various quarters...commitments to sustainability had produced few measurable results and ITTO and its members appeared to have been mere spectators to world debate and action on important trade-related issues.\textsuperscript{199}

To overcome the criticism being levelled at consumer states by producer states and ENGOs, that little was being achieved, the U.S.A. and Australia proposed a non-

\textsuperscript{196} Kolk, \textit{Forests in International Environmental Politics: International Organisations, Ngos and the Brazilian Amazon}, 161.
\textsuperscript{197} Ibid.
\textsuperscript{199} Ibid., 125.
binding side agreement. The agreement stipulated that consumer states would pledge to sustainably manage their own forests by the year 2000 (this was no hardship for the U.S.A., which had already agreed to such a domestic target the year before). Over the objection of European states such as France, the U.K. and Germany, as well as the ENGOs, this consumer statement was agreed to.\textsuperscript{200} As a non-binding agreement it only declared that states that were already practicing high levels of sustainable development would continue to do so, and that the others would commit to achieving the Year 2000 objective.\textsuperscript{201} However, there was no agreement on the contentious issue of the transfer of funding to producer states, which retaliated by refusing to give a higher status to the year 2000 target.\textsuperscript{202} Further, the ENGO idea of creating a separate agreement to cover all types of forests was not taken up. With the writing on the wall early, the WWF withdrew all state advisors from various delegations in an attempt to pressure and shame delegates into acquiescing. However, the protest proved futile in the face of a consumer state threat to discontinue funding initiatives to coerce producer states to acquiesce.\textsuperscript{203}

Despite signing the Formal Agreement, the EU delegation to the 1994 Renegotiations was unhappy with the outcome. While not blocking the Successor Agreement they refused to append a signature until a more thorough examination was


\textsuperscript{202} Kolk, Forests in International Environmental Politics: International Organisations, Ngos and the Brazilian Amazon, 162.

\textsuperscript{203} Humphreys, "Redefining the Issues: Ngo Influence on International Forest Negotiations," 56.
undertaken in the areas of procedure and substance. Eventually in 1997 the EU agreed to sign up to the new Agreement. This unusual step of not signing immediately probably reflects the EU’s unhappiness at the negotiations not setting clear and meaningful targets in the Target 2000 mandate and the sparing way the Agreement was set out to limit measures to restrict or ban the global trade in timber and its by-products. With the compromise agreed to, the Successor Agreement to the International Tropical Timber Agreement was adopted on the 26th January 1994. It was opened for signature on 1st April 1994, entered into force on 1st January 1997 and is mostly similar to the previous Agreement. Poore describes it as a victory for common sense but it could just as easily be perceived as a continuation of the status quo without fixing the problems that had become so apparent in the first ten years of the original ITTA.

The new Successor Agreement promoted a stronger emphasis on sustainability, at least in rhetoric, but remained confined to tropical forests. For our purposes the key Objectives of the 1994 ITTA, are:

(c) To contribute to the process of sustainable development;

(d) To enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from

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208 Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 125.
sustainably managed sources by the year 2000;

(e) To promote the expansion and diversification of international trade in tropical timber from sustainable sources [my emphasis] by improving the structural conditions in international markets, by taking into account, on the one hand, a long term increase in consumption and continuity of supplies, and, on the other, prices which reflect the costs of sustainable forest management and which are remunerative and equitable for members, and the improvement of market access.209

Again the language reflects the need for sustainable development, conserving forests, and valuing the forests for more than their timber. However, there appears to be no mechanism in the Successor Agreement to bring about such lofty objectives. The 1994 Successor Agreement remained, from an environmental perspective, limited in that it only applied to tropical timber, new funding commitments were unclear, and it remained primarily a commodities agreement. Further devaluing its environmental impact was that it still did not allow for any real public participation via ENGOs or the indigenous peoples affected by ITTO member-state activities.210

The 1994 ITTA entered into force in January 1997 for an initial five-year period but was extended twice for three-year terms.211 The contentious voting structure that stymied environmental progress was retained in Article 10.212 Article 15 of the Successor Agreement allowed the Council to invite NGOs or other organizations (referred to in Article 14, 20 or 29 of the current Agreement) interested in the issue, to attend Council

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209 International Tropical Timber Organization, "International Tropical Timber Agreement."
211 Flejzor, "Reforming the International Tropical Timber Agreement," 21.
212 International Tropical Timber Organization, "International Tropical Timber Agreement."
Meetings as observers only.²¹³ It stopped well short of making ENGOs true partners in the quest to make tropical forests sustainable, though. Article 21 established the aforementioned “Bali Fund” with the aim of assisting producing members make the investments required to sustainably manage their tropical timber reserves as per objective 1(d).²¹⁴ It should be acknowledged that at least this put some flesh on the barebones idea of a reforestation fund mentioned in the original agreement.²¹⁵ Despite the “carrot” of the fund potentially offering monies to producer states that did develop sustainable practices, the fund has been perceived as a failure due to under-funding by the consumer states.²¹⁶

