

1. Previous international initiatives for the protection of tropical rain forests

First warnings from scientists about the consequences of the destruction of tropical rain forests were already expressed in the early 1970s. The report to the US-president in 1980 entitled “Global 2000” also showed serious consequences of rain forest destruction. The topic became a key international issue when the effects of large-scale slash-and-burn operations on the global climate and the emergence of a dangerous greenhouse effect were predicted.

International activities to protect tropical rain forests had been wide-ranging, from a global plan to individual projects. Participants were international governmental organisations, national governments, and NGOs at an international and national level.¹⁶⁹

1.1. Tropical Forestry Action Plan (TFAP)

The Tropical Forestry Action Plan was the most important concept at the international level with the aim to use and protect the tropical forests, respecting the national sovereignty of the rain forest countries. The TFAP had been submitted on the initiative of the FAO in 1985 and in 1986/87 presented to the public by the FAO together with the World Bank, the UN Development Programme (UNEP) and the World Resources Institute.

The TFAP was an international non-binding global framework plan that served as a guideline for the development and implementation of protection and use strategies and was intended to form the basis for the coordination of international development aid and for forest protection and forest development in the tropics.¹⁷⁰

The aim has been to draw up and implement national action plans for as many tropical forest countries as possible in a concerted action of all interested states and organisations.

Focus of the TFAP had been the following topics, among others:

- integration of forestry and land use,
- development of the forestry and timber industry through measures to promote adapted forestry and wood-processing industries,

169 This chapter is based on Kohlhepp (1991d); Kolk (1998).

170 Cf. Deutscher Bundestag (1990); results of the Enquete-Commission with experts' hearings in 1988 and 1989.

- conservation of tropical forest ecosystems,
- strengthening of the participating state and private institutions (NGOs).

By 1990, 23 countries had drawn up plans, forestry sector studies had been carried out in 35 countries, and 11 countries had requested support from donors. The Brazilian government under President Sarney (1985–1990) had been opposed to the TFAP.

In the international discussion of experts, the evaluation of the TFAP was extremely controversial and disparate.

The arguments of the proponents had been:

- Sustainable management of rain forests will have positive consequences (jobs, income, social facilities);
- Increased exports of forestry production will – in addition to increasing local added value – also improve the foreign exchange situation;
- The population will only show a self-interest in the preservation of the forests through a certain economic use.

Critics questioned whether these advantages could be really achieved, and the following criticisms were emphasized:

- The TFAP is too focused on forestry aspects, in particular in the industrial use of forests;
- Due to the use of financial resources associated with the implementation of the TFAP, there would be an increased negative impact;
- The people living in and from the forest being given too little consideration;
- The local population and NGOs were not sufficiently involved;
- The existing power structures would be consolidated by the influx of financial resources.

These justified doubts about the effectiveness of the TFAP were raised by both the design of the plan and the negative experience with the previous national plans. The main argument of the critics had been doubts about the concept of sustainability which would itself contribute to the destruction of rain forests through the planned forestry exploitation. In addition, it was criticised that the TFAP was not linked to other measures such as agrarian reform or debt problems.

1.2. International Tropical Timber Agreement (ITTA)

The ITTA was a primary commodity convention which was negotiated in 1983 by 36 producer and 34 consumer countries of tropical timber under the aegis of the UN Conference on Trade and Development (UNCTAD). The objectives were basically economic, but ecological aspects should also be taken into account. As an instrument of international economic policy, the convention aimed at stabilising the markets for certain primary commodities and creating a framework of international cooperation between the participating countries to solve the problems of tropical timber trade.

The aim should also be, among other topics, to ensure the use and conservation of tropical forests and their genetic resources in order to maintain the ecological balance in the affected regions. The 44 member countries, including Brazil, represented 75 % of the total tropical forest stands and more than 95 % of the international tropical timber trade.

The value of the ITTA and the activities of the International Tropical Timber Organisation (ITTO) were judged very differently. Positive views argued that the ITTA was the only UNCTAD agreement which considered the conservation of tropical rain forests. Furthermore, ITTA had been supported by trade and environmental organisations and producer and consumer countries had equal rights. Critics saw the main importing countries of tropical timber favoured. For nature conservation organisations, conservation measures should have been improved in the ITTA.

The ITTA certainly was not suitable as a basis for a global tropical forest protection policy.

1.3. Activities of international governmental organisations

Of particular note is the Man and the Biosphere (MAB) programme, launched by UNESCO in 1971, which initiated research activities on the impact of human activities on various ecosystems. Tropical and subtropical forest ecosystems had become the focus of interest.

UNESCO was mainly about developing sustainable land use concepts, which were compatible with the traditional know-how and the living conditions of the population and the ecosystems, as well as reforestation and regeneration of degraded ecosystems in the humid tropics.

