



Background Document No. 1



United Nations Forum on Forests

**Ad hoc expert group on Consideration with a View to
Recommending the Parameters of a Mandate for Developing a
Legal Framework on All Types of Forests**

New York, 7-10 September 2004

**Compilation of views submitted by member States and
information provided by members of the Collaborative
Partnership on Forests**

This is a non-official background document distributed for information only. It contains compilation of views submitted by 13 member States and information provided by 2 members of the Collaborative Partnership on Forests to the Secretariat in the original forms and languages.

**PREPARATION FOR THE MEETING OF THE AD HOC EXPERT
GROUP ON CONSIDERATION WITH A VIEW TO
RECOMMENDING THE PARAMETERS OF A
MANDATE FOR DEVELOPING A LEGAL FRAMEWORK
ON ALL TYPES OF FORESTS**

NEW YORK, 6-10 SEPTEMBER 2004

VIEWS SUBMITTED BY MEMBER STATES

1. Burundi
2. Canada
3. Egypt
4. European Union
5. Indonesia
6. Japan
7. Malaysia
8. Mexico
9. New Zealand
10. Norway
11. Panama
12. Switzerland
13. USA

AVIS ET CONSIDERATIONS DU BURUNDI DEMANDES PAR LE FORUM DES NATIONS UNIES SUR LES FORETS

INTRODUCTION

Le Burundi, à travers son Ambassade à New York, suit de près les travaux du Forum des Nations Unies sur les forêts. C'est dans ce cadre que le Pays adresse à ce Forum des avis et considérations demandés aux Pays par le Coordonnateur et chef du secrétariat du Forum en date du 30 janvier 2004 dans sa correspondance UNFF-04-PP-L010 destinée au Représentant permanent du Burundi auprès de l'ONU à New York.

I. QUESTIONS RELATIVES A LA DIVERSITE BIOLOGIQUE DES FORETS

I.1. Concepts d'approche écosystémique et de gestion durable des forêts

Cette approche écosystémique dans la gestion durable des forêts est importante, aussi bien aux niveaux national que sous-régional et international.

Au niveau national, une ressource forestière peut s'étendre sur plusieurs entités administratives et géographiques. Pour une gestion durable de la ressource, ces diverses entités devraient concevoir et appliquer un même plan de gestion.

Aux niveaux sous-régional, régional et international, l'approche écosystémique intéresse les ressources forestières transfrontalières. C'est le cas du Burundi et du Rwanda où une même forêt porte deux noms, la Kibira au Burundi et Nyungwe au Rwanda.

Le Burundi est donc favorable à l'approche écosystémique à condition que la souveraineté nationale sur les ressources forestières reste respectée.

I.2. Gestion, exploitation durable et partage des avantages de la diversité biologique des forêts

Il s'agit d'un bon principe mais qui devrait être "éclairci", en répondant en particulier aux trois questions :

Quels avantages partager ?

Qui partagent les avantages ?

A quel(s) niveau(x) se fait le partage ?

Les trois questions restent valables aussi bien aux niveaux local, national, sous-régional, régional et mondial. En particulier, au niveau mondial, les avantages à partager entre pays possesseurs des forêts et ceux qui n'en ont pas devraient être bien définis.

l.3. Liens entre les propositions d'action du groupe intergouvernemental/forum intergouvernemental sur les forêts et le programme de travail élargi sur la diversité biologique des forêts.

A notre avis, le problème ne se pose pas au niveau des "liens entre les propositions d'actions", mais se pose au niveau des financements : les propositions d'action, qu'elles émanent du groupe ou du forum, ne se sont pas suivies de "propositions de financement des actions". Il faudrait que le forum et le groupe créent un "cadre d'identification des financements pour des actions proposées".

II. VUES SUR LE GROUPE SPECIAL D'EXPERTS DU FORUM DES NATIONS UNIES SUR LES FORETS QUE L'ON ENVISAGE DE CREER ET QUI SERAIT CHARGE DE RECOMMANDER LES ELEMENTS D'UN MANDAT POUR L'ELABORATION D'UN CADRE JURIDIQUE APPLICABLE A TOUS LES TYPES DE FORETS

Il s'agit d'une bonne initiative que soutient le Burundi, étant donné la complexité de la gestion des forêts. Le Burundi se réjouit du fait que ce groupe sera représentatif au "maximum" en ce sens que chaque Etat membre sera représenté par un expert qui ferait partie du groupe spécial d'experts.

**UNFF AD HOC EXPERT GROUP ON CONSIDERATION WITH A VIEW TO
RECOMMENDING THE PARAMETERS OF A MANDATE FOR DEVELOPING
A LEGAL FRAMEWORK ON ALL TYPES OF FORESTS**

SUBMISSION BY CANADA

THE NEED FOR AN INTERNATIONAL CONVENTION ON FORESTS

This submission is made pursuant to ECOSOC decision 2003/299 and United Nations Forum on Forests Decision 3/III, paragraph (d) inviting member states of the UNFF to submit their views to the Forum Secretariat who will compile such views for use by the UNFF Ad Hoc Expert Group on Consideration With a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on all Types of Forests.

INTRODUCTION

The international community has identified a clear need to accelerate action at all levels to promote sustainable forest management. The global community has a firmer grasp of many of the complex and interconnected forest issues than it had previously. However, the many international forest-related agreements in place today are not sufficient to translate verbal commitment into concrete action. Canada believes that real progress can only be made through the negotiation and adoption of an international convention on forests.

BENEFITS OF AN INTERNATIONAL CONVENTION ON FORESTS

Action-oriented results and political commitment: Past experience has shown that voluntary instruments have limited impact on improving practices on the ground. A legally binding instrument on forests would generate a higher degree of commitment to sustainable forest management at the national, regional and international levels. Experience implementing existing treaties (e.g. the Convention on Biological Diversity) has shown that they raise the profile of particular issues, both at the national and international levels.

An integrated and comprehensive forest agenda: The global forest community now clearly recognizes the need to address all forests and all forest values in a balanced and comprehensive manner. Although several existing multilateral environmental agreements contain provisions on forests, they address forest-related problems in a piecemeal and inadequate fashion. By embodying internationally agreed-upon principles, a convention would formalize comprehensive approaches to achieve sustainable forest

management, thereby establishing a common action agenda for the global forest community.

Complementarity: Rather than competing with existing agreements or organizations, a convention on forests would reinforce existing obligations related to forests in such instruments as the Convention to Combat Desertification, the Convention on Biological Diversity and the UN Framework Convention on Climate Change. An international forest convention would also complement the work of the United Nations Food and Agriculture Organization and the International Tropical Timber Organization.

Effective governance: No permanent multilateral body, organization or instrument has either the mandate or the capacity to address all the issues on the international forest agenda. A convention would provide the same international legal status to forests as exists for other issues, such as those addressed by the above-mentioned conventions. It would also help Parties to meet obligations through identifying the means for implementation and establishing a compliance regime. The Conference of the Parties (COP) of a legally binding instrument would be able to improve governance through its capacity to establish policies and priorities for achieving sustainable management of the world's forests.

Open, inclusive and transparent decision-making: The COP of a convention on forests would also provide an effective means for continuing the open and transparent intergovernmental dialogue on forests. In addition, the COP could define innovative mechanisms inviting all relevant forest-related organizations and interested groups, including indigenous peoples, forest dwellers, local communities, non-governmental organizations, investors, industry and labour to contribute to the elaboration and implementation of mechanisms to monitor progress.

Facilitate trade in forest products from sustainably managed forests: Consumers seek assurances that the forest products they purchase are derived from sources that are sustainable. A legally binding instrument would facilitate trade in forest products from sustainably managed forests by virtue of Parties having the obligation to demonstrate their compliance with sustainable forest management practices. Moreover a convention would help to level the playing field for forest products trade.

Cooperation, financial assistance and technology transfer: The Rio Conventions and other agreements have helped to generate financial mechanisms to meet global sustainable development challenges. The negotiation of any international legally binding instrument on forests would likely include a discussion of public and private sector cooperation and partnerships that could help developing countries and countries with economies in transition to meet sustainable forest management obligations. An international convention on forests would help raise the political profile of forests, and promote capacity building and the transfer of environmentally sound technologies. Further, it could benefit developing countries and countries with economies in transition through defining enabling conditions to attract greater levels of foreign direct investment for the forest sector.

ELEMENTS OF AN INTERNATIONAL CONVENTION ON FORESTS

The international dialogue of the past decade has produced many recommendations on how forests should be managed. These are contained in such documents as Agenda 21, the UNCED Forest Principles, the IPF and IFF Proposals for Action and the Johannesburg Plan of Implementation. A legally binding instrument on forests should build on this dialogue and, at a minimum, should

- . Establish the overarching objectives, fundamental principles and definitions that would provide a common understanding of sustainable forest management that recognizes the economic, environmental, social and cultural similarities and differences amongst regions and countries;
2. Enshrine the importance of traditional knowledge in the implementation of sustainable forest management, including in forest research, management practices, planning and training;
3. Specify the obligations that Parties would undertake to implement sustainable forest management, including, for example, establishing national forest programs; establishing objectives for conservation, protection, reforestation, afforestation and protected areas; keeping forest inventories; strengthening transparent forest concession allocation systems; and ensuring the participation of stakeholders, indigenous peoples, forest dwellers and local communities in forest policy decisions;
4. Create a permanent governance body with the power to monitor, periodically review and recommend approaches to strengthen the effectiveness of the convention, and advance implementation through establishment of subsidiary bodies and actions such as work programs;
5. Consider enhanced access to public and private financial resources and the transfer of environmentally sound technology to help developing countries and countries with economies in transition meet their obligations;
6. Establish a compliance regime and dispute settlement process;
7. Create a structure to enable an objective periodic monitoring and reporting on global and regional progress in achieving sustainable forest management that draws on existing information and establishing new and innovative data collection means;
8. Define its relationship to other international legally binding forest-related agreements and other agreements.

THE NEXT STEP

Forests are essential for life on earth. They are a biodiversity treasure and provide food, fuel, medicines, shelter and fodder for hundreds of millions of people, notably those living in or near forests. Forests are also essential to the world economy as forest products are worth about US\$400 billion annually and they are an important source of wealth and income for countries, industries and workers. The quality of life of virtually everyone is enriched by forests, and for many, the spiritual value of forests is central to their way of life.

Notwithstanding the incalculable value of forests, they remain under siege. Despite the impressive advancements in international forest-related policy, science, technology and law, the world's forests continue to be lost at an unacceptable rate. Even in the face of clear direction from the world's Leaders, such as that developed at Rio in 1992 and more recently at WSSD in 2002, the majority of both animal and plant extinctions continue to be from forest and woodland ecosystems. Even though our ability to monitor and assess the risks to forests has never been greater, forest degradation continues at unacceptable levels.

There are a host of international agreements that deal directly or indirectly with forest management. Many of these arrangements in place today were formulated more than 10 years ago, when the concept of sustainable forest management was embryonic. Moreover, few would dispute that voluntary approaches have not met the challenges and that the international forest regime does not adequately address key issues and persistent problems undermining the world's forests.

We know how important forests are; yet they continue to trend downwards. This situation must be stopped. The most effective next step would be for the UNFF to recommend to the Economic and Social Council of the United Nations the mandate for an intergovernmental negotiation to develop an international convention on forests.

Unofficial translation

(Mission of the Arab Republic of Egypt to the UN)

Formulation of a legal framework for Forest

- 1-Countries reports based on the indicators of sustainable development of forests could provide the data required to prepare The World Forests Status report.
- 2-The Forum could also compile the report based on the current Available information.
- 3-Capacity building should be provided for monitoring, evaluation and reporting.
- 4-Information on the current requirements for reporting, monitoring, and evaluation of the Forum, and of the other conventions and international major operations related to forests which include the convention on biodiversity, the sustainable development of forests, (FAO), (ITTO) (UNDP)(UNCCD) are of utmost importance.
- 5-Technical information, including those pertaining to modern regional and international mechanisms related to Forests, organizations and the relevant treaties are of utmost importance.
- 6-Universities and research centers should be encouraged to include updated information on sustainable development in their curricula.
- 7-Quantative indicators should be used to facilitate the monitoring and evaluation of progress achieved.
- 8-The World Bank should support efforts in capacity building and the provision, dissemination and analysis of data regarding forest in relation to projects of climate change and land degradation.
- 9-The UNDP should provide the financial and technical support needed for the monitoring and in the compilation of the reports, and according to the country's development priorities
- 10-Support should be also provided through the related international organizations (FAO / ITTO / GEF), other related mechanism, and the Donor countries.