The negotiations left the ENGOs pessimistic that the ITTO could change. At the first ITTC Meeting post the renegotiations, in Cartagena in May 1994, the WWF, through Mr. Gordon Shepherd, formally announced it was no longer attending the Meetings stating that:

> Negotiators had decided not to follow the WWF recommendations and this marked a parting of the ways. Therefore, the WWF would be reducing its participation in ITTO activities and considering reallocating resources to better options such as the Biodiversity Convention…The WWF found it difficult to see how the new ITTA, 1994 could make a useful contribution...²¹⁷

By 1992 the ENGOs had lost any sense of the ITTO as a potential force for the environmental protection of tropical forests and had concluded that the ITTO was merely

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²¹³ Ibid.
²¹⁴ Ibid.
a cat's paw of the international tropical timber companies. The ENGOs have all virtually withdrawn from the Organization as a consequence, choosing to no longer legitimate its actions. The ACF has not attended since 1990, Survival International and the Rainforest Action Network have been no-shows since 1991, and the WWF no longer attended from 1992 onwards. Only FoE and the Global Forest Policy Project have chosen to attend, up to and including the current Successor Agreement negotiations.

The ENGOs have sought other global fora in which they can influence forestry practices instead. ENGOs (largely the WWF) has been involved in the creation of such entities as the Forest Stewardship Council (FSC), in March 1992, with the goal of establishing a non-governmental sustainable timber accreditation programme for all forests. The goal was to show that focusing on the supply chain aspect of tropical timber could lead to conservationist practices. It now functions to provide consumers with accurate information, by creating principles and criteria at a local level, on the source of forest products. It is predicated on the notion that consumer pressure can force more change than intergovernmental meetings and agreements, and it currently has no timber representatives on its Board of Management. What is unique about the FSC is its governing structure. This mandates a devolved, chamber-based membership which encourages interaction. The decision-making body comprises the three main interest

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groups involved in tropical timber: the economic, the environmental and the social.\textsuperscript{223}

The FSCs lack of timber company representatives has led commentators like Poore to dismiss the organization arguing that without timber organizations it lacks credibility.\textsuperscript{224}

Given its voluntary nature, currently less than 10\% of timber is certified.\textsuperscript{225}

To achieve their aims ENGOs have also sought other IOs that they regard as less prone to “agency capture” by the timber industry than the ITTO. Some schemes such as the Tropical Forest Action Plan (TFAP), set up in 1983, predates the ITTO. It was designed to put in place a global moratorium on logging projects and give decision-making authority on forestry to an independent body in a state with the aim of conserving forest resources.\textsuperscript{226}

Except for Brazil and the Cote d’Ivoire, the ITTO has the same producer state members as the TFAP.\textsuperscript{227} The TFAP is limited to coordinating development assistance and has no legal authority to conserve tropical forests. This lack

\textsuperscript{223} Fred P. Gale, "Public Accountability in Private Regulation: Contrasting Models of the Forest Stewardship Council (Fsc) and Marine Stewardship Council" (paper presented at the Australasian Political Studies Association Conference, University of Adelaide, 2004), 15. There are two types of memberships available, individual or collective. However individuals or groups are limited to joining one of the chambers designating themselves as economic, environmental or social and whether they hail from the North or the South. For a decision to be made by the FSC General Assembly it must be passed by at least two-thirds of the voting members. Each chamber is allocated 33.3\% of the votes. To obtain the requisite votes a significant number of other chambers must therefore agree with the proposition being advanced by one interest group. The system is designed to ensure minority rights are respected and Gale observes that to date the FSC members have abided by the decisions of the General Assembly. Gale, "Public Accountability in Private Regulation: Contrasting Models of the Forest Stewardship Council (Fsc) and Marine Stewardship Council", 15-17. The FSC has also developed regional bodies globally all working with a common set of principles and criteria. Peter Wood, "Soft Law, Hard Law and the Development of an International Forest Convention " http://peterwood.ca/docs/Wood2004_ForestConvention.pdf.

\textsuperscript{224} Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 148.

\textsuperscript{225} Humphreys, "Discourse as Ideology: Neoliberalism and the Limits of International Forest Policy," 3.