The concept of biosphere reserves provided the creation of an international network of protected regions, demonstrating the value of conservation measures. Innovative in this concept was the network character linking nature conservation with research, land use planning, environmental monitoring, training, environmental education and participation of the local population. The application for recognition of a region as a biosphere reserve had to be submitted via the national MAB committee to the UNESCO-MAB secretariat.

Another UNESCO activity for the protection of tropical forests was the World Heritage Trust Fund. The legal basis for the Fund was the Convention for Protection of the World Cultural and National Heritage, adopted by UNESCO in 1973. The aim of the Fund was the protection of landscapes and ecosystems of outstanding universal significance which were already subject to nature conservation regulations and had been classified as national parks. UNESCO funds have been made available for this protection.

There was a difference between world heritage site and biosphere reserves: "nature and species conservation figure most prominently in the first, while in the second the emphasis is on human beings and the harmonious integration of their needs into the natural environment" (Deutscher Bundestag 1990, 610).

In this context, it had been discussed to make high compensation payments to the tropical forest countries in return for the abandonment of the use of forests.

As already mentioned, the UN Environmental Programme (UNEP) gave assistance – together with the FAO, among others – for the implementation of the TFAP. The activities of UNEP are combined with strategies to ward off climate change and its consequences. Based on the premise that tropical forest countries need their forest products to feed their population and to reduce foreign debt, in 1988 UNEP proposed the establishment of a global tropical rain forest conservation fund. A worldwide forest inventory, realized by the FAO in certain periods of time was of great importance.

The objectives of UNEP had been the coordination of conservation activities and improving analysis of the destruction, while also verifying the extent to which the Environment Programme could mobilize financial and technical aid within the UN system. Furthermore, to develop a global, regional and national awareness of the impact of the destruction of the tropical forests and to find ways and means for the Environmental Programme to strengthen the national capability of managing and conserving the tropical forests in six selected developing countries (UNEP 1989, 29). UNEP and the World Meteorological Organisation founded in 1988 the Intergovernmental Panel on Climate Change (IPCC) with the objective to prepare internationally coordinated scientific studies of the effect of climatic changes. The main aims for its working groups concentrated on ascertaining “the contribution made by forests to the carbon dioxide balance in the earth’s atmosphere, to determine the impact of deforestation on the increased concentration of greenhouse gases in the atmosphere and to investigate the extent to which forests counteract climatic changes” (Deutscher Bundestag 1990, 612).

1.4. International government initiatives

The destruction of tropical rain forests and its consequences had increasingly caused attention in international conferences on the highest levels, particularly the Economic Summits.

The Economic Summit held in Toronto in June 1988 was the first attempt in international government initiatives with a declaration of the need of conservation of the tropical forests, among other topics of climate change.

During the Paris Economic Summit in July 1989, at the level of the heads of governments, environmental policy issues, especially the conservation of tropical rain forests, were given the highest priority. The participating countries agreed to provide financial and technical support to the efforts of states with tropical forests. The initiative of the Federal Republic of Germany had been especially accepted as the basis for joint action in this field. A fundamental message of the Paris Summit was also that in future economic decisions should take greater account of environmental concerns. In this context, there has been a discussion on reducing the foreign debt of heavily indebted countries in favour of environmental measures.

The Economic Summit of Houston in July 1990 has been setting the course decisively. Germany confirmed its pioneering role in the protection of tropical rain forests. The World Bank, the EC-Commission, and the Heads of State of the seven most important industrialized countries (G7) offered Brazil a Pilot Programme to protect the tropical forests (PPG7), which was accepted by the new Collor de Mello government under the pressure of the upcoming global UNCED meeting in Rio de Janeiro in June 1992. This meeting, called in Brazil Eco-92, which in addition to a great challenge for the host

should also bring completely new possibilities for environmental agreements offered chances for the implementation of extensive and regionally concentrated tropical rain forest programmes, such as the PPG7.¹⁷¹ The active participation of international and Brazilian NGOs has been considered as very important for the discussion of environmental and Indigenous issues in relation to tropical forests.

The 4th Action Programme of the European Community (EC) for environmental protection had spoken out in favour of placing even greater emphasis on the importance of forests in the EC's development and cooperation agreements. In bilateral cooperation between EC member countries and developing countries large sums of money (1988: US\$ 434 million) were allocated to forestry, with forestry being included in general agricultural programmes in particular.

From 1976 to 1986, the EC had supported 206 projects of NGOs in developing countries with over DM 450 million (Latin America: 28.5 %), some of which were also invested in projects for the conservation of tropical forests. However, except for general forestry projects, EC's efforts in the direct area of tropical rain forest protection had not progressed beyond the design stage (cf. Deutscher Bundestag 1990, 632).

1.5. The German contribution to the protection of tropical rain forests in Brazil until 1990

At the end of 1989, the Brazilian government, the World Bank, and the German government agreed to jointly finance the Brazilian National Programme for the Protection of the Environment (PNMA).