بناء على طلب سنكرتارية الأمم المتحدة بشأن الرأي في الفقرات أرقام III (i) ، III (ii) و III (iii) و التي وردت في قرار اللجنة الاقتصادية والاجتماعية للأمم المتحدة رقم ٢٩٩ لسنة ٢٠٠٣ تعرض التالي :-

الفقرة III (i) عرض المعلومات لفةية بما في ذلك معلومات حديثة عن الآليات لدولية والإايمية المتعلقة بالغايات وعن المنظمات والاتفاقيات المعنية وأجراء عرض موجز لمتطلبات الإبلاغ والرصد والتقييم الحالي للمنتدى ولسانر الاتفاقيات والعمليات الواية الرئيسية المتصلة بالغايات وتشمل إتفاقية التنوع البيولوجي والتنمية المستدامة للغايات ومنظمة الأغذية والزراعة (الفاو) والمنظمة الدولية للأخشاب الاستوائية (ITCO) وبرنامج الأمم المتحدة الإنمائي واتفاقية الأمم المتحدة لمكافحة التصحر والعمليات الإقليمية والدولية لمعايير ومؤشرات للتنمية المستدامة للغايات وفيما ولى استعراض لمهام الرصد والتقييم والإبلاغ التي تضطلع بها هذه الاتفاقيات وسبل استخدام المؤشرات لأغراض الرصد والتقييم وتورد أيضا مءاومات عن طرق الإبلاغ الأخرى المتصلة بالغايات كما أن هذه المنظمات تسلط الضوء على النقاط ذات الأصلة بوضع فتوصيات الخاصة بمنتدى الأمم المتحدة المعنى وتستخدم التقارير الوطنية المقدمة لهذه المنظمات الدولية كمصدر رئيسي للمعلومات الواردة في تقرير الأمين العام كما أن تقارير تلك المنظمات تثرى المناقشات المتعلقة بالتنفيذ في سياق دورات المنتدى.

وتركز تقارير تلك المنظمات على التقدم العملي للاحداث في التنفيذ وألضا توضح العقبات التي تصادف الدول والتحديات التي تواجه الدول والفرص المتاحة فيما يتصل بالقضايا الخاصة بالتنمية المستدامة للغايات ومن خلال تقارير تلك المنظمات يتم تحديد طائفة تضم ٥٨ مؤشراً تتعلق بالغايات على أساس أن يتم استخدامها وتطبيقها بواسطة البلدان في أغراض رصد التقدم المحرز نحو تحقيق التنمية المستدامة على الصعيد الوطني.

وكذلك يجب ان يأخذ في الحسبان اتفاقيات التنوع البيولوجي واتفاقيات الأمم المتحدة لمكافحة التصحر واتفاقيات الأمم المتحدة المتعلقة بتغير المناخ والأنشطة المتعلقة باستخدام الأرض وبرنامج الأمم الإنمائي .

الفقرة III (ii) الخاصة بعرض تجميع للتقدم الذي أحرز والدوافع التي واجهتها الدول الأعضاء في المنتدى في تنفيذ مقترحات كل من اللجان الدولية الحكومية للغايات/ المنتدى الدولي الحكومي للغايات ومنتدى الأمم المتحدة للغايات أعدت معايير ومؤشرات الإدارة المستدامة للغايات بوصفها أدوات لوضع السياسات المتعلقة بالغايات وذلك للإبهام ضمن أمور أخرى في عملية رصد التقدم المحرز في مجال

الإدارة المستخدمة القابول تقييمها على الصعيدين طلي المحلي على نطاق
للادار

لقد **الفر. الحكومي الدولي** المعنى بالغايات البلادا على وضع المعايير المؤ **إلت الخاصة**
الإدار المستخدمة للغايات أساساً لاستعراض الانجاهد طنية لحالة القابول
الأملأ عنها وبسطك موااصل لتعرب قدرات البلادا على استعمال المعايير المؤ ات
لر **التقدم المحر.** الصعوبات التي الدول في تطبيق المعايير في
تجسغ العمل الحكومي لي الشعبي المنسدى الحكومي
بالغايات صد النقد في التتقد وبقيته المعفر مجموع عاب
عناصر الأمم المتحدة عايه فأن على البلادا معايير **الاداة** المستخدمة للغان
أدوات **لتحدد النتائج** على أن تختار الدول مايناسبها **الغايات** بها
المؤ ات المعايير لتطريها على المنسوى المحلي المنسوى الدول
الإ إلى **الإصلاح** **التقدم المحر.** في مجال التنمية المستخدمة تقييمه الصعيدي
الماسي على النتائج المعلو الودة في البلادا بطر.
هناك ثلاث اختيارات للتتبع عن التقدم المحر في مجال التنمية المستخدمة .

أن **البلادا تقارير** منسدى الاما المتحدة عن عة المؤ الخاص بالتم
نمة للغان تلي **التقار** يمكن **منسدى** أن **منسدى** عن الحالة العائنه
النتائج

لعملية المعايير المؤشر **التي** حله بلاغ نغو الدول عها
منسدى الاما المتحدة
يمكن لأمانه المنسدى عن **الذي** محر المنسدى
الي **المعاو** المتو ندي
ويتعين أيضا تنفيذ . يلي .

القدرات في البلادا من اجن **الإملا**
الجامعا: المؤسسات علي **مناهجها** **محبو** تحديث المعاو
المؤلفة المستخدمة **فقر** **المهارات** معايير المؤ
الجزر **النجو** تسويها في مجال المعايير **التي**

٤. يمكن تيسير رصد وتقييم ما تم إجزائه بتحديد مجموعة من المؤشرات الكمية التي يمكن استخدامها في عمليات الرصد .

الفقرة (iii) بالنسبة للعرض التفصيلي للبيانات القانونية والمالية والمؤسسية فإننا نرى ضرورة مشاركة وتدعيم المؤسسات التالية في جهود بناء القدرات فعلى سبيل المثال :-

- ١) أن يقوم البنك الدولي بدعم الجهود لبناء القدرات في مجال البيانات والمعاملات المتعلقة بالغابات ونشرها وتحليلها كعنصر من المشاريع ذات الصلة بالتنوع البيولوجي وتغيير المناخ وتدهور الغابات .
- ٢) يقوم برنامج الأمم المتحدة الإنمائي بتقديم الدعم الفني للبلدان لرصد التقدم و إعداد التقارير المتعلقة بالأهداف الإنمائية كما يساعد البلدان في الحصول على المساعدات المالية من أجل إعداد وتوزيع التقارير .
- ٣) يتعين على البلدان إلى طلب الدعم لعملها بشأن المايير والمؤشرات عن طريق المنظمات الدولية ITTO & FAO ومرفق البيئة العالمي والمنظمات والأكليات ذات الصلة الأخرى .
وينبغي على الدول المانحة الدعم في هذا الصدد لجهود البلدان النامية وذلك من خلال الدعم المالي والتكنولوجيا والدراسة الفنية .

شكرًا



Ireland 2004 Presidency of the European Union

28th January 2004.

Mr. Pekka Patosaari,
Co-ordinator and Head,
Secretariat of the United Nations Forum on Forests,
DC2-2286,
2 UN Plaza,
New York,
NY 10017,
USA.

Dear Mr. Patosaari,

I refer to the report on the third session of the UNFF and in particular Decision III (d) {U.N. ECOSOC – Official Records, 2003 – Supplement No. 22 – E/2003/42 – E/CN.18/2003/13 – Page 3} wherein the Forum decided that,

- (d) *to ensure efficiency, transparency and balanced reflection of the range of views, the following preparations should be performed for the meeting of the ad hoc expert group meeting on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests:*
- (i) *Presentation of factual and technical information, including updated information on existing regional and international binding and non-binding instruments and processes relevant to forests and that of other relevant organizations and agreements, including multilateral environmental agreements and regional conventions and processes;*
 - (ii) *Compilation of the progress made and catalysts and obstacles encountered by member States and Collaborative Partnership on Forests member organizations in implementing the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action and the decisions and resolutions of sessions of the United Nations Forum on Forests;*

- (iii) *Presentation and detailed description of a range of options, including their legal, financial and institutional modalities.*

The member States of the United Nations Forum on Forests were invited to submit their views on (i), (ii) and (iii) above. The members of the Collaborative Partnership on Forests were invited to provide information on (i) and (ii) above. These views and information to be provided to the Forum secretariat by 31st January 2004.

As a preparatory input for the ad hoc expert group meeting on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests, Ireland, as Presidency of the European Union, is pleased to submit the following information and views as requested on behalf of the EU and the accession countries scheduled to become full members of the Union from 1st May 2004.

In providing its views and information, the EU recognises that in order for the ad hoc expert group to address the issue of parameters of a mandate for developing a legal framework for all types of forests in as comprehensive a manner as possible, an array of possible options will need to be taken into account. The EU has therefore listed an extensive range of possible options which may be considered by the ad hoc expert group in its deliberations next September.

The EU wishes to make it clear from the outset that the list of options (annexed) is provided without prejudice to the EU position in policy deliberations and negotiations on the question of a legal framework for all types of forests.

We look forward to actively participating in the deliberations of the expert group in New York next September.

Yours sincerely,



Mick Prendergast,

Forest Service
Johnstown Castle Estate
Co. Wexford
Ireland

Tel. +353 53 60200
Fax. +353 53 43836

The outcome of the discussions leading up to the United Nations Conference on Environment and Development (UNCED), Rio, 1992 indicated that, at that time, it was not possible to agree on the start of negotiations towards a legally binding instrument on forests. The initiative was not seen as a failure however, as it resulted in the Forest Principles – a “*non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests*” and the Forest Chapter of Agenda 21. The Principles contain a number of objectives and ideas towards the overriding goal of managing forests so as to meet the social, economic, ecological, cultural and spiritual needs of present and future generations.

The lack of consensus over the issue of a legally binding instrument on forests has continued and, globally, the views expressed by various states range from those strongly in favour of a legally binding instrument (LBI) for forests to others who believe that a more flexible voluntary approach will ultimately provide the most effective framework.

The EU considers that the point of departure for the ad hoc expert group’s deliberations should be the main objectives which a legal framework should fulfil. In the next section we present a non-exhaustive list of these main objectives, which we think should be considered. We need to be guided in our deliberations by answering two main questions: what we want to achieve at the end, what have been the main obstacles for the IPF/IFF/UNFF process to be efficient in this purpose? We should then look for options concerning functional objectives, modalities and substance.

I. MAIN OBJECTIVES

Maintaining and increasing global forest cover and resources and tackling the underlying causes of deforestation and forest degradation;

Increasing the contribution of forests to global sustainable development, in line with Millennium Development Goals (MDG’s) and Multilateral Environmental Agreements (MEA’s);

Promoting sustainable forest management in order to achieve the above objectives.

II. FUNCTIONAL OBJECTIVES AND MECHANISMS

Strengthening long-term political commitment at the highest level;

Promote and enhance co-ordination of forest related actions and programmes between and among other international instruments and initiatives;

Establish at international level a clear, holistic and comprehensive view of the management, conservation and sustainable development of forests, taking into account criteria and indicators;

Provide an international platform for consensus building, decision making, monitoring and actions on issues of global concern (international guidance for national policy development);

Provide equal treatment for all countries, assuring equity and transparency in the process and encourage the participation of relevant actors;

Attract resources and more effective financial/operational mechanisms, and facilitate the provision of incentives, burden and benefit sharing mechanisms;

Facilitate and promote the implementation of internationally agreed actions on forests;

Provide a coherent, transparent and participatory global framework for policy implementation, co-ordination and development;
Provide, incentive, burden and benefit sharing;
Provide compliance and time-frame mechanisms;
National forest programmes (nfp's), land use and cross-sectoral cooperation;
Trade and procurement policies;
Encourage the provision of effective measures to promote good governance and forest law enforcement and to combat illegal harvesting of forest products and related trade, and to contribute to international efforts to this end.
Monitor and assess progress at the national, regional and global levels;

Question (i)

- (i) *Existing regional and international binding and non-binding instruments and processes relevant to forests and other relevant organisations and agreements, etc.*

The EU invites the UNFF Secretariat, in conjunction with the Collaborative Partnership on Forests (CPF) and the CPF Network, to take into account the work of the IPF/IFF process and the Costa Rica/Canada initiative in its compilation of forest-relevant conventions, agreements and processes. This should be updated to include recent developments, including those listed below.