\textsuperscript{226} Kasimbazi, "Sustainable Development in International Tropical Timber Agreements," 155. ENGOs ensured that they were an integral part of the process of creating TFAP. The World Resources Institute and Environmental Liaison Centre set up regional workshops in Nairobi, Panama City and Bangkok to set out the ENGO position as regards forestry and to plan how to become full partners in implementing TFAP. A conference in Italy in July 1987 by the FAO, the World Bank, UNDP, World Resources institute (WRI) and the Rockefeller Foundation, amended the TFAP to allow greater ENGO participation. VanderZwaag and MacKinlay, "Towards a Global Forest Convention: Getting out of the Woods and Barking up the Right Tree," 8.

\textsuperscript{227} VanderZwaag and MacKinlay, "Towards a Global Forest Convention: Getting out of the Woods and Barking up the Right Tree," 6.
of a conservationist norm underpinning the Plan has led to “the funding of projects oriented towards conventional forestry such as commercial exploitation-projects” and has done nothing to address the root causes of deforestation, namely, poverty, foreign debts and fuel needs. To date ENGOs have been unsuccessful in influencing the managers of the Plan to adopt a more conservationist position.

Other, more recent, IOs such as the United Nations Forum on Forests (UNFF) were set up to “promote the implementation of proposals for action for the management, conservation and sustainable development of all types of forests.”

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228 Kasimbazi, “Sustainable Development in International Tropical Timber Agreements,” 155, Porter, 1991 #192. For example, in Cameroon the local version of the Plan included a proposal to log a further fourteen million hectares of pristine rainforest. Peru’s national plan called for a 600% increase in the logging of the Amazonas province. In Tanzania increased exports of sawed wood increased by a factor of twenty-three while in Ghana, implementation of the national plan required lifting of state policies which banned the exportation of certain protected tree species and the appropriation of tribal lands by the government. Guppy, “International Governance and Regimes Dealing with Land Resources from the Perspective of the North,” 145.

229 Porter and Brown, Global Environmental Politics, 99. ENGOs promoted international cooperation to reduce non-sustainable tropical timber products and called for a ban of such products by consuming nations. They had some success with the European Parliament, which pressured by ENGOs, passed a motion in May 1989 to ban all tropical timber products from states that did not practice forest sustainability. Further, the proposal aimed to create a Tropical Forest Management Fund to compensate tropical timber exporters who put in place sustainable regimes. Unfortunately the motion was defeated at the European Community Commission. Several states, Austria, Australia and the Netherlands, declared that they were willing to unilaterally ban tropical timber products that were not sustainably produced. Porter and Brown, Global Environmental Politics, 100. To many observers, particularly ENGOs, the TFAP has not achieved its goal. While by 1990 annual funding for the Plan had reached U.S. one billion, only 9% had been allocated to conservation of the forests. Caroline Thomas, The Environment in International Relations (London: Royal Institute of International Affairs, 1992), 262.

230 “Itto Yokohama Action Plan 2002-2006,” 4. In October 2000 the Economic and Social Council of the United Nations (ECOSOC) created the United Nations Forum on Forests (UNFF) building on the work done by the Intergovernmental Panel on Forests (IPF) and its successor body the Intergovernmental Forum on Forests (IFF) “Itto Yokohama Action Plan 2002-2006,” 4. The IFF was established in 1997 by a Special Session of the General Assembly with a mandate: “To promote and facilitate the implementation of the proposals for action of the IPF; review, monitor and report on progress in the management, conservation and sustainable development of all types of forests; consider matters left pending as regards the programme elements of the IPF; identify the possible elements of and work towards consensus on international arrangements and mechanisms, for example a legally binding instrument.” Chaytor, "The Development of Global Forest Policy: Overview of Legal and Institutional Frameworks," 10., Poore, Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management, 150. It was envisaged that the UNFF would work over a period of years towards that goal. Chaytor, "The Development of Global Forest Policy: Overview of Legal and Institutional Frameworks," 14. At each Meeting members are supposed to give a progress report detailing progress towards implementation of a forest convention but to date it appears little has been achieved. Wood, “Soft Law,
supporting this approach, now seem to have abandoned piecemeal improvement in differing forest types in favour of a unified approach encompassing all the world’s forests. The attempt to create a global forest regime has, only had a limited success, however, in producing a body of “soft law”, including various Protocols. The regime is largely aspirational and lacks legal force. ENGOs perceive this as the most promising path to take, however. The renegotiations to create the successor Agreement come at a time when member-states to the UN Forum on Forests (UNFF) are considering a

