# APF Net Curriculum 3 INternational dialogue on forestry issues

## **Lecture 4 Regulatory Frameworks and types of Multi-lateral Agreements Part 1 Transcripts Duration: 00:12:33**

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This is Module II, Lecture number 4. Module 2 is about Diplomacy and Negotiation of Intergovernmental Conventions and the Multi-lateral Agreements.

### Slide/Screen 2

For Module 2, there are three lectures. First one which is lecture number 4 is about Regulatory Frameworks and types of Multilateral Agreements. Then in lecture 5 we will be talking about the General principles governing the negotiation process, negotiation in practice and forest diplomacy. And lecture number 6 we will talk about the Non-legally Binding instrument on all types of forest, known for short as NLBI on Forests, which is part of the International Arrangements on Forests, and then we will discuss how National Forest Laws are formulated to support sustainable forest management.

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For lecture 4 again about the frameworks to regulate in the forest sector and all the types of multilateral agreements.

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Now for introduction just wanted to mention that why do we need international instruments, agreements, and this is we say international, this means between countries of the world, and when we talk about this, we were articulating the principles and frameworks for actions. So any agreement between nations, between countries, agreements, instruments, in general we call it instrument. These agreements spell out the principles and frameworks for actions. What do we want to do and what is the framework for doing this. In the instruments when the countries agree on it, there's a call for specific national level actions, meaning that when the countries agree on certain action, within a framework for this action, how to do it. Principles are translated into national level actions. We agree internationally and then we come to implement at the national level. Then we have to look up at the jurisdiction. Who is going to do this work? What power this body would have on implementing this? Any action would need some standards, some rules and norm formation. How to form a standard to implement it? You cannot agree internationally on certain action, put it in a framework and then everybody does whatever he wants, no or every country does whatever it wants, no, there must be some standards, some rules for the game, how we are going to do this, and the norms. And then if some countries do not implement what they agreed on and signed on, there may be some remedial measures like what can we do, for example, we hear about sanctions. We must hear now that some countries they signed the agreement, not necessary about forests, I mean about outside the forests, some political agreement, protocols and agreements, and then they don't do it or they avoid doing it, or just don't do it. So there must be some sanction. The international community would implement some sanctions against those who do not honor their word when they signed the agreement.

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There are multiple approaches in structuring the instruments or agreements, several languages. There are many many ways that we can formulate or structure an agreement to our needs. And the most famous of these are the environmental agreements. We will be talking about this in details but in general, most of the discussions, most of the successful discussions and formulations so far, not implementation. Make the agreements internationally, environment takes a very very prominent position.

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As I said that when we talk about an instrument to a treaty, in the international language, we look at the U.N. the United Nations document, find many many designations, terminologies. Sometimes we call them agreements, sometimes treaties, conventions which sound like the most kind of formal one. In general, they are called instruments and sometimes when we don't want to be very very legal language, we call understanding. There are some understandings among countries, and they are codes, also. So this is kind of different meanings or different terminology or designations for the agreements or the instruments. But when we talk in general, we talk about instruments. But we are specific like talking about climate convention, biodiversity convention, desertification convention, as we are going to mention later on. These are conventions. When there is a treaty, there is the treaty among the countries. Known for example NATO, North Atlantic Treaty Organization, that's something. This is a treaty, it is not for forests, but it's a political, maybe military treaty.

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When we decide that the term we use as an instrument, or a treaty or an agreement, this is an international agreement, this is the definition in the UN: An international agreement concluded between States or countries in a written form, it's not like word of mouth, and governed by international law, which means that there is an international law. We cannot have an agreement among countries written but again it's an international law, this doesn't work. So it must be in an agreement by international law and governed by international law. But if we want to go to Court, we go to International Court. And this treaty would be embodied in a single instrument or in two or more related instruments, like we can have a general agreement but we put it in one instrument, or a treaty divided among different instruments, depending on the case that we are talking about. But whatever it is designation, it is legally binding, that's the most important thing as we will describe later on. We have a treaty, countries sign on it and I will tell you the procedure of the signature and ratification in the part and so on. But once it is signed, it becomes illegally binding which means that the countries who signed will have to abide by the laws and regulations.

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Just to simplify the matter without going into too much legal language, international language because it's absolutely complicated, it's very complicated. But just to simplify because we are in forestry are trying to be very simple in this way. It's not really a defense or a treaty, it's just about forestry and environment. So we have two types of International Instruments that we're going to talk about here. First one called non-legally binding, which means that, non-legally binding means that the country sign on it but it is a bit soft because of the soft laws, or codes of conduct, guidelines, memorandum of understanding, it's a very soft law. Non-legally binding, it is not legally-non binding by the way, this is different, it doesn't exist. Legally-non binding that doesn't exist. It's Non-legally binding which means it's soft. It's much easier to implement. Why? Because when you label an instrument or an agreement as non-legally binding, there is no room to maneuver which means that there is some flexibilities. For example, if you have an agreement among all the countries in the world to reduce deforestation by 50% annually, 10% annually that's very difficult to control, it's very difficult to monitor, it's very difficult to evaluate and so on. There is no room to maneuver which means it could be between 10, 12%, 7% whatever, it's quite flexible. And also there is some compromise if you agree as a country and you sign an agreement to reduce deforestation, I'm just using deforestation, or reduce illegal logging by 10% and you cannot do it for many many reasons, it's very very difficult to be done so there is some compromise, you can say, ok I reduce deforestation, but I could not reduce illegal logging with the same level as agreed. But because of this softness and it's the maneuver and compromise, it becomes difficult to implement. It's a kind of again the soft law implies everywhere, it's quite soft. But other side is the legally binding instruments. That is legally binding which means that there is a treaty, countries sign on it, take it to the parliaments or whatever, the ministry or the government or the president according to the country's constitution, and have it ratified by the highest authority in the country then it becomes legally binding which means that they have to follow to the latter, and it is known as a hard law against the soft law. This is hard to be signed, they have to implement and if they're not implemented, in the treaty they are subject to not I would say it punishment but action by other countries and the idea is that having a hard law or a legally-binding instrument, this is to ensure achieving a set of specific objectives, so if it's non-legally binding, it's soft, you maneuver, you compromise and objectives are quite general. It's not well-defined. If it's legally binding, the objectives are well-defined, sometimes with target, sometimes with percentage, sometimes with obligation to monitor, obligation to report.

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[End of Module II, Lecture 4, Part 1. Thank you for watching.]