Millennium Development Goals

Development-oriented goals which the global community is committed to achieve by 2015.

WSSD - Political Declaration and Johannesburg Plan of Implementation

The latter includes the forest paragraph and also the target to significantly reduce the rate of biodiversity by 2010.

UN Commission of Sustainable Development (CSD)

Under the CSD programme of work, forests will be reviewed in 2012-2013, in the framework of, *inter-alia*, Agenda 21 and the Johannesburg Plan of Implementation.

Monterrey Consensus (2002)

Establishes the framework for finance for development.

UNFF

CPF

CBD

In 2002 CBD adopted a wide-ranging Expanded Work-Programme on Forest Biological Diversity.

UNFCCC

The modalities for the use of forests and trees as carbon sinks were approved at the COP in Milan, 2003.

UNCCD

A new focal area of desertification was established under the Global Environmental Facility (GEF).

CITES

Ramin and broad leaf mahogany recently listed as endangered species.

ITTO

Adopted Objective 2000, aiming to ensure that all internationally traded tropical timber is from sustainably managed forests. The ITTA is currently being renegotiated.

In terms of regional processes, the EU considers **Ministerial Conference on the Protection of Forests in Europe (MCPFE)** to be a well developed model translating the IPF/IFF/UNFF commitments to the regional context. The MCPFE is a Pan-European forest policy dialogue based on political commitment at Ministerial level, through resolutions signed by 44 countries and the European Commission. It addresses all important areas and aspects concerning sustainable forest management, such as criteria and indicators, biodiversity, climate change, economic viability, cross-sectoral cooperation and good governance and law enforcement.

Question (ii)

- (ii) *Compilation of the progress made and catalysts and obstacles encountered by member States and Collaborative Partnership on Forests member organizations in implementing the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action and the decisions and resolutions of sessions of the United Nations Forum on Forests;*

EU member states have provided a high proportion of country reports to the UNFF over recent years. It is felt that the UNFF Secretariat and the CPF may be best positioned to provide a compilation of progress made and catalysts and obstacles encountered by member states in implementing the IPF/IFF proposals for action and the decisions and resolutions of the UNFF. Such a compilation should utilise and draw upon the extensive material contained in country reports submitted to date.

While this information is largely available and could be compiled by the UNFF Secretariat and the CPF, the EU would see merit in recognising the establishment of the CPF and the UNFF sessions themselves as potential catalysts in implementing the IPF/IFF proposals for action.

While the sessions may be viewed as catalysts, the UNFF as the international arrangement on forests has been criticised as failing to create the necessary dynamism in the forestry sector to implement the IPF/IFF proposals for action. The absence of legally binding instruments has, in the view of many in the international community, led to difficulties in obtaining long term commitment and financing. For some, it is the lack of incentives, including financial ones. For others, the main barriers lie in the lack of political commitment.

Question (iii)

- (iii) *Presentation of detailed description of a range of options, including their legal financial and institutional modalities.*

The EU considers that the following information, views and options relating to item (iii) warrant deliberation by the ad hoc expert group.

Binding options:

Create a convention on all types of forests which could take the existing principles and outcomes of inter-governmental negotiations and establish a structure under which a number of instruments could be produced, such as criteria and indicators, codes of conduct, guidelines, standards etc. on key issues related to SFM. Includes financial and technology transfer instruments and mechanisms for monitoring, assessment and reporting.

- Create a framework convention that could serve as a *chapeau* for regional and/or thematic annexes/protocols and mechanisms for financing, technology transfer and monitoring, assessment and reporting, with the possibility of specific protocols being agreed as consensus on the issues develops. It should be analyzed to what degree the provisions would be legally binding or, for instance, take the form of guidelines.
- Establish a protocol under CBD. Build on experience gained from the expanded work programme on forest biological diversity.

Non-binding options:

Improved UNFF continues as the global forestry policy forum without legally binding commitments or specific funding mechanisms. Possible potential for modification of meeting intervals and formats as well as regional dimensions. CPF continues to support UNFF and to coordinate forest related activities between the secretariats of MEA's and various organisations.

Discontinue UNFF – allowing forest issues of global importance to be taken up by existing global instruments and processes.

Reinforce FAO with enhanced structures, including a Ministerial segment (e.g. back-to-back with COFO and regional commissions), at the global and regional level.

**UNFF AD HOC EXPERT GROUP ON CONSIDERATION WITH A VIEW TO
RECOMMENDING THE PARAMETERS OF A MANDATE FOR DEVELOPING
A LEGAL FRAMEWORK ON ALL TYPES OF FORESTS**

SUBMISSION BY INDONESIA

INTRODUCTION

This submission is made pursuant to ECOSOC decision 2003/299 and United Nations Forum on Forests Decision 3/III, para (d) inviting member states of the UNFF to submit their views to the Forum Secretariat who will compile such views for use by the UNFF Ad-Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on All Types of Forests.

Legal Framework on All Type of Forests

An undeniable need to pick up the pace of action at all levels to promote sustainable forest management had been identified. The complex and interconnected forest issues forced the international community to make much more efforts, through among others the full implementation of "Forest Principles" and the IPF/IFF Proposals for Action and through many Forest-related regional and international conventions and agreements.

Indonesia is party to various multilateral environment conventions and agreements and active participant to a number of regional and international mechanisms on issues related to environment and sustainable development including sustainable forest management.

Those legally binding instruments related to forestry, in which Indonesia is party to, are among others: ITTA/ International Tropical Timber Agreement (1983), CITES/Convention on International Trade of Endangered Species (1978), Ramsar Convention on Wetlands and Waterfowls (1991), CBD/ Convention on Biological Diversity (1994), UNFCCC/ United Nations Framework Convention on Climate Change (1994), UNCCD/ United Nations Convention on Combating Desertification (1998) and active member country to the IPF/ Intergovernmental Panel on Forests and IFF/ International Forum on Forests processes as well as UNFF/ United Nations Forum on Forests. In addition, Indonesia is also party to other regional and international legally binding instruments related to environmental issues. The Government of Indonesia has ratified these

conventions through national legislations and Presidential Decrees so they are also legally binding in nature at the national level.

As one of the countries endowed by huge natural resources, the Government highly considers the importance of international cooperation in promoting sustainable utilization and ensuring the sustainable management of such resources for the benefit of present and future generations. The Government, therefore, place a high expectation that its membership to various mechanisms would contribute and generate greater benefits in achieving the objectives of each of the conventions. The benefit that could be derived from its membership to the various international conventions are highlighted, as examples, below.

Indonesia put CITES as one of the main international trade control mechanisms in order to prevent illegal commercial use of endangered species, both plants and animals. To promote the sustainable use of the national abundant natural endowments and to protect endangered species, Indonesia put in place a national legislation in the form of the Presidential Decree No. 43 Year 1978, which is also the ratification instrument of CITES. The Government in cooperation with relevant parties considers the effective functioning of this instrument as a means to achieve its goals. The Government has also undertaken important efforts to conserve and utilize wetland areas in Indonesia through, among others, the ratification of Ramsar Convention by Presidential Decree No. 48 Year 1991. Taking into account the huge wetland areas in Indonesia, the national active participation in Ramsar Convention is considered to be strategic and urgent, in promoting the achievement of the goals of Ramsar Convention.

Indonesia's high priority on the issue of sustainable management of biological diversity has been the rationale for the ratification of the CBD through Law No. 5 Year 1995. Such national legislation has been further translated into various national programs and policies on management and sustainable use of biological diversity. The Government has also enacted Law No. 6 Year 1994 pertaining to the ratification of the UNFCCC as a measure to overcome the adverse effects of climate change to developing countries. Indonesia has also issued a Presidential Decree No. 135 Year 1998 as a ratification instrument of the UNCCD in order to prevent land degradation. Such Convention is deemed important since it offers global program and cooperation opportunities to prevent and mitigate land degradation through applying new approach for dry land ecosystem management including poverty eradication.

ITTA is a multilateral agreement on commodities under the auspices of UNCTAD, and served as formal ground for ITTO. As a tropical timber producer, Indonesia considers ITTA to be an effective and transparent means in discussing and consulting matters on tropical timber in international market. However, a number of commitments, particularly of donor countries and organizations to provide financial and technology support, as well as institutional and human

capacity is crucial in the common efforts to achieve the goals and objectives of ITTA.

Indonesia's active participation to the global mechanism on Sustainable Forest Management (SFM) starting from the IPF to UNFF is also aimed at promoting cooperation to combat deforestation and implement the management of its forest in a sustainable manner. Through such mechanism, Indonesia promotes development of international norms and plan of action that could enhance cooperation and synergies in ensuring the achievement of SFM objectives at all levels.

The constraints in achieving the goals of various international legally binding mechanisms and non-legally binding mechanisms are basically common in nature. Both failed to promote the mobilization of financial resources, transfer of Environmentally Sound Technologies and capacity building particularly to developing countries. Both mechanisms are, however, very successful in developing a comprehensive plan of actions and norms, providing a forum for information exchanges, and raising awareness at all level. In this context, balanced implementation both in term of obligations and commitments should not only be honoured but also translated into concrete activities. Development of both legally and non-legally binding instruments on forest should adequately cover provisions of means of implementation and availability of concrete mechanisms concerning financial resources, transfer of technology and capacity building in support of Sustainable Forest Management.

United Nations Forum on Forests (UNFF)
Intersessional work by ad hoc expert groups
"Parameters of a mandate for developing a legal framework on all types of forests"

Japan's views
submitted to the UNFF Secretariat

May 2004

In response to the UN Economic and Social Council's decision (decision III of E/2003/42 and E/CN.18/2003/13), inviting UNFF member states to submit their views regarding the parameters of a mandate for developing a legal framework on all types of forests, Japan hereby submits to the UNFF Secretariat its views.

Background

At the United Nations Conference on Environment and Development (UNCED) held in 1992, global deforestation was recognized as one of the most urgent and prioritized issues to be tackled by the concerted efforts of the international community. Since then, considerable efforts have been made and significant progress achieved to this end, including the development and implementation of criteria and indicators for sustainable forest management, adoption of IPF/IFF Proposals for Action, and the establishment of UNFF. Despite these efforts, there are little signs that the rapid deforestation and degradation of forests worldwide has been, or will be, reversed.

This means that the largest terrestrial ecosystem will continue deteriorating, that global warming will accelerate, and that moreover, food security and social stability are in great peril. Achieving sustainable management of all types of forests in the world helps conserve global environment, stabilize supply of forest products in the long run, and alleviate prevailing social insecurity stemming from global deforestation. Therefore, sustainable utilization and conservation of all types of forests is an important issue to be addressed under international cooperation and partnership.

In addressing the issues of global-scale deforestation and forest degradation, it is important for the international community to fully recognize the unique feature of forests as exhaustible natural resources, which can either be depleted through reckless exploitation or poor management, or reproduced and sustained through the natural process under appropriate management. In this context, it must be assured that utilization of and trade in forest products will not result in

deforestation and forest degradation. It is therefore particularly important to promote environmentally-friendly utilization of and trade in forest products from sustainably managed forests. Recycled and multi-stage cascade-type use of such products needs to be promoted worldwide as well.

The UNFF provides a valuable forum for its member states and other relevant stakeholders to discuss and explore options for addressing the pressing issues described above. It is Japan's view, however, that further efforts need to be made by the international community to accelerate collaboration and concerted efforts for achieving sustainable forest management worldwide. Such efforts should be orchestrated and integrated under some form of efficient and effective international framework, including through coordination and improvement, where necessary, of the existing arrangements and instruments such as those functioning under ITTO, FAO and UNFF.

Expected functions of the international framework for sustainable forest management

Based on the general views as described above, Japan considers that some form of efficient and effective international framework should be established for promoting coherent international efforts towards sustainable forest management. In particular, such a framework should perform following functions:

1. "Some form of international framework " should:
 - 1) encourage effective implementation of outputs from international dialogues (such as IPF/IFF proposals for action and WSSD Plan of Implementation);
 - 2) encourage countries to carry out monitoring, assessment and reporting (MAR) on their national progress towards sustainable forest management;
 - 3) encourage countries to use internationally or regionally developed criteria and indicators (C&I) as a common framework for monitoring progress towards sustainable forest management;
 - 4) promote the sharing of information on progress towards sustainable forest management at national, regional and global levels, together with relevant experiences and lessons learned;
 - 5) encourage countries to continuously adapt their relevant policies based on the assessment on progress towards sustainable forest management; and
 - 6) provide a forum for the international community to consider and take concerted actions to address issues identified through the course of monitoring and assessing

progress towards sustainable forest management at national, regional and global levels.