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Humphreys, "Redefining the Issues: Ngo Influence on International Forest Negotiations," 53. Humphreys argues that since the early 1990’s we can see a global forest regime begin to coalesce with at least broad intergovernmental agreement on a robust body of soft law including UNCED’s document on forestry principles, and the Commission for Sustainable Development’s (CSD) Proposals for Action that arose out of its meetings in 1997 and 2000. The regime originated with the creation of the ITTO in 1985 but can be said to encompass international organizations and legal instruments that have at least partially a mandate to at least consider the vexed question of forests, such as the Kyoto Protocol on climate change. David Humphreys, "Life Protective or Carcinogenic Challenge? Global Forests Governance under Advanced Capitalism," Global Environmental Politics 3, no. 2 (2003): 53. By early 1991 no less than three distinct legal instruments to govern the world’s forests were being promulgated by various states. Japan put forth a “World Charter of Forests” which would put in place non-binding principles for forestry management that were so broad that all states could readily agree to them. The Canadian Forestry Service plan called for a series of voluntary actions implemented via national plans. The U.S. wanted a framework convention modelled on the Vienna Convention on Ozone Protection that would privilege cooperation on research and the exchange of information. Porter and Brown, Global Environmental Politics, 102. Humphreys maintains that central to the global forestry regime is the underlying norm that forests be sustainably managed. Humphreys, "Life Protective or Carcinogenic Challenge? Global Forests Governance under Advanced Capitalism," 43. The global forest regime is unusual in that it does not have a core treaty such as the ITTA. It is an accumulation of global discussions to create a forest treaty, organizational standards of the Forest Stewardship Council, sustainable forest principles as espoused by the ITTO, and provisions in other conventions such as biodiversity, desertification, wetlands and climate change. Peter Dauvergne, "The Environmental Challenge to Loggers in the Asia-Pacific: Corporate Practices in Informal Regimes on Governance," in The Business of Global Environmental Governance, ed. David L. Levy and Peter J. Newell (Cambridge, MA: MIT Press, 2004), 172.
potential legally binding global forestry agreement.\textsuperscript{232} If the ITTC is not careful and the new Successor Agreement 2006 makes no progress, then it may find itself outflanked and sidelined in favour of a more comprehensive regime.

The Year 2000 Report
The ITTO made such extravagant claims for itself when setting the Year 2000 objective in the early 1990s (requiring member states’ tropical forests to be sustainably managed by that date) that to some extent it created a rod for its back as the date approached. It had to demonstrate that significant progress had been achieved or admit that the ENGO’s criticisms of its performance to date were accurate. Consequently in late 1999 it commissioned a Study, Decision 10(XXVI), to detail individual states’ progress towards the sustainability goal, as well as its own performance as an organization.\textsuperscript{233} Duncan Poore and Thang Hooi Chiew accepted the brief to assess this progress to date and gave their findings in the \textit{Review of Progress towards the Year 2000 Objective} in November 2000. Unfortunately, as Poore himself admits, the Report was deeply flawed from the beginning as none of the member states answered the key question about the Year 2000 Objective. This was “…how much of the timber exported came from sustainably managed resources, and what area of forest was under demonstrably sustainable management?”\textsuperscript{234} While some progress was recorded by Poore and Chiew the main ideal of sustainable forestry was still as much a chimera as before.

The authors, hamstrung by the lack of engagement by member-states with the report’s progress, were forced to concede that the Year 2000 Objective was more a

\begin{itemize}
\item \textsuperscript{232} Flejzor, "Reforming the International Tropical Timber Agreement," 26.
\item \textsuperscript{233} Poore, \textit{Changing Landscapes: The Development of the International Tropical Timber Organization and Its Influence on Tropical Forest Management}, 172.
\item \textsuperscript{234} Ibid.
\end{itemize}
process rather than a goal and that “…the process, in the view of the consultants, should be to move as swiftly as possible in the direction of that goal.” The Report also acknowledged that the symbiotic relationship the ITTO had initially enjoyed with the ENGOs had ceased “…because [the] ITTO did not and, by the nature of the fundamental changes it was trying to bring about, could not move as fast as the NGOs wished it to.”

The Report argued that there had been some successes by the ITTO in that its 1988 Pre-project survey had alerted forest authorities, the trade and the public to the dire state of the official management of forests throughout the tropics. Further, the Report maintained that scrutiny of forest activities had effectively put states on notice that their actions were being monitored. The ITTO had created an action plan, put in place a series of guidelines on natural forest, on plantations, on biological diversity and on fire as well as creating criteria and indicators and the idea of forest resource accounting. However, the Report concluded that there had been many “lost opportunities”. The first published version of the Criteria and Indicators had been a pallid document that was considered to have hindered rapid progress. Also the organization had not recognized the potential of certification schemes and had been reluctant to act on such a vital issue. Finally, the Report concluded that the Year 2000 Objective was a critical ideal that had been allowed to meander to the detriment of the organization’s perceived status as the premier tropical timber forum.