The objectives of this programme were:

- Securing the forest protection zones, in particular in the Amazon region: National Parks, biological and ecological reserves etc. (Unidades de Conservação);
- Conservation of endangered ecosystems: Atlantic forests, mangrove areas, Pantanal;
- Strengthening of federal and state environmental authorities.

In planning the programme, Brazilian and international NGOs had been actively involved (e.g., Funatura, SOS Mata Atlântica, WWF). During the first PNMA period of three years US\$ 200 million had been available (World Bank 58 %, Brazil 23 %, Germany 19 %).

In addition to securing forest protection zones, extractive reserves for rubber tappers, etc., strengthening of IBAMA had been a main issue. Until 1993, Germany made DM 250 million available for the protection of tropical rain forests in Brazil, for reforestation of degraded former forest areas and for productive forest management and the creation of sustainable forms of forest management.

Furthermore, some bilateral environmental projects with Brazil had been implemented, including cooperation with political foundations and churches, with NGOs in Brazil as well as environmental projects in non-Amazon regions (Serra do Mar in São Paulo, Pantanal). These support measures and concrete proposals should encour-

171 Cf. Chapter II.2

age Brazil to continue improving the necessary framework conditions in legal, institutional, social, and economic terms, as well as to include important environmental aspects in structural adjustment programmes.

The findings of the Brundtland Commission (Commission on Environment and Development 1987) in 1987 has shown that there is a direct correlation between environment and development. Without massive outside help, developing countries will not be able to break out of the vicious circle of poverty and environmental degradation. As part of internationally coordinated measures, Germany participated in the development of concepts to support Brazil (Schipulle 1992, 152; Bundespresseamt 1990). This also included the exchange of debts for rain forest conservation measures (debt-for-nature-swaps) and regulations for the tropical timber importing industry.

The Enquete Commission Preventive Measures to Protect the Earth's Atmosphere of the German Parliament, which was composed of members of parliament and invited scientists, presented the 2nd report in 1989 after three hearings with numerous international and national experts, one year of deliberations and the inclusion of scientific research results, focusing on "[p]rotecting the tropical forests: a high-priority international task."¹⁷²

Based on a detailed inventory of the extent and causes of tropical rain forest destruction, a far-reaching concept of measures with numerous coordinated and timed policies of national, European, and international level was recommended. These recommendations for action had been submitted to parliamentary decision-making. The goal was to bring about the widest possible and fast-acting protection of the tropical rain forests and the Indigenous population living in them.

In contrast to the Sarney government (1985–1990), the Collor de Mello government, the first democratically elected President in 30 years, who had come in office in 1990, had expressly welcomed those initiatives and its willingness to cooperate.

This was evident both at the UNCED meeting in Rio de Janeiro in 1992 and in the preparation and implementation of the International Pilot Programme for the conservation of Brazil's tropical rain forests (PPG7),¹⁷³ which started immediately afterwards.

1.6. UN Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992

The United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, was held in Rio de Janeiro in June 1992. This global conference, held 20 years after the first Human Environment Conference in Stockholm in 1972, had worldwide repercussion and brought together political leaders, diplomats, scientists, representatives of the media and NGOs from 179 countries, focusing on the impact of human socio-economic activities on the environment and measures for defence of the environment. A "Global Forum" of NGOs was also held in Rio de Janeiro at the same time, bringing together numerous NGO representatives, who presented their specific vision of the world's future in relation to environment and socio-economic development.

¹⁷² Deutscher Bundestag (1990); statement: Kohlhepp (1989c), among others.

¹⁷³ See chapter II.2.

The primary objective of the Rio Summit was to produce a broad agenda for international action on environmental and development issues that would help to guide international cooperation and development policy. The conference was an extremely relevant event for the consolidation of environmental law on a global level and especially in Brazil.

The Earth Summit concluded that the concept of sustainable development¹⁷⁴ was an attainable global goal at the local, national, regional or international level. It also recognised that integrating and balancing economic, social and environmental concerns in meeting our needs is vital for sustaining human life and that such an integrated approach had to be realised. This required new perceptions of the way making decisions for production and consumption. This concept caused a lively debate within governments and between governments and their citizens on how to ensure sustainability for development.

Five major documents¹⁷⁵ had been produced in the UNCED event:

- Declaration of Rio de Janeiro on Environment and Development,
- Declaration on Forests' Principles,
- Convention on Biodiversity,
- Convention on the Climate,
- Agenda 21.

The Rio Declaration proclaimed 27 principles, referring to the "integral and interdependent nature of the Earth". The first principle stated that sustainable development primarily concerns human beings, who are entitled to live healthy and productive lives in harmony with nature. Principle 11 created an expectation that states will enact environmental legislation. Further articles include formulations of the precautionary principle, which should be "widely applied by states according to their capabilities" (principle 15). National authorities should endeavour to promote the internalisation of environmental costs (pr. 16).