2. Under such a framework, each country should:

- 1) give high priority to sustainable forest management within the national policies, with fully recognizing the importance of sustainable forest management as an essential goal for achieving sustainable development as well as a critical means to eradicate poverty, significantly reduce deforestation, halt the loss of forest biodiversity and land and resource degradation and improve food security and access to safe drinking water and affordable energy, as stated in the WSSD Plan of Implementation paragraph 45;
- 2) develop effective national forest programmes using internationally shared ideas and methodologies;
- 3) further promote development and application of C&I for sustainable forest management in collaboration with the international or regional C&I processes (such as Montreal Process);
- 4) share internationally the information on its progress towards sustainable forest management, including through national reporting and other means;
- 5) take actions toward achieving sustainable timber harvesting and trade in wood and non-wood forest products harvested from sustainably managed forests; and
- 6) promote recycled and multi-stage cascade-type use of wood products from sustainably managed forests.

Legal, financial and institutional modalities

The expected functions of the international framework described in the previous section have partly been materialized by the establishment of UNFF and Collaborative Partnership on Forests (CPF) as well as by the efforts made within various relevant institutions and instruments to incorporate those functions into respective mandates and work programs.

Since effectiveness of the international arrangement on forests will be reviewed by UNFF at its fifth session in 2005, and also because not so long a time has passed yet since the establishment of UNFF and CPF, it would be still premature to elaborate the specific modalities of the international framework, including the details of legal and/or non-legal effects to be attached.

In assessing the effectiveness of the international arrangement on forests, as well as in considering the legal, financial and institutional modalities of the international framework, due consideration should be given to the following points:

- 1) Existing arrangements and instruments should be fully utilized, including those functioning under existing relevant conventions, intergovernmental frameworks such as ITTO, FAO and UNFF, and other collaborative arrangements such as Asia Forest Partnership (AFP), G8 and regional initiatives on criteria and indicators. For instance, the international framework to be considered should fully utilize the existing functions of ITTO as a framework for consultation, international cooperation and policy development among its member countries including producer and consumer countries of tropical timber. Similarly, functions of FAO and related bodies such as Committee on Forestry (COFO) and regional forestry commissions, including those related to monitoring, assessment and reporting (MAR) on sustainable forest management such as the Global Forest Resources Assessment, should be fully utilized.
- 2) On-going developments and discussions under other relevant arrangements and instruments should be fully taken into account, such as the new International Tropical Timber Agreement (ITTA) which is currently under negotiation, and the forest-related provisions of the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol.
- 3) Concrete and effective measures to promote sustainable forest management and to internalize its costs into forest product prices should be taken throughout the world, not only in a limited number of countries. Failing to ensure worldwide implementation of effective actions would significantly discourage the efforts of countries committed to taking such measures.
- 4) In order to ensure the implementation of effective measures in as wide a range of countries as possible, financial arrangement should not be designed so as to depend excessively on the contribution of a limited number of donor countries. In this regard, ways to ensure efficient and effective utilization of existing financial resources and mechanisms, without establishing a new financial mechanism, should be seriously examined.
- 5) Full consideration should be given to the consistency with existing international instruments such as WTO agreements and instruments related to intellectual property rights. It would be also important that the consideration on modalities of the international framework on forests does not prejudge and should be consistent with the outcomes of discussions underway in relevant fora, such as the discussions under CBD on the access to genetic resources and sharing of benefits arising out of utilization of genetic resources.

MALAYSIA'S VIEWS ON THE PARAMETERS FOR DEVELOPING A LEGAL FRAMEWORK ON ALL TYPES OF FORESTS

1.0 INTRODUCTION

1.1 Currently, there exist several internationally legally-binding instruments addressing forestry issues, among them are the Convention on Biological Diversity (CBD); the United Nations Framework Convention on Climate Change (UNFCCC); the United Nations Convention to Combat Desertification (UNCCD); the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (CITES), the International Tropical Timber Agreement, 1994 (ITTA); and the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitats, 1972. These instruments address forest issues in specific contexts, embodying the concept of sustainability and addressing many cross-cutting issues relevant to forests, including financial resources, technology transfer and trade. However, most of these instruments such as the CBD, UNFCCC and UNCCD are framework agreements, containing overall goals and policies, rather than detailed implementation plans which are determined by individual parties to the instruments.

1.2 At the regional level, there are also several instruments which have an impact on the conservation and sustainable use of forests. A few of the most significant ones are the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, 1940; the African Convention on Conservation of Nature and Natural Resources, 1968; the Apia Convention on Conservation of Nature in the South Pacific, 1976; the ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985; the Protocol on the Sustainable Management of Forest Resources to the Lome IV Convention, 1995 and the Central American Regional Convention for the Management and Conservation of the Forest Natural Ecosystems of the Development of Forestry Plantation, 1993. All these instruments, generally, address the conservation of forest resources through the designation of specially protected areas and habitats of endangered flora and fauna.

1.3 With global deforestation and forest degradation showing no signs of abating, and with it a loss of environmental, economic and social benefits that undermine sustainable development, it is evident that an international framework or convention on forests would be required to focus and intensify political will and public support to conserve, protect and sustainably manage the world's forests. Addressing forests and forest-related issues in a fractionated manner is inefficient, not cost-effective and undesirable. These forest issues need to be addressed in a cohesive and comprehensive manner which accommodates economic, environmental, social and cultural dimensions.

2.0 AVAILABLE OPTIONS

2.1 There has been opinion expressed by the international community that elaborating forests through a new instrument will not halt the current rate of deforestation and other cross-sectoral issues that have an impact on the ability of countries, and in particular, developing countries, to conserve, protect and manage their forests sustainably, and that options should be explored of having forests and forest-related matters addressed through existing legal instruments and regional agreements dealing with forests. Moreover, many were concerned with the risks that may be associated in negotiating a new comprehensive instrument on forests as, first, the negotiations will be lengthy and time-consuming, and as such taking significant financial and technical resources from all countries, thus possibly deferring or delaying the much needed actions required on the ground to enhance sustainable forests management. Second, the current lack of consensus on some of the key forestry issues within the international community may lead to a weak set of criteria and norms which would only reflect the lowest common denominator. Third, a new instrument on forests may undermine the efforts that are being taken by existing instruments and institutions that currently address forests and forest-related matters.

2.2 In this regard, addressing forests and forests-related matters under the CBD which is based on the premise that conservation of forest biological diversity cannot be achieved without the sustainable use of all the goods and services provided by forests would place undue emphasis on the biological diversity aspects of forests and less on the economic and social aspects that forests provide, such as trade and employment, which are of great importance to many developing countries, including Malaysia, in their quest to attain sustainable development.

2.3 Furthermore, addressing forests under the UNFCCC, a convention that places emphasis on the climate-protecting function of forests, would restrict forests and forest-related matters to be addressed in a holistic and integrated manner as agreed at the United Nations Conference on Environment and Development (UNCED) held in Brazil in June 1992. In addition, the UNFCCC has had only a relatively minor impact as an instrument for regulating all forests and forest-related functions, although the loss of forested areas is directly related to an intensification of the greenhouse effect in the atmosphere.

2.4 It has also been advocated that forest issues be addressed at the regional level or through existing regional agreements as they may offer a number of potential advantages, such as a more manageable numbers of contracting parties with common political, economic and cultural ties. Although this may ease the negotiation process, region-specific priorities may not be able to address issues that transcend traditional regional boundaries, such as climate change, trade of forest products and the conservation and use of forest biological resources. Furthermore, the only noteworthy regional level treaty that currently addresses

forests in a holistic and integrated manner is the Central American Regional Convention for Management and Conservation of the Forest Natural Ecosystems of the Development of Forestry Plantation, 1993.

2.5 In the light of the above shortcomings, Malaysia is of the view that there is still a need for an international framework or convention on forests as this would address all forests and forest-related matters in a holistic and integrated manner, and that such an instrument would:-

(i) allow forest issues that are so distinct and varied to be addressed in a holistic and comprehensive approach that would transcend the confines of existing instruments and would integrate the conservation of forests and their biological diversity, the socio-economic importance of forests to nations, the effects of international trade and the cultural and spiritual values of forests;

(ii) overcome the increasing fragmentation in activities of international organizations due to the limited resources available for them to undertake more comprehensive approaches to address forests and forest-related matters, although some actions have been taken to address them;

facilitate international trade of forest products and raise public and political awareness of the values of forest goods and services through managing the forests sustainably;

address more effectively the underlying causes of global deforestation and the conservation and sustainable use of forests as a whole, and not just for timber, as well as equitably addressing the interest of forest-dwellers and forest-dependent and local communities;

(v) provide a more predictable environment that will attract the much needed private investment for sustainable forest management and increase the level of cooperation, technology transfer and networking which are rather lacking at present; and

fill the existing vacuum in many areas of international policy on forestry, including the promotion of trade in sustainably produced forest products which would help to raise the necessary revenue to finance sustainable forest management as without such allocation of resources which only an international framework or convention on forests could promote, the forests may not be able to survive the current rather *ad hoc* international legal and regulatory environments.

2.6 Furthermore, an international framework or convention on forests would:-

- (i) harmonize and reconcile the multiple and potentially conflicting international instruments related to forests as there are overlaps and duplications in existing instruments, such as the UNFCCC, CBD and the CCD, and so are the roles of existing regional agreements;

consider elements of forest issues that are already dealt with by existing international and regional instruments, and forest-related organizations and institutions, but will be based on the full and comprehensive integration of forest biological diversity, climate regulation, soil and water conservation, social and economic imperatives in the overall context of sustainable forest management;

provide an over-arching strategy to fully integrate forest conservation and sustainable management into policy-making at the local, national, regional and international levels; and

- (iv) focus and intensify political will and public support to conserve, protect and sustainably manage the world's forests.

2.7 In this context, the scope of the international framework or convention on forests should be based on the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles) as this would among others, address market access, unilateral bans and boycott, the provision of financial resources and the transfer of technology, as well as the management, conservation and sustainable development of all types of forests.

2.8 The institutional arrangement to ensure the effectiveness of the international framework or convention on forests would be the meeting of parties acceding to the instrument, while a global forest fund would be established under the instrument to enable its members to undertake the work agreed under the international framework or convention on forests.

3.0 CONCLUSIONS

3.1 Current legally-binding instruments and agreements focus on specific aspects of forests, such as trade in tropical timber, forestry research, the protection of endangered species and certain types of forest habitats. Others are regional in scope and attempt to set general guidelines for forest conservation and development within the overall framework for the conservation of nature and natural resources. Moreover, national or regional actions cannot address global

forest issues and at best could only tackle those that arise at the country or regional level.

3.2 The increasing fragmentation in activities of traditional institutions such as governments and UN organs due to their limited resources will not enable them to have the necessary enabling conditions to deal successfully the complex global dynamics of forest issues, while traditional international diplomacy ignores global economic dynamics that give rise to environmental degradation and global deforestation.

3.3 While forests are located within the boundaries of sovereign nations where their rights and jurisdiction to manage and utilize them are unquestionable and should be recognized universally, many of the benefits derived from forests are at transboundary, regional and global levels. This is made even more pertinent in an increasing liberalized and globalized borderless world where transboundary and global environmental impacts of forests and forest-related activities in individual countries may affect other countries. Hence, there is an urgent need to have a more transparent global governance on forests and for an appropriate framework or convention to cooperate and assist in the conservation, utilization and sustainable management of forests at the national, regional and global levels.

3.4 Furthermore, Malaysia, as a member of the International Tropical Timber Organization (ITTO), is committed to the ITTO Year 2000 Objective whereby all forest products traded in the international market would have to be sourced from sustainably managed forests. However, this commitment to the ITTO Year 2000 Objective is only applicable to tropical forests and not to temperate and boreal forests, and hence, an international framework or convention on forests would provide the level-playing field for the global community to assess the sustainability of all types of forests.