The Report’s broad recommendations to continue aiding producer states to meet the criteria for SFM and to make the ITTO as efficient as possible in effecting this change

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236 Ibid., 14-15.
237 Ibid., 15.
did not lead to any formal Decisions due to, as Poore puts it, “a failure of procedures rather than will.” However, the Recommendations have not been put into practice to date. That suggests it was not so much a procedural error but a lack of desire on the part of the delegate states. Rather, the ITTC turned to what it knew best, the crafting of Action Plans to address the problems. The *Yokohama Action Plan* adopted in November 2000, which built on and replaced the previous *Libre Action Plan*, was meant to aid the ITTO in achieving its sustainable forest objective. It is a sharpening of focus compared to the previous plan, in that it reduces to six (as opposed to nine) the goals and adds a new action that aims “…to encourage and assist individual producing member countries to identify and address constraints in their implementation of sustainable forest management and the sustainable development of the forest industry.”

Decision 2 (XXIX) of the ITTC reaffirmed its desire to move as quickly as achievable to a scenario where tropical timber exports were sourced only from sustainably managed forests. The Plan’s Actions to achieve these goals include, among others, to:

- Support the effective enforcement of forest laws and regulations that ensure sustainable forest management and secure the production base.

- Support networking and the exchange of information with relevant international organizations to maintain the integrity of the resource base, including protected area networks.

- Promote the conservation, rehabilitation and sustainable management of

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240 Ibid., 4.
threatened forest ecosystems…in collaboration with relevant organizations.\textsuperscript{241}

Yet the Report submitted by states to verify compliance with the Year 2000 Objective requirement were largely inaccurate, preventing the ITTO from properly assessing the problem, let alone engaging with it. For example, the 2000 Mission to Indonesia Report findings were virtually diametrically opposed to the official Indonesia Report submitted in compliance with its Year 2000 Objective requirements.\textsuperscript{242} The ITTO has adopted a new Action Plan 2008-2011 to succeed the Yokohama Plan but at the time of printing was not yet available for analysis.\textsuperscript{243}

**Successor Agreement to the International Tropical Timber Agreement 2006**

With the ten-year lifespan of the 1994 Successor Agreement over in 2004 UNCTAD again convened a Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement. The first session took place from the 26-30 July 2004 in Geneva.\textsuperscript{244} While all the major producer and consumer states chose to attend the Renegotiations, of the ENGOs, only the IUCN and FoE ( International), which were specially invited, chose to attend.\textsuperscript{245} The Meeting reflected a growing corporatisation of the ITTO structures with most delegates being timber trade advisors with an agenda to ensure the security of the global timber business.\textsuperscript{246}

At the First Session there was discussion about the role of SFM and the need for a long-term approach. Objective (b) of the new Successor Agreement was tentatively stated (sections in brackets indicate points not agreed) to as:

[To promote sustainable forest management] to enhance the [long

\textsuperscript{241} Ibid., 11.
\textsuperscript{245} Participants listed in “Working Document Resulting from the First Session”, (paper presented at the Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, Geneva, Switzerland, 26-30 July 2004).
\textsuperscript{246} Humphreys, *Logjam: Deforestation and the Crisis of Global Governance*, 218.
term] capacity [and efforts] of members to implement a strategy for achieving exports of tropical timber and timber [and non-timber] products from sustainably managed forests [while conserving other forest values] [or sources].

In the final draft to be ratified and signed by member-states the idea of sustainable development was linked to poverty alleviation, however, rather than put as a stand-alone goal to be worked towards.

Once again timber, as opposed to the forest as a whole, was the main focus of the regime as spelled out in the Preamble, section (e): “Recognizing the importance of timber and related trades to the economies of timber producing countries.” For the first time this section made explicit that timber is considered vital for producer states’ economic interests. According to Flejzor the negotiations also raised the poisoned chalice of expanding the ITTA to include all types of forests but there was no sign of this in the agreed-to draft. Given the ITTO’s performance to date this may not be a bad thing.