Very clear statements appeared in principle 22:

Indigenous people and their communities [...] have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Even in this relatively modest form, this was of extraordinary importance for the situation in the Amazon region of Brazil, as for the first time the Indigenous population was seen in a larger overall context.

The Declaration on Forests' Principles (formally the Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustain-

174 A vast number of publications on this subject appeared, showing the multiple dimensions of sustainable development (Browder 1989; Goodland (1990b); Adams 1991; Goodman and Redclift 1991; Sachs 1992; Clüsener-Godt and Sachs 1995; among others). Cf. Sachs (1980) on ecodevelopment. The Earth Summit also led to the creation of the Commission on Sustainable Development (CSD).

175 Published by the UN Department of Economic and Social Affairs (DESA), New York, 1992.

able Development of all Types of Forests) was another 1992 statement produced at the Earth Summit. It is a non-legally binding document that makes several recommendations for conservation and sustainable development forestry. The negotiation of the document was complicated by demands by developing nations in the Group of 77 for increased foreign aid in order to invest for the setting aside of forest reserves. Industrialised nations resisted those demands, and the final document was a compromise.

The purpose of this document was to provide a framework for national action and international cooperation and:

- strengthening political commitment and action at all levels to implement effectively sustainable management of forests,
- enhancing the contribution of forests to the achievement of the internationally agreed development goals.

It was recognised that sustainable forest management, as a dynamic and evolving concept, is intended to maintain the economic, social and environmental value of all types of forests, for the benefit of present and future generations. Its effective implementation is needed at all levels, dependent upon adequate financial resources and the transfer of environmentally sound technologies.

The document expressed utmost concern about continued deforestation and forest degradation, as well as the slow rate of afforestation and forest cover recovery, about the resulting adverse impact on economies, the environment, including biological diversity, and “the livelihoods of at least a billion people and their cultural heritage.” Although the goal of the forest convention, bound by international law, had not been achieved, the Forest Declaration signed by 172 states and the forest-related chapters of Agenda 21 (chapter 11: “Combating deforestation”) have nevertheless set out fundamental guidelines and approaches for conservation and sustainable forest management. As Brazil owns 30% of the world’s tropical rain forests, the development processes in Brazil played a strategic role in the fight for forest conservation, decisive for the future. The impacts of climate change on forests and sustainable forest management and the contribution of forests to coping with climate change were highlighted. The document tried to convince member states that the implementation of sustainable forest management is dependent on good governance at all levels.

The Convention on Biological Diversity (CBD) was a multilateral treaty. The convention had three main goals: the conservation of biodiversity, the sustainable use of its components, and the fair sharing of benefits arising from genetic resources. Its objective was the development of national strategies for conservation and sustainable use of biodiversity. The CBD was often seen as the key document regarding sustainable development.

The UN Framework Convention on Climate Change,¹⁷⁶ (UNFCCC) or Global Warming Convention, is a binding treaty that requires nations to reduce their emissions of

176 “Climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” (UNFCCC document, Article 1, Definitions, No. 2).

carbon dioxide, methane, and other “greenhouse”¹⁷⁷ gases thought to be responsible for global warming. Emissions define the release of greenhouse gases into the atmosphere over a specified area and period of time. Unfortunately, the treaty failed to set binding targets for emission reductions. Such targets were only set later in the Kyoto Protocol (1997).

Industrialised countries had to report regularly on their climate change policies and measures. They must submit an annual inventory of their greenhouse gas emissions (base year: 1990). Developing countries report in more general terms on their actions both to address climate change and to adapt to its impacts. They got funds for the preparation of the reports.

For scientists and climate activists the convention was a disappointment. It did not contribute to stabilize or even reduce emissions of greenhouse gases by industrialised countries but contained no commitment at all on reductions.

The Agenda 21¹⁷⁸ was a “daring programme of action”, supported by 180 countries, calling for a global partnership with new strategies to achieve overall sustainable development. “The essence of human sustainability is the balance between ecological, social and economic progress. This necessitates an adequate economic development which is both socially equitable and environmentally friendly.” Its recommendations provided for new methods of education and new ways of preserving natural resources. Agenda 21 was a world-wide participation programme (“our common future”) and a comprehensive plan of action on global, national and local levels by UN organisations, governments, and major groups in every area with human impacts on the environment.

The Commission on Sustainable Development (CSD), created in December 1992, should monitor the implementation of the agreements. A five-year review of the progress of the Rio summit was planned for 1997 by the UN General Assembly.

177 “Greenhouse gases” means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation” (Article 1, No. 5).

178 <http://www.un.org/esa/sustdev/agenda21.htm>.