FORO DE LAS NACIONES UNIDAS SOBRE LOS BOSQUES (FNUB)
Elementos sobre la elaboración de parámetros para
un marco jurídico sobre los bosques

Dentro de los elementos a tomarse en cuenta destacan los siguientes principios rectores:

- Promover el manejo integral sostenible de los recursos forestales, así como de las cuencas y ecosistemas hidrológico-forestales.
- Impulsar la silvicultura y el aprovechamiento de los recursos forestales.
- Desarrollar bienes y servicios ambientales y proteger, mantener y aumentar la biodiversidad que brindan los recursos forestales.
- Contribuir al desarrollo socioeconómico de los pueblos y comunidades indígenas, así como de ejidatarios, comuneros, cooperativas, pequeños propietarios y demás poseedores de recursos forestales.
- Garantizar la participación de la sociedad en la aplicación, evaluación y seguimiento de la política forestal.
- Desarrollar criterios e indicadores para el manejo forestal sostenible.
 - Promover y consolidar las áreas forestales permanentes, impulsando su delimitación y manejo sostenible, evitando que el cambio de uso de suelo con fines agropecuarios o de cualquier otra índole afecte su permanencia y potencialidad.
 - Regular la prevención, combate y control de incendios forestales, así como de las plagas y enfermedades forestales.
 - Regular el transporte, almacenamiento y transformación de las materias primas forestales, así como la vigilancia de estas actividades.
 - Promover que los productos forestales procedan de bosques manejados sustentablemente a través de la certificación forestal.
- Impulsar acciones con fines de conservación y restauración de suelos.
- Fomentar la cultura, educación, capacitación, investigación y desarrollo tecnológico forestal.

**New Zealand views in response to a request from UNFF-3
(ECOSOC decision 2003/299)**

In preparation for

The meeting of the Ad Hoc Technical Expert Group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests.

- i) **Presentation of factual and technical information; including updated information on existing regional and international binding and non-binding instruments and processes relevant to forests and that of other relevant organisations and agreements, including multilateral environmental agreements and regional conventions and processes.**

New Zealand practices and actively advocates sustainable forest management (SFM) for sound social, economic, environmental and cultural reasons. Its approach to SFM is demonstrated in its range of policies, legislation and market-based incentives.

Forestry in New Zealand, unlike many countries, is characterised by a clear separation between commercial production forests and natural forests. Production forests largely comprise privately owned planted forests (chiefly radiata pine), and natural forests are largely within the Government-administered, non-timber producing, Conservation estate. While there is a small level of timber production from sustainably managed, privately owned natural forests, over 99 percent (by value and volume) of timber production is from planted forests.

Management of New Zealand forests has progressed from the early exploitative practices in the 19th Century, based on natural forests, to a well developed planted forest industry based on a strong legacy of research and development, coupled with the reservation and conservation management of substantial areas of natural forest. Government policies and legislation, in conjunction with non-government organisation (NGO) and sector accords and codes of practice, have consolidated environmental standards and SFM practices.

Therefore, initiatives like the Intergovernmental Panel on Forests / Intergovernmental Forum on Forests (IPF/IFF) proposals for action and Montreal Process Criteria and Indicators (which encompasses many of the IPF/IFF proposals) are implemented within this existing legislative and policy framework, which is consistent with these international guides for SFM. New Zealand's forest management practices tend to be measured against (rather than instructed by) international guides for SFM. Nevertheless, New Zealand considers it important to support and promote SFM internationally as well as domestically.

EXISTING INTERNATIONAL ORGANISATIONS AND INITIATIVES DEALING WITH FORESTS THAT NEW ZEALAND PARTICIPATES IN ARE:

New Zealand has promoted the concept of SFM in the international forestry conventions, agreements and processes and has noted that the objectives and terms of reference for these processes can often overlap. New Zealand is pleased that the Collaborative Partnership on Forests (CPF) promotes co-ordination and co-operation while avoiding duplication of effort.

- **United Nations Forum on Forests (UNFF)**

New Zealand has participated fully in the UNFF since it was established in 2000, as well as in the preceding IPF and IFF processes. New Zealand reported on the IPF/IFF proposals for action (the Proposals) in its report to UNFF-4¹. Further discussion about the progress made in implementing the Proposals can be found in section (ii) of this paper.

New Zealand hosted a UNFF intersessional experts meeting in Wellington, from the 25-27 March 2003. This meeting promoted the role of planted forests in SFM.

New Zealand sees the Forum's non-binding nature as positive for encouraging wide participation from a range of member states of the United Nations. Furthermore, the time-checked mandate of the UNFF² allows the forum to adapt to new and emerging issues.

The Collaborative Partnership on Forests (CPF) was established in 2001 to support the work of the UNFF and member countries and to enhance co-operation and co-ordination on forest issues. The emphasis on collaboration provided by the CPF is particularly important for international forestry policy and action, as duplication of effort and potential conflict in forestry policy should be avoided wherever possible.

- **Food and Agriculture Organisation of the United Nations (FAO)**

The FAO was founded in 1945 and its directive is to raise living standards, improve agricultural productivity (including forestry) and advance the condition of rural populations. The FAO assists countries to manage their forest resources in a sustainable manner, balancing social, economic and environmental concerns. This is achieved by working in partnership with member countries' governments and other organisations (both national and international) by providing direct technical support, information and advice. This is especially important where members have inadequate funding, human resources or infrastructure that limits their ability to implement the recommendations of the 1992 UNCED conference. The FAO also serves as a neutral forum for member discussions.

The FAO, along with the UN Environment Programme (UNEP), played an important role in the establishment of most of the Criteria and Indicator (C&I) processes in Latin America, Africa and Asia, particularly for technical support. At a policy level, the FAO and the International Tropical Timber Organisation have convened a number of international meetings and expert meetings to address outstanding issues and to maintain high level interest on the subject.

The FAO leads the National Forest Programme Facility, which aims to facilitate knowledge sharing and capacity building in the forestry sector to ensure the informed participation of a broad range of stakeholders in the development of national forest programmes. The essential role of such programmes in addressing SFM issues, and wider development issues, was recognised and identified as a priority by the IPF and IFF processes.

¹ http://www.un.org/esa/forests/pdf/national_reports_unff4_new_zealand.pdf

² ECOSOC resolution 2000/35 recognised that an international arrangement on forests should be dynamic and adapt to evolving conditions. Therefore it was decided that the UNFF would be reviewed after five years including a review of the position of the UNFF in the UN system.

Asia-Pacific Forestry Commission (APFC)

New Zealand has been actively involved in the APFC, one of six FAO Regional Forestry Commissions. The Asia-Pacific region is one of the keys regions in the world where forests are under threat. New Zealand and Australia are in a good position to assist the FAO with their activities in the area, particularly in the promotion of SFM through capacity building and the sharing of expertise, experience and technology.

Some of the initiatives New Zealand has been involved in are;

- the Development of a Regional Code of Practice for Harvesting;
- exemplary Forest Management recognition and promotion; and
- assessing the impact of incentives on the development of plantation forestry.

• International Tropical Timber Organisation (ITTO)

The ITTO's mission is to "facilitate discussion, consultation and international co-operation on issues relating to the international trade and utilisation of tropical timber and the sustainable management of its resource base". In accordance with its mission the ITTO is involved with various other international organisations and processes dealing with forestry issues, including the CPF, UNFF, the Convention on Biological Diversity (CBD) and the United Nations Food and Agriculture Organisation (FAO).

New Zealand has been a member and active participant of the ITTO since 1992. Although the ITTO is a commodity organisation it also has a sustainable forest management focus. The ITTO is a valuable forum for New Zealand, specifically in promoting the sustainable management of tropical forests and for discussions on illegal logging, the role of plantations in SFM and for generic forest policy developments. Membership fees and the voting system are based on a nation's share of international tropical timber trade. This ensures nations with a wide range of backgrounds and capacities are able to justify membership of the organisation and contribute constructively to the issues.

The project funding mechanism is especially useful in promoting the ITTO's objectives. SFM projects are put forward for an assessment process and funds are then pledged voluntarily by members at council sessions. Pledged funds generally come from 'consumer' members and contribute to projects in 'producer' member countries. However, this is not a hard and fast rule.

Criteria and Indicators (C&I): Montreal Process Criteria and Indicators (MPCI)

New Zealand plays an active role in the global development relating to C&I both in terms of policy and implementation. It has actively participated in all international expert meetings and related activities. New Zealand was one of the original members of the MPCI when it signed up to the Santiago Declaration in 1996. Since then New Zealand has been involved in promoting the process, regular technical development to refine and improve the MPCI as well as taking measures to implement it. The first report by the group on implementation of the MPCI was published in 2003. The New Zealand report is available on the New Zealand Ministry of Agriculture and Forestry (MAF) website¹.

¹<http://www.maf.govt.nz/mafinet/publications/montreal-progress-country-report-2003/montreal-process-technical-paper-2002-21.pdf>

One of the issues with SFM has been the inability to define it in an operational manner and to find ways to implement it. The MPCCI not only help identify the key components of SFM but also provide both the tools to implement SFM as well as a framework for documenting progress made over time. Also, the MPCCI recognises SFM at the national level and notes that planted forests are an integral part of SFM. Membership of the process is voluntary. For all these reasons, New Zealand sees the MPCCI, and other criteria and indicator processes as integral parts of global moves towards SFM.

- **Forest Law Enforcement and Governance Group (FLEG)**

In September 2001, a Ministerial meeting was held in Indonesia to address the global problem of illegal logging. The result was the signing of the Bali Declaration, which provided a clear mandate to tackle forest crimes through the FLEG initiative. The process brings together timber producing countries in the East Asia-Pacific region and various timber consuming countries.

New Zealand is a relative newcomer to the FLEG process having first attended the post-Bali Task Force meetings in May 2002 and again in January 2003. New Zealand interest in FLEG is as a strong proponent of regional and global initiatives to eliminate unsustainable and illegal practices and related trade. New Zealand also has an interest as a timber producer and importer, and also through its continuing involvement in international discussions related to forest sustainability. The New Zealand Government's recent review of timber procurement policy is also linked to FLEG and its associated trade issues.

- **Bilateral arrangements**

In addition to the MPCCI New Zealand engages in various bilateral forestry arrangements with key trading partners, such as the New Zealand-People's Republic of China Joint Forestry Commission and the New Zealand-Republic of Korea Joint Economic Commission. These provide valuable opportunities to discuss, *inter-alia*, technical information regarding forestry practices and experiences in the implementation of SFM.

- **Certification processes**

Voluntary certification is fast becoming a tool in forest management in New Zealand. In 2001, the drafting of national forestry standards (one for planted production forests and one for natural indigenous production forests) began with the establishment of the National Initiative Working Group (NIWG). This is structured in a similar way to the Forest Stewardship Council (FSC) system with the addition of a 'Maori Chamber'⁴. The national standard is being developed in accordance with FSC guidelines and processes: however the result will be applicable to all other standards (for example, the Pan-European Forest Certification Scheme). At this point in time, the planted production forest standard is still under development, while the standard for natural indigenous forests has not yet started.

At present, around 39 percent of plantation forest by area is FSC certified in New Zealand and these certifications are based on interim standards.

The New Zealand government has had very limited involvement with the development of certification processes in New Zealand because the processes are largely industry-driven.

⁴The FSC system has three chambers: Economic, Social and Environmental.

INITIATIVES THAT DEAL WITH FORESTS AS PART OF A WIDER MANDATE, WHICH NEW ZEALAND PARTICIPATES IN ARE:

- **Convention on Biological Diversity (CBD)**

The CBD is a framework Convention and therefore produces mostly non-binding decisions. The CBD is increasingly dealing with; *inter alia*, forest-related issues. An extended programme of work has been developed for forest biodiversity under the CBD and other international organisations and processes are being asked to collaborate with the CBD on this work programme. New Zealand as a Party to the CBD participates in the discussion related to implementation of SFM and its linkages to conservation, sustainable use and benefit sharing of forest biodiversity.

- **United Nations Framework Convention on Climate Change (UNFCCC)**

New Zealand is a Party to the UNFCCC and has ratified the Kyoto Protocol. The UNFCCC and related processes are important to international forest policy because it requires the protection and enhancement of forest sinks and reservoirs and because of the role of forests as sinks for carbon sequestration. SFM issues are increasingly crossing-over into climate change fora, for example the role of plantation forests in sequestering carbon.

World Trade Organisation (WTO)

The non-agriculture market access negotiations within the WTO include forestry products. The objective of the WTO is fair trade through trade liberalisation. The IPF/IFF proposals for action consider that trade liberalisation helps to facilitate the achievement of sustainable development by removing distortions to economic activity and thereby allowing the true values of resources, products and processes to be reflected. Therefore, New Zealand sees participation in WTO negotiations as an important part of achieving SFM.