At the Second Part of the Conference in Geneva, held from the 27 June-1 July 2005, a new section was added to both the Preamble (c) and Article 1 of the Objectives relating to the exploitation of tropical forests. The section has been retained in the final draft document as Section (d) of the Preamble and reads:

Recognizing that States have in accordance with the Charter of the

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249 Ibid.
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 and control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, as defined in principle 1(a) of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation, and Sustainable Development of all Types of Forests. 252

The new section enshrines the basic principle of customary international law expressed in both Principle 21 of the Stockholm Declaration and the Rio Declaration on Forests that reaffirms the sovereign right of states to exploit resources within their own national boundaries. 253 It further arguably enshrines exploitation as the governing norm of the regime and prevents global agents from interfering in the destruction of tropical forests that are internal to a state and that have no external ramifications. This could be regarded as only recognizing the actual situation on the forest floor. In many ways it signals a retrograde step by the ITTO and a capitulation to the interests of producer states and timber companies. States are merely, yet again encouraged to develop domestic policies to bring about "conservation of timber producing forests…maintaining ecological balance, in the context of the tropical timber trade." 254

The final draft document provides no moves to change the decision-making structure of the ITTO. The distribution of votes remains the same as adopted in previous

Agreements with 1,000 votes accorded to both producer and consumer states depending on their timber selling or buying activities. Given this voting structure and the inability of ENGOs and conservationist-minded states like Britain to effect real change, the ITTC will remain deadlocked and unable to enact environmental measures which translate into action on the forest floor.

At the third part of the UNCTAD Conference, Norway, Switzerland and the U.S.A. proposed differing but complementary proposals for a global certification scheme for tropical timber, with the aim of:

[Promoting the certification of tropical timber producing forests;]
[and encouraging information sharing on and the use of voluntary mechanisms to promote such trade]; (Norway/Switzerland) [and encouraging information sharing on [private] [independent] voluntary market-based mechanisms]; (USA).

The final document mentions briefly a tropical timber certification scheme, but only in terms of encouraging information to better understand voluntary schemes such as certification.

One of the key objectives (Article 1(n)) of the Successor Agreement will be:

Strengthening the capacity of members to improve forest law enforcement and governance, and addressing illegal logging and related trade in tropical timber.

The previous Agreement only referred to this trade as ‘undocumented’. While a step in the right direction, the difficulty of maintaining agreement on tackling the issue was exposed at the United Nations Forum on Forests meeting (6th Session) held

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255 "International Tropical Timber Agreement 2006."
257 Preamble, (o), "International Tropical Timber Agreement 2006."
subsequent to ITTO negotiations where China, India and the Amazonian Pact states opposed the term ‘illegal logging’.\textsuperscript{259}

The 2006 Successor Agreement was adopted in Geneva on the 27\textsuperscript{th} of January 2006.\textsuperscript{260} However, three years later entry into force remains problematic with only eighteen states acceding to its entry.\textsuperscript{261} If this occurs we can expect to see no real environmental progress within the ITTO for the next decade and, given the lack of enthusiasm for real change, probably beyond.

Conclusion
Applying Legro’s test for norm robustness to conservationism as compared to exploitationist behavior, we find a dismal situation for those promulgating environmentalist norms within the ITTO. In terms of norm specificity conservation rates badly with the guidelines on sustainable forest practices, which are poorly articulated and not well understood. States, particularly producer states, have constantly sought to dilute even the weak environmental constraints suggested by the ITTO. The prominent placing of the draft section in the 2006 Successor Agreement privileging exploitation is just one indicator of the relative strength of the party’s acceptance of the norm of exploitation, compared to conservation and preservation. In fact, during the tenure of the ITTO the global logging industry has actually expanded under the aegis of the ITTO, and consequently exploitationist practices have become further entrenched. It is virtually

\textsuperscript{259} Humphreys, \textit{Logjam: Deforestation and the Crisis of Global Governance}, 162. The compromise wording states agreed to eventually was “illegal practices according to national legislation and illegal international trade in forest products.” Humphreys, \textit{Logjam: Deforestation and the Crisis of Global Governance}, 162.


beyond dispute that global tropical forests are being exploited at an alarming rate and that the remaining areas of forest are rapidly shrinking to the point that if current trends continue few states will have any sizeable forests left.262

In terms of the durability of the norm of conservation there have been many violations of sustainable forest practices over the lifetime of the tropical timber regime. Conservation has not been widely accepted by the ITTO member states and consequently, the parties’ degree of concordance in relation to this norm is also low. As noted previously, according to the ITTO’s own figures in 1988 less than 1% of tropical forests, and even that figure is disputed, are being managed sustainably. The Poore and Chiew Report Year 2000 reveals that in the following twelve years the situation had improved slightly. However, reading the Report with a more jaundiced eye it is clear that the improvements noted are in the administrative, legislative and regulatory arenas, and that the situation on the forest ground in terms of preventing overlogging is not improving.263

A more independent study in 1999 by the IUCN found that in ten major forest states less than a quarter of designated protected areas were managed effectively and most were not managed at all.264 To compound the situation it is also clear that any figures compiled by the ITTO are based on unreliable data supplied haphazardly by member-states with a motive to hide the problem, so the extent of deforestation is still unknown.265

In terms of the consumption of tropical timber there is no evidence that the trend for more and more tropical timber goods is subsiding. Indeed the Asian development boom appears to be driving deforestation at an increased pace. To feed the need for

263 Smouts, Tropical Forests, International Jungle: The Underside of Global Ecopolitics, 188.
264 Ibid., 174.
265 Ibid., 211.
tropical timber products in 1999, for example, producer states exported tropical logs in the order of: Malaysia (17%), Papua New Guinea (16%), Gabon (14%), Cameroon (9%). The largest importers were China (31%), Japan, (24%), India (9%) and Taiwan (8%). For sawn wood the largest exporters in 1999 were Malaysia (49%), Indonesia (9%) with China (18%) and Japan (16%) being the main importers. Malaysia exports (54%) of wood veneer primarily to China (44%) and Taiwan (14%). Malaysia and Indonesia between them produced 60% of the plywood on the export market, with China and Japan again being the largest consumers. The ITTO’s own figures show that in 2002 its producer states exported close to 13.1 cubic metres of logs with Malaysia providing one third of the total, down from almost three-quarters in the early 1990s. In 2003 the figure had risen 2.3% to 13.4 cubic metres. This trend shows no signs of abating in the near future unless the mooted timber shortage, brought about by the cutting down of most tropical forests, becomes a reality.

The main problem is that conservationist ideals have been incorporated into the “content” of forest polices without affecting actual practices on the ground. States are willing to agree to “motherhood statements” of the need to environmentally regulate and manage national forests without any intention of implementing the needed reforms. Consequently, according to the Legro test, we must rate the robustness of the conservationist norm as low, in that only a small minority of states appear to support conservationist practices in real terms. In terms of the preservationist norm, there is no

266 Ibid., 112.
267 Ibid., 112-13.
evidence to suggest that it is even a consideration by the member-states, and if no such practices are applied to tropical timber, they cannot be measured using the Legro test.

From an environmental perspective, the ITTO regime was doomed from its conception. States never voluntarily came together to solve a collective action problem and create the tropical timber regime. Rather, the impetus came from UNCTAD and the ENGOs in the hope that such a regime would circumscribe exploitationist behavior and provide a mechanism for states to “learn” that their behavior was wrong. However, an examination of the history of the ITTO to date reveals that environmental norms have not affected substantive policy conduct. They have only affected the *symbolic* behaviour of states.\(^{270}\)

The evidence indicates that the global timber companies and producer states were concerned that the tropical timber regime would limit their timber gathering activities, and actively sought to limit the ITTO’s power. Consumer states also wanted to ensure a steady supply of tropical timber, so neither the producer nor consumer bloc evinced the political will to bring about environmental normative change.\(^{271}\) So why have states chosen to remain with the ITTO? Producer states have chosen to stay at the ITTO to gain access to the various funds on offer and to avoid being branded as international environmental pariahs and suffer the consequent “reputational disadvantage”.\(^{272}\) Consumer states have stayed within the ITTO to ensure their imports of tropical timber remain constant.


\(^{271}\) Young and Demko, "Improving the Effectiveness of International Environmental Governance Systems," 234.

\(^{272}\) Wood, "Soft Law, Hard Law and the Development of an International Forest Convention ".
In the early days of the ITTO there was optimism by many stakeholders, including the ENGOs, that the ITTO could enable real reform. However, lately it has come to be perceived as merely a lobbying group for timber interests.\textsuperscript{273} The ITTA contains conservation clauses but the ITTO, as a body, has chosen to favour trade over conservation, to the detriment of the forests.\textsuperscript{274} Gale argues that this is because the ITTO has suffered a form of “agency capture” and has come to be dominated by government and industry interests from a relatively small group of key producer and consumer states. On the producer side, Brazil, Malaysia and Indonesia, all with large timber company interests, dominate the ITTO, while the consumer states are dominated by Japan, the Netherlands, the U.K. and the U.S.A.\textsuperscript{275} Any attempt to understand the normative evolution of the ITTO must bear in mind this structure and this interplay of interests, since it is reflected in the decision-making framework of the organisation.