Other

- Organisation for Economic Co-operation and Development (OECD)
- Convention on International Trade in Endangered Species (CITES)
- United Nations Convention to Combat Desertification (UNCCD)
- United Nations Environment Programme (UNEP)
- Asia-Pacific Economic Cooperation (APEC)

ii) Progress made, catalysts and obstacles encountered in implementing the IPF/IFF proposals for action and resolutions of UNFF sessions.

Elements of New Zealand's forestry history, outlined in section (i) above, plus the fact that New Zealand does not have a single, overarching national forest programme as in many other countries, have a strong bearing on the way New Zealand approaches the IPF/IFF proposals for action (the Proposals).

Although the Proposals are not legally binding, participating countries are expected to conduct a systematic national assessment of the Proposals and to plan for their implementation. To conduct this assessment for New Zealand, MAF has convened an expert panel of officials who understand the production and/or conservation sectors of New Zealand forestry. This panel is tasked with working through New Zealand's latest (internal) "IPF/IFF proposals for action report" and assessing (through a scoring process) how well New Zealand

is progressing. The target completion time was late November 2003, but because of resource constraints this exercise is running behind schedule. The next step will be to involve a number of industry and environmental non-government organisation experts in a similar scoring assessment. The objective is to identify areas where additional work may be needed to more fully implement the Proposals.

MAF has also incorporated into its processes for managing the Proposals crosswalks between them and the MPC and the CBD.

iii) Presentation and detailed description of a range of options, including their legal, financial and institutional modalities.

There is a wide range of options for future international forest policy development. At one end of the spectrum is the status quo: no forestry convention and the continuation and/or development of voluntary initiatives. At the other extreme is an entirely legally binding forestry convention (also known as a legally binding instrument – LBI) with well developed and fully resourced enforcement and financial mechanisms. Within this span there are many other options ranging in, *inter alia*;

- the extent to which they would be binding;
- what aspects of forestry could be included;
- how elements of SFM would be defined;
- how enforcement will be designed, resourced and implemented;
- how financing for the Convention and/or projects will occur;
- how the arrangement would retain some flexibility to address emerging issues; and
- how co-ordination with other international agreements would take place.

It is difficult to assess which one of these options is the best without a detailed consideration of issues affecting each country. This is an issue to be addressed by the international community.

The need for financing for SFM initiatives is an important issue that will need to be addressed in relation to future options. One useful model that could be considered is the ITTO. Project proposals are submitted by members and undergo rigorous assessment and review processes. Voluntary project funding is then pledged to specific projects by members. Members of the ITTO pay membership dues to finance the administration of the organisation based on their share of tropical timber trade (the ITTO is a commodity organisation). This model ensures that states can contribute funding according to their own capacity and priorities while still providing an opportunity for project funding. Countries can also lobby other nations and/or organisations for specific funding.

Also, the IPF/IFF proposals for action have drawn attention to the need for countries to develop appropriate policies to secure private investment, both foreign and domestic, to support, *inter alia*, the implementation of SFM. Appropriate policies should not only include those designed to specifically attract investment, but also to promote a free and fair market economy where the sector could develop in an efficient and competitive manner.

In summary, if the Technical Expert Group could identify more closely the options available with their implications, it will allow for an informed discussion at UNFF-5 in addressing the issues for consideration with the view to recommending the parameters of a mandate for developing a legal framework on all types of forests.

On the preparation for the meeting of the ad hoc expert group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests

**Views provided by Norway
6 February 2004**

With reference to the Note from the UNFF Secretariat of 20 November 2003, the recommendations made by the UNFF at its 3rd session, and the ECOSOC decision 2003/299, Norway acknowledges this opportunity for providing our views in the preparations for the meeting of the ad hoc expert group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests.

General comments

Norway considers this work to be of utmost importance to enhance progress toward sustainable forest management, in a holistic, comprehensive and integrated manner. We share the view and concern of many countries that no cohesive and comprehensive instrument exists, covering management, conservation and sustainable development of all types of forests.

At this time in the process we would like to draw the attention to earlier work related to the issue, under IPF and IFF, both in-session and intersessional work, and the work conducted under UNFF and by the CPF. Also, work organized in other forest-related processes should be taken into account, to ensure consistency and avoid duplication of work. We want to highlight the developments in the Ministerial Conference on the Protection of Forests in Europe. This process has proven to be a useful tool for 'translation' of global matters to a European context, including through setting common priorities and plans for implementation and assessing progress in implementation.

In our view, CPF members may have the best basis for providing comprehensive information under items (i) and (ii). Further, we expect the basis for detailed elaborations under item (iii) to be improved by contributions from Member States and CPF members under item (i) and (ii). Consequently, we have chosen not to go into details at this stage, but rather presenting what we consider as key issues under each topic.

Views and comments on the specified items

- (i) *Factual and technical information including updated information on existing regional and international binding and non-binding instruments and processes relevant to forests and that of other relevant organisations and agreements, including multilateral environmental agreements and regional conventions and processes*

New developments that should be reflected in a compilation under this item, include (the list is not intended to be complete):

The Expanded Programme of Work on Forest Biological Diversity, adopted by the Convention of Biological Diversity at COP 6, in 2002.

Ongoing work under ITTO: the ITTC and Preparatory Committee for the Negotiation of a Successor Agreement to the ITTA, 1994.

Johannesburg Declaration and WSSD Plan of Implementation

The developments within the Ministerial Conference on the Protection of Forests in Europe, including its collaboration with Pan-European Biological and Landscape Diversity Strategy

- (ii) *Compilation of the progress made, catalysts and obstacles encountered by the Member States of the UNFF and CPF members in implementing the IPF/IFF proposals for action and the decisions and resolutions of UNFF sessions*

Important sources of information for Member States on this item include the country reports to UNFF sessions on the various elements of work. An important shortcoming that should be taken into account is the limited number of country reports and a possible skewed distribution of the responses.

Some Member States have conducted, or are in a process of conducting, a review of national implementation of the IPF/IFF proposals for action, the UNFF's decisions and resolutions and/or the recommendations under the CBD Expanded Programme of Work on Forest Biodiversity that most likely will provide valuable information under this item. Norway is conducting an evaluation of the national implementation this spring. Based on supplementary information from the evaluation, we expect to be better prepared to reveal catalysts and obstacles encountered in the implementation. Thus we should be in a position to submit a comprehensive report on national implementation of IPF/IFF proposals for action before UNFF 5.

- (iii) *Presentation and detailed description of a range of options, including their legal, financial and institutional modalities*

Norway is in favour of a cohesive and comprehensive instrument to enhance progress toward sustainable management of all types of forests. During the UN forest process, a range of options for international arrangements and mechanisms has already been introduced, e.g. in the report of the Secretary-General to IFF4: *International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests (E/CN.17/IFF.2000/4)*. In our view the options presented in the report, together with updated information and views provided by Member States, CPF members and other contributors could serve as basis when preparing for the *ad hoc* expert group.

In the elaborations leading up to *consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests*, we find the following aspects to be of importance:

Forests should be dealt with comprehensively, covering management, conservation and sustainable development of all types of forests. All forest issues and multiple values of forests should be addressed, balancing the economic, environmental, social, and cultural aspects.

Focus should be on implementation of existing commitments in a balanced, holistic and mutually reinforcing way, as well as to bring emerging issues into the agenda. In accordance with the WSSD Plan of Implementation, actions should be taken at all levels.

A global forest arrangement should be consistent with existing international forest-related instruments. It should support and coordinate forest-related actions of existing instruments and international bodies and not duplicate or undermine them.

Co-ordination between international, regional and national levels should be strengthened.

There is a need to enhance the political commitment to sustainable forest management at national, regional and international levels. This further requires a broad consensus among forest rich and forest poor countries, as well as between developing and developed countries.

The interface between a global framework and regional processes is of utmost importance. The potential future role and functions of regional processes and initiatives in promoting and facilitating sustainable forest management at national and regional levels should be elaborated. Regional cooperation in support of a global framework could include to:

- develop understanding of the IPF/IFF proposals for action and other forest related provisions,
- elaborate and further develop global decisions and recommendations in a regional context,
- exchange experiences and lessons learned in implementation,
- bring to light common needs, possibilities and constraints,
- set common priorities and plans for implementation and assess progress in implementation.



PANAMA

requieren del apoyo técnico y financiero a fin de lograr un mayor eficacia en el desarrollo de todo el proceso y construcción conceptual del Plan Nacional de Desarrollo Forestal.

Las acciones, indicadores y compromisos emprendidos en el Plan Nacional de Desarrollo Forestal, deberán enmarcarse en lo establecido en la política forestal que comprenden:

- Formulación en forma participativa, del Plan Nacional de Desarrollo Forestal.
- Incorporación del PNDFS en el Plan Nacional de Desarrollo Económico Nacional.
- Fortalecimiento y coordinación interinstitucional.
- Revisión de políticas y mecanismos de incentivos a la reforestación y al manejo sostenible de bosques.
- Estudios sobre alternativas para la modernización e innovación tecnológica de la industria forestal nacional.
- Identificación de mecanismos para el cobro y pago de servicios ambientales generados por los bosques.
- Incorporación de todos los aspectos que resaltan el rol de los recursos forestales en la reducción de la pobreza.
- Definición de estrategias para poner en marcha el Fondo de Desarrollo Forestal (FONDEFOR) en base al cobro y pago por aprovechamiento de los recursos forestales.

Esto se logrará a través de los siguientes Objetivos Específicos:

- 1- Formulación de forma participativa el Plan Nacional de Desarrollo Forestal Sostenible como instrumento de base para el manejo de los recursos forestales y de apoyo para la implementación consensuada de la Política Forestal Nacional.
- 2- Fortalecimiento de la capacidad institucional para fomentar la participación de los actores del subsector forestal y de otros sectores relacionados en la implementación del Plan Nacional de Desarrollo Forestal Sostenible.
- 3- Establecimiento de una estrategia financiera para la implementación del Plan Nacional de Desarrollo Forestal Sostenible (PNDFS).
4. Parámetros del mandato para elaborar un marco jurídico sobre todos los tipos de bosques.

En Panamá, el marco legal que rige los recursos forestales, está establecido por la Ley N° 1 del 3 de febrero de 1,994, "Por la cual se establece la legislación Forestal de la República de Panamá, y se dictan otras disposiciones". La Ley es reglamentada por la Resolución de Junta Directiva N° 05-98 de 6 de marzo de 1998 "Por la cual se reglamenta la Ley N° 1 de 3 de febrero de 1,994 y se dictan otras disposiciones". El espíritu y objetivo de la Ley Forestal, es el manejo sostenible de los recursos forestales en el territorio nacional y otras disposiciones complementarias. En la Ley se definen conceptos importantes que guían hacia la conservación y uso sostenible de la biodiversidad forestal, entre los cuales están:



bosque natural; bosque de producción; bosque de protección, es decir, el énfasis de la ley se concentra en la conservación, protección y uso sostenible de los bosques naturales.

La legislación, presenta los objetivos generales del manejo forestal del país, incluyendo una clasificación de las tierras forestales, descripción del Patrimonio Forestal del Estado, lineamientos básicos para las operaciones forestales, responsabilidades, la protección forestal, la necesidad de realizar estudios de impacto ambiental.

La Estrategia Nacional del Ambiente, aprobada mediante Resolución de Gabinete N° 36 de 31 de mayo de 1,999, contempla la visión de desarrollo forestal al año 2,005 y al año 2,020.

Visión al año 2,005: Se inicia el ordenamiento, se fortalece la capacidad institucional de administración forestal, la industria mejora su eficiencia, se reorganiza el subsector con la participación del Estado y la sociedad civil, se incrementa el área reforestada y se incorporan tierras semiabandonadas y subutilizadas, se logra consenso para la participación del Estado, la comunidad y la empresa privada para el manejo sostenible.

Visión al año 2,020: los recursos forestales se han ordenado, incrementado y se manejan sosteniblemente. La industria forestal ha incorporado mejores tecnologías. La contribución al PIB ha mejorado y la deforestación ha llegado a niveles mínimos. Se ha logrado la participación consensuada del Estado, la comunidad y la industria, permitiendo la gestión productiva sostenible.

El Gobierno Nacional en cumplimiento a lo establecido en la Estrategia Nacional del Ambiente, formula y aprueba mediante Decreto Ejecutivo N° 2 del 17 de enero de 2,003, "Los Principios y Lineamientos Básicos, de la Política Forestal de Panamá", la cual representa el conjunto de principios, objetivos, normas generales, acciones programáticas y estratégicas, identificadas y adoptadas por representantes del sector gubernamental y la sociedad civil en general. Promueve la articulación de las políticas de gestión de las instituciones de carácter público y privado, que de alguna forma afectan los recursos forestales y en general, con las del modelo de desarrollo nacional.