The producer states, to date, consider goals like the Year 2000 Objective to be advisory rather than binding, and its fulfilment to depend on appropriate financial and technical assistance.\textsuperscript{276} Attempts to create sustainable logging certificate schemes or restrict imports from states that do not utilize conservative logging techniques within the ITTO have foundered, with Malaysia leading producer states in blocking proposals to restrict such unsustainable trade. Consumer states such as Japan, where the ITTO is headquartered, has also been less than receptive to such proposals and since it is the

\textsuperscript{273} Marcus Colchester, "The International Tropical Timber Organization: Kill or Cure for the Rainforests?," \textit{The Ecologist} 20, no. 5 (1990): 166.
biggest source of funding for the ITTO, and it is the major vote holder, has generally succeeded in preventing such actions.\textsuperscript{277}

The logic of rational choice applied to timber production does not lend itself to forest sustainability because it lends itself to the externalisation of social and environmental costs. No matter what type of logging is used, however, clearfelling or selective cutting techniques, the collateral damage caused by logging is significant. Over 40\% of timber logged is left on the forest floor since it is considered too expensive to transport if it is not an easily saleable log. The low return on tropical timber leads to even greater logging. Studies have also shown that the higher the price of timber the more companies log, even in areas it might have previously left alone.\textsuperscript{278} This is despite the neoliberal economic assumption that the more valuable a commodity is the more care will be taken to ensure its long-term survival. States have used the rhetoric of sustainable development to claim that their practices are currently “sustainable” or “green”, to deflect criticism, for example, Sarawak’s Chief Minister Taib in this regard.

In the case of tropical timber there is a large incentive to cheat, however, particularly when there are weak oversight provisions, both domestically and from the ITTO. At the state level, timber firms are generally willing to agree to regulation, secure in the knowledge that states are unwilling or unable to enforce them and that the only punishment is that to reputation, such as naming and shaming, rather than economic loss.\textsuperscript{279} Strategic bargains and compromises by logging interests and their sociopolitical allies also prevent genuine reform. Loggers have established informal networks with

\textsuperscript{277} Elliott, \textit{The Global Politics of the Environment}, 85.
government officials and corporate elites that prevent change to the exploitationist behaviour between these stakeholders.\textsuperscript{280}

The ITTO cannot be understood without examining the ITTO voting structure that has stymied normative change. The voting structure which constitutes the rules of the game prevents change because it rewards states that are exploiters, and disadvantages conservationist states. The quicker a producer state cuts down its forests, the more voting power they accrue, therefore rewarding its hegemonic position with greater hegemony. This also helps explain the ENGO decision to gravitate to the Forest Stewardship Council, whose voting and organizational structure allows greater input from ENGOs and offers a far better chance for meaningful dialogue and global environmental norm change.

Given the institutional barriers to ENGO participation in the ITTO (which is limited to observer status and excludes access to key meetings) it is unlikely they could affect change, no matter what persuasive techniques were employed. ENGOs do not feel they are true stakeholders in the tropical timber regime and therefore were not wedded to ensuring it works.\textsuperscript{281} Many ENGOs are concerned over the ITTO’s poor conservation record and fear they were are used merely to legitimate decisions that are aiding the destruction of tropical forests so they abandoned the ITTO.

Interestingly, some ENGOs have significantly changed their strategies to work creatively within the dominant neoliberal paradigm and to publicize the benefits of ecotourism and a viable forest ecosystem. This may well be a more effective strategy to

\textsuperscript{280} Ibid. Ibid., 169.
\textsuperscript{281} Young and Demko, "Improving the Effectiveness of International Environmental Governance Systems," 238.
break the normative impasse.282 Such activities provide incentives to protect forests and provide ways for people, particularly local people, to make a living without damaging forest ecosystems.283 While ENGOs have elected not to be part of the ITTO formally, they still intend to continue lobbying the ITTO as outside pressure groups, to bring about a normative and practical shift in the behaviour of states.284

The more radical groups on the environmental spectrum, such as Greenpeace have proposed that the sale of tropical timber should be prohibited, or at the very least that the ITTO restrict the tropical timber harvest and trade.285 The new strategies undertaken by the ENGOs indicate that they understand that their efforts to date regarding the ITTO have been a failure and that a new approach, which includes working in other forums not including the ITTO, is the way forward. However, as this paper has demonstrated, time is running out to save tropical forests for future generations.

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283 Ibid.
284 Switzer, Environmental Politics: Domestic and Global Dimensions, 279. For example, in 1997 the U.S.A. had an arrangement with Brazil to allow the U.N. to monitor their trade in mahogany. In 2001 the U.S.A. was importing over $37.5 million of the wood. Concerns about overlogging led to the Brazilian government banning the trade. Curiously in May 2002 the U.S. Department of Agriculture inspected a shipment worth ten million dollars that appeared to be a legitimate export. However, upon the insistence of Greenpeace the shipment was examined and discovered to have dubious export permits. ———, Environmental Politics: Domestic and Global Dimensions, 279.
285 Guppy, "International Governance and Regimes Dealing with Land Resources from the Perspective of the North," 146-47., Switzer, Environmental Politics: Domestic and Global Dimensions, 278.
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