También promueve que los recursos forestales y su manejo sostenible mejoren su contribución relativa al proceso de desarrollo socioeconómico del país, favoreciendo principalmente a las zonas rurales. Además promueve el ordenamiento territorial del país, fortalece el concepto de la seguridad jurídica, promueve el manejo sostenible de los bosques, facilita la amplia participación de las comunidades en el manejo y aprovechamiento forestal, armoniza la utilización de la tierra entre sus diferentes usuarios (tomando como base, su aptitud productiva) y la sostenibilidad del manejo forestal, establece mecanismos de trabajo con los organismos del sector primario para revisar y armonizar las políticas y normas del sector, orienta la elaboración y puesta en práctica de un ordenamiento territorial flexible e indicativo.

Los elementos básicos para elaborar el marco jurídico de los tipos de bosque, debe considerar aspectos como: accesibilidad a los recursos, la equidad, la clara caracterización de los tipos de bosques bajo el enfoque de ecosistema, fortalecimiento de las capacidades para generar información confiable, promoción y valoración de los servicios ambientales y sus bienes.



Por otro lado, en la actualidad la Autoridad Nacional del Ambiente (ANAM), se aboca a la revisión del reglamento de la Ley Forestal (Ley N° 1 de 3 de febrero de 1,994), en la cual deben incorporarse los conceptos sobre criterios e indicadores para el ordenamiento forestal sostenible y los mandatos de los tipos de bosques propuestos.

En espera de haber cumplido con lo solicitado.

Atentamente,


Lic. Gonzalo Menéndez
Administrador General, Encargado





31 January 2004

UNFF Ad Hoc Expert Group on the parameters of a mandate for developing a legal framework on all types of forests

Submission by Switzerland

UNFF 3 has decided to establish an Ad Hoc Expert Group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests. In order to ensure efficiency, transparency and a balanced reflection of the range of views, the UNFF member states were invited to submit their views on a number of questions and to submit this information to the UNFF Secretariat by 31 January 2004. Switzerland is committed to contribute with this submission to the important work of this Ad Hoc Expert Group.

Information on existing regional and international binding and non-binding instruments and processes relevant to forests

There are numerous international institutions and processes relevant to forests at global and regional levels. Institutions and processes that have their prior competence and expertise in forest policy include UNFF, ITTO, FAO and the World Forestry Congress at the global level and the Ministerial Conference for the Protection of Forests in Europe, the UNECE Timber Committee and the FAO European Forest Commission at the regional level. In addition, several other institutions and processes also directly address forest related issues, including the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the Cartagena Protocol on Biosafety, the UN Convention to Combat Desertification (UNCCD), the Ramsar Convention on Wetlands, CITES, the GEF, the Worldbank and WTO.

Interestingly, it seems that at the global level, with exception of ITTA, there is no major legally binding instrument with a primarily forest related focus. However, while being legally binding, the ITTA nevertheless lacks a verification and a dispute settlement mechanism. At the same time, ITTO seems to be the major forum generating directly financial resources for the promotion of sustainable forest management. Other legally binding instruments such as the UNFCCC or CBD and institutions such as the FAO, Worldbank and GEF also generate resources for sustainable forest management.

It can be concluded that numerous international institutions and processes deal directly or indirectly with forest related issues. While the co-operation between these institutions and processes is generally very good – the creation in 2001 of the Collaborative Partnership on Forests (CPF) has helped a lot in this sense - it must nevertheless be noted that there is no permanent central global policy institution that can serve as the central pillar of the global forest regime.

II. Compilation of the progress made, catalysts and obstacles encountered by Member States in implementing the IPF/IFF PfA

The national reports to UNFF provide a broad and comprehensive insight in the progress made in the implementation of the IPF/IFF Proposals for Action. Thereby, it can be noted that the Collaborative Partnership on Forests, and specially it's members, and the UNFF intersessional meetings such as the Interlaken Workshop on Decentralisation of April 2004 have proven to be important catalysts.

Despite the important progress that have been achieved, it must nevertheless be noted that this progress is not sufficient to ensure a sustainable management of the forests all over the world. Namely, the lack of a central permanent international policy institution and the lack of a legally binding framework have made it difficult to provide for a coherent framework, to enable effective synergies, to provide support for the implementation of needed policies and to ensure an adequate, predictable and stable financing. In this context it must be stressed, that UNFF has not yet become the catalyst that it should be. In fact, the discussions in UNFF were often over-politicised and at the same time not concrete enough. And, the UNFF has been so far too much afraid of addressing openly and constructively important institutional issues.

III. Description of options

UNFF is requested to consider with a view to recommending to the ECOSOC and through it to the UN General Assembly the parameters of a mandate for developing a legal framework for all types of forests. There are three basic options setting different parameters for such a possible mandate: (a) to continue the international forest process without change; (b) to reform UNFF and to strive for the establishment of a permanent international forest policy institution; and (c) to begin the process for the development of a legally binding instrument.

(a) Continue without change:

The UNFF-process was established for the period of 2001-2005. Thus, UNFF is not a permanent process or institution. With a primary focus on the promotion of the implementation of the IPF/IFF proposals for action, the continued policy development and dialogue, the fostering of a common understanding on sustainable forest management, the enhancement of cooperation and policy and program

coordination, the promotion of international and cross-sectoral cooperation, the monitoring and assessment of progress, and the strengthening of a political commitment, its mandate is limited for these 5 years. To continue without change would imply that the mandate of UNFF should have to be renewed for another 5 year period and that UNFF's working methods would remain the same.

While the UNFF may have been able to contribute in some cases constructively to the implementation of the IPF/IFF proposals for action and to sustainable forest management, it seems, however, that the process as a whole did not fully live up to the expectations formulated in UNFF's ambitious mandate. In fact, UNFF has provided only for limited concrete guidance for the implementation of the IPF/IFF proposals for action so far. And other processes and institutions have fostered more effectively the common understanding of sustainable forest management and the international and cross-sectoral cooperation. In the light of the above, it might not be desirable to continue the international forest process without change.

(b) Reform UNFF / Creation of a permanent international forest policy institution:

That moment when the decisions on the future of UNFF will have to be taken, should be used to address deficiencies of the current process and reform UNFF in order to transform it into the central pillar of the global forest regime. This challenge does not necessarily require the adoption of legally binding rules on sustainable forest management. Thereby, while focusing on institutional aspects of the global forest regime, the following challenges should be addressed:

Forests and the sustainable management and use of forests stand in the often specific focus of several important international processes. E.g., forests have become a major policy area of the work programme established by the Convention on Biodiversity, and forest-related issues have become a key priority of the United Nations Framework Convention on Climate Change. However, despite its comprehensive approach, UNFF as a process limited for 5 years seems to lack the authority, the institutional weight and the long-time perspective that would be necessary for providing guidance and ensuring coherence in the global forest regime. There must be an assessment of what reforms are necessary to ensure that the future central forum for forest policy at the global level can co-ordinate these different processes.

The concrete impact of UNFF's work on the ground seems to be limited. Moreover, UNFF lacks an effective mechanism for identifying challenges and fostering compliance and enforcement. It must be ensured that the future central forum for international forest policy provides the invaluable policy guidance for the implementation and operationalization of the IPF/IFF Proposals of Action for sustainable forest management and that it effectively promotes, as a global catalyst, the sustainable use and management of forests.

The working modalities of UNFF have not always ensured the best possible framework for the exchange of experiences. It must be our goal that the future central forestry forum provides for a rich exchange of lessons learned and a stimulating discussion of the concrete experiences between countries so that the

partners can learn from each other. Moreover, it must become a stimulating framework for co-operation and partnership between all relevant actors.

(c) Legally binding instrument (l.b.i.):

UNFF as a process without legal authority was not always able to generate concrete commitment and action that promote and ensure the sustainability of the management and use of forests. A legally binding framework could facilitate technical assistance and financial aid. It could facilitate coherence and synergies between existing and future actions and partnerships. Legally binding rules could also ensure a better institutional and legal balance with regard to other legal frameworks and it could foster co-operation and co-ordination between the relevant institutions and partners.

However, conditions and challenges with regard to forests greatly differ from one region to another and a number of regional processes and instruments already exist which address forest issues in a regional context. Therefore, legally binding rules at a global level would probably have to focus on issues of global interest and leave issues of regional or local concerns to regional instruments or national action. A l.b.i. could contain the general objectives and principles and the fundamental rules and obligations of a substantive as well as of a procedural character.

Institutionally, different options exist with regard to the development of a l.b.i.. Legally binding rules could be adopted within the framework of an already existing legally binding process, e.g. as a protocol to an existing convention. Another option would be to develop a new legal framework. While the first option might have the advantage that the l.b.i. could be built on an existing institutional basis, the second might better reflect the desirability of a broad and cross-sectoral approach.

From the three options described above, the first option – to continue without change – is clearly not desirable. The deficiencies of the current process must be addressed and UNFF has to be reformed. At the same time, the option of a legally binding instrument has to be further explored. Thereby, the Ad Hoc Working Group will have to play an important role.

Views of the United States of America
On Preparations for UNFF Expert Group 3

January 29, 2004

1. INTRODUCTION

The Government of the United States appreciates the opportunity to respond to the November 2003 UNFF Secretariat Note on preparation for the ad hoc expert group “on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests” (Expert Group 3). We understand this request for views is provided consistent with ECOSOC decision E/2003/299 to help “ensure efficiency, transparency and a balanced reflection of the range of views” by Expert Group 3, which will convene in September 2004. We also understand that by decision 2003/299, the Secretariat will compile views and information provided by Member States and CPF members, which are due to the Secretariat by 31 January 2004. This compilation of views and information will be available to Member States and CPF members prior to UNFF 4.

The views of the United States follow

2. FACTUAL AND TECHNICAL INFORMATION

(i) Presentation of factual and technical information including updated information on existing regional and international binding and non-binding instruments and processes relevant to forests and that of other relevant organization and agreement, including multilateral environmental agreements and regional conventional and processes.

The United States agrees that the deliberations of Expert Group 3 will benefit from a review of documents prepared for the IPF/IFF (1995-2000) and available at www.un.org/esa/forests/documents. However, we believe that more recent information on regional and international instruments and processes relevant to forests will be essential to the deliberations of the expert group. Specifically, we request that the UNFF secretariat also make available to Member States and CPF members (electronically if possible) the following documents (listed by date):

- GEF Operational Program on Sustainable Land Management OP#15 (December 2003)
- World Bank’s Revised Strategy and Operational Policy on Forests 2003
- Forest related results of the UN Framework Convention on Climate Change COP 9, which met in December 2003 in Milan
- Montreal Process First Overview Report 2003 (September 2003)
- Report of 16th Session of FAO Committee on Forestry (COFO, March 2003)

- ITTO Report on New and Emerging Issues of Relevance to the International Tropical Timber Council and a Future International Tropical Timber Agreement (March 2003)
- Report of the International Conference on the Contribution of Criteria and Indicators for Sustainable Forest Management: The Way Forward (CICI 2003, February 2003)
- CITES COP Decision to Include Big Leaf Mahogany on Appendix II (November 2002)
- Johannesburg Plan of Implementation (JPOI, para 45, September 2002)
- Convention on Biological Diversity (CBD) Expanded Work Program on Forests (April 2002)

We note that these documents reflect expanded direction and activities related to forests by, *inter alia*, international organizations, instruments and processes since the conclusion of IPF/IFF discussions. Therefore, these recent developments constitute an important basis for the expert group's discussions.

We also note that while these expanded activities reflect a positive interest in sustainable forest management by the global community, in some cases this is leading to increased duplication, overlap, and even conflicting approaches in regional and international forest efforts. This argues for strengthened cooperation and coordination among intergovernmental forest-related regional and international entities and a strengthened UNFF/CPF to more effectively facilitate coordinated actions.

We also request that the Secretariat draw the attention of Member States to the reports of the two UNFF ad hoc expert groups on MAR and F-TEST, which met in December 2003 and contain information germane to Expert Group 3.

3. PROGRESS, CATALYSTS, OBSTACLES IN IMPLEMENTING IPF/IFF PROPOSALS FOR ACTION AND UNFF DECISIONS

(ii) Compilation of the progress made, catalysts and obstacles encountered by the Member States of the UNFF and CPF members in implementing the IPF/IFF proposals for action and the decisions and resolutions of UNFF sessions.

A. National Progress and Catalysts. The United States is committed to actively promoting sustainable forest management at home and internationally, recognizing that achieving sustainability is a constant process of adapting to social, economic and environmental change. We have made substantial progress in implementing the IPF/IFF proposals for action (PfAs) and subsequent UNFF resolutions domestically and in facilitating international cooperation to that end, though there is still much more to do.

The 300 million hectares of US forests are a mosaic of government and private ownerships. While the extent of forest cover has remained relatively constant during the past century, we are facing four major threats to forest health: (1) ecological, economic and social impacts of invasive alien species, (2) build up of forest fuels leading to major

fires, (3) loss of open space and increased forest fragmentation and (4) unmanaged recreation. In order to address these threats, promote sustainable forest management and better implement the IPF/IFF PfAs and UNFF decisions, the US has taken a number of concrete actions catalyzed by the IPF/IFF/UNFF processes. These include:

Establishing the “Healthy Forest Initiative” supported by the Healthy Forest Restoration Act (2003), which has resulted in cooperative efforts among federal agencies, state governors, tribal officials and private land owners to commit more than \$1 billion in new funds at the national level to address the above challenges to forest health.

Establishing a national round table of federal, state, environmental and business interests, which has significantly improved information exchange, forest monitoring, assessment and reporting, and coordinated action on the ground.

- Preparing our first “National Report on Sustainable Forests” using the 7 national level criteria and 67 indicators agreed under the 12-country Montreal Process on Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests. The report will inform forest policy and management decisions for the next several years. A number of our 50 states have adopted criteria and indicators guidelines based on the national level set.

Shifted management of federal forests from maximizing outputs of forest products and mitigating the associated resource damage to long-term ecosystem health.

Developing “Principles and Guides for a Well Managed Forest” designed to help state forestry agencies, forest landowners and other interested members of the public determine what types of planning, assessment and/or implementation actions they can take to achieve sustainable forest management. (Reference: <http://www.stateforesters.org/positions/P&G2003.htm>)

B. Progress on and Catalysts for International Cooperation. The US has accelerated and enhanced its efforts to promote sustainable forest management worldwide through technical assistance, training and public-private partnerships, focusing on implementation of the IPF/IFF/UNFF proposals for action. We can point to a number of internationally significant actions catalyzed by the IPF/IFF/UNFF dialogue and outcomes. For example, we:

Launched at the WSSD (September 2002) the Congo Basin Forest Partnership (CBFP) – a unique public-private partnership bringing together over 29 government and non-government partners committed to the shared goal of sustainable forest management, economic development and improved local governance in six Central African countries (Cameroon, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Republic of Congo). The US has committed \$53 million to this vital effort; other partners are also making new financial contributions. This represents a major

infusion of funds into the region, which contains the world's the second largest intact tropical forest. A 2004 survey indicates that some \$300 million has been directed to forest related activities in the region, over the last decade.

- Adopted a new program under the Tropical Forest Conservation Act by which we are providing new and innovative opportunities for interested qualifying developing countries to reduce their debt to the US while generating funds for local tropical forest conservation. Agreements have been concluded with Peru, Panama, El Salvador, Belize, the Philippines and Bangladesh, which will generate \$50 million in new funds for in-country forest conservation activities. Three additional agreements are in progress.

Launched a new Presidential initiative to help interested developing countries combat illegal logging and the sale and export of illegally harvested timber products. The initiative generated some \$15 million in new actions in 2003, which will build the foundation for further action with partner countries and stakeholders in 2004 and beyond.

Committed an initial \$1 million to a comprehensive post-conflict evaluation and development of sustainable forest management in Liberia, working closely with the transitional government, NGOs, private sector, civil society and international organizations. This will provide the basis for implementing relevant IPF/IFF PfAs and UNFF actions, as well as an unprecedented opportunity to help establish policies and institutional capacity to achieve sustainable management of Liberia's forests.

Facilitated inclusion of sustainable forest management as an explicit component of the GEF's new operational program on "sustainable land management" (OP 15). As a result, activities eligible for funding under the new GEF focal area include improvement of forest health, controlling damaging invasive alien species, strengthening forest inventory, monitoring and assessment, and sustainable harvesting practices. The level of financing for forests currently available through existing GEF focal areas on biodiversity and climate change could increase significantly through the new focal area -- if governments submit projects to promote sustainable forest management (in addition to forest protection or carbon sequestration).

Co-sponsored with Brazil, China, Italy Japan, South Africa, Sweden, Turkey and the United Kingdom, the international experts meeting on "Lessons Learned in Monitoring, Assessment and Reporting on Implementation of the IPF/IFF Proposals for Action." The purpose of the March 2003 meeting, hosted by Italy and supported by FAO and the UNFF secretariat, was to share lessons learned by countries and identify how the UNFF can access and use national information to facilitate further implementation of the PfAs. The meeting brought together 100 participants from 51 countries, produced the "Viterbo Report" setting forth concrete conclusions and recommendations, and built on the International Expert

Meeting on Monitoring, Assessment and Reporting on Sustainable Forest Management hosted by Japan in November 2001.

C. Obstacles. Like many other countries, the US has found that the IPF/IFF proposals for action are too numerous, duplicative and convoluted to be easily understood or implemented as negotiated under UN auspices. Nor do they sufficiently reflect all the elements and issues important and relevant to achieving sustainable forest management. These include many issues identified by leaders at the WSSD, such as domestic forest law enforcement, indigenous and community management, and the critical role of forests in maintaining water quality/quantity, promoting food security and alleviating poverty. They also insufficiently recognize and address the vulnerability of forests to local, national and international actions outside the forest sector (by agriculture, energy and other development sectors and in turn the dependency of sustainable forest management on informed cross sectoral policies and decision-making.

D. Overcoming Obstacles. To overcome these obstacle to effective implementation of the IPF/IFF PfAs and to making progress on sustainable forest management, we analyzed all the elements included in the IPF and IFF PfAs, UNFF MYPOW and the Johannesburg Plan of Implementation (JPOI). As a result of carrying out this analysis, we have benefited from organizing or clustering the IPF and IFF PfAs and the UNFF and WSSD outcomes along the lines of 8 "common thematic areas of sustainable forest management. These 8 thematic areas are providing a rational, relevant and effective conceptual framework for assessing the range of US activities undertaken domestically, bilaterally and internationally to implement sustainable forest management and the PfAs, which have been agreed as ways to achieve sustainable management of all types of forests.

Seven of these common thematic areas are drawn from the common criteria elaborated by the 9 existing regional and international criteria and indicators processes, which involve some 150 countries. They therefore provide a common basis for countries and organizations to communicate to others the forest-related actions they have taken both domestically and with international partners. The 7 areas were identified by CICI 2003, which met in Guatemala City, February 2003 and were noted by the 16th Session of the FAO COFO (Rome, March 2003). These common thematic areas are:

- 1 Extent of forest resources (and their contribution to global carbon cycles)
- 2 biological diversity
- 3 forest health and vitality
- 4 productive functions of forest resources
- 5 protective functions of forest resources
- 6 socio-economic functions
- 7 legal, policy and institutional framework

These 7 common thematic areas encompass many -- but not all -- of the elements or categories identified for the IPF/IFF PfAs, the UNFF MYPOW and the Johannesburg Plan of Implementation (JPOI). What is missing is the important notion of international

cooperation in all its forms (bilateral, multilateral, partnerships, etc). To capture this, the US has added an 8th thematic area of sustainable forest management:

8. International cooperation and trade

These 8 common thematic areas of sustainable forest management are providing a coherent, holistic and flexible basis for US monitoring, assessment and reporting on implementation of the IPF/IFF PfAs, the UNFF MYPOW elements, and the priority forest areas set forth in the JPOI, as well as for monitoring, assessment and reporting on forest conditions and progress toward sustainable forest management by the US.

Because they are based on criteria already adopted by 150 countries, these thematic areas provide a good basis for effective communication and reporting by countries and CPF members on actions taken and obstacles encountered. We believe that better communication will lead to more effective implementation of the IPF/IFF PfAs and other actions, as well as more effective international cooperation.

Based on this, the US will use these 8 thematic areas in future reporting to the UNFF and other forest related organizations, treaties and processes.

4. OPTIONS

(iii) Presentation and detailed description of a range of options, including their legal, financial, and institutional modalities.

The US supported the establishment of Expert Group 3, which will consider a range of options for future work, including legal, financial and institutional modalities, on how best to enhance progress toward sustainable forest management. This consideration will be based on the views of Member States on how best to proceed which are submitted to the UNFF Secretariat by 31 January 2004, as well as on the views expressed by Member States at the one-day informal meeting to be convened by the UNFF 4 Bureau in New York prior to UNFF 4 per decision E/2003/299.

In our view, the best way to enhance progress toward sustainable forest management is to strengthen, build upon and further develop existing efforts, commitments and partnerships at national, regional and global levels by governments and private interests, both within and outside the forest sector.

As already noted, at the global level, there are numerous international instruments, organizations, institutions, processes and initiatives dealing with aspects of forests. These will not be subsumed under one umbrella, but we believe they can be better coordinated and focused to maximize benefits to countries and their forests. Therefore, our objective at the global level is to have a process and forum in place that can facilitate and catalyze national action and better-coordinated international action and contribute to raising forest management practices, with a view to producing concrete results, rather than rhetorical debate along predictable lines.

To this end, we support a strengthened UNFF and CPF, which together form a unique international arrangement focused on the range of issues affecting all types of forests. The UNFF/CPF has the capacity to:

- Support energetic and meaningful policy discussions based on country and international organization experiences in implementing the IPF/IFF PfAs and other actions to achieve sustainable forest management
- Deal with controversial and emerging issues while facilitating and promoting coordinated action among the work programs of the many organizations, institutions and instruments that provide forest related guidance, assistance and funding internationally
- Facilitate cross-sectoral coordination nationally and internationally between the forest sector and other sectors in order to strengthen understanding of the positive contribution sustainable forest management can make to other sectors (i.e. by contributing to food security, water quality and sustainable development broadly) and to reduce negative impacts on forests of decisions made outside the forest sector.
- Help maintain and increase the priority of sustainable forest management on national and international agendas, strengthen a policy focus on sustainable forest management in national and international forums, and facilitate increased investment in national and international actions to accelerate its implementation.

A. Accomplishments of UNFF/CPF to Date. The UNFF/CPF is a very young international arrangement (only two substantive sessions so far!) and one that emerged only after 10 years of bitter debate on the merits or otherwise of a global forest convention. Despite this, the UNFF/CPF has been able to make strides in meeting its mandate. For example the UNFF has fostered:

Comprehensive and holistic policy dialogue. UNFF is providing the fora and foundation for discussion of a wide range of forest conservation, management and development issues affecting all types of forests. As such, it is the only entity not focused on a narrow set of forest issues, such as biodiversity, trade or land degradation. As such, UNFF is beginning to bring together for the first time delegations comprised of a diversity of experts on forest related issues. This in turn is beginning to facilitate a holistic view of forest issues not possible by instruments, institutions and organizations looking at only individual forest issues or at forest issues from a limited perspective. Increasingly, it is also encouraging a meaningful and less rhetorical exchange of views among countries, organizations and major groups on how to reach shared goals.

- Political commitment. UNFF hosted a highly successful ministerial segment in connection with UNFF 2. This high level meeting was able to formulate a clear,

bold and concise message to the WSSD on priority actions needed on forests. It is a testament to the success of this ministerial that leaders in adopting the JPOI agreed to virtually the same actions, using the same language.

Country led initiatives. UNFF has continued and strengthened the innovative IPF/IFF tradition of country-led initiatives to inform and facilitate its work. This has been further enhanced by the cooperation and support of CPF member organizations in such initiatives. The UNFF continues to demonstrate the tremendous utility of such voluntary cooperative efforts, not only in generating solid technical and policy input into plenary discussions, but also in actively engaging a wide range of countries in developing that input. These activities build country capacity on international policy matters and in turn contribute to achieving IPF/IFF/UNFF objectives.

Involvement of stakeholders. Building on the format of the Commission on Sustainable Development (CSD), UNFF is making positive steps to mainstream major groups in its discussions. The content and format of the multi-stakeholder dialogue is being reviewed and reformatted to that end. We expect to see further progress at UNFF 4.

- Fostering cooperation through informal and formal work sessions. On the margins of formal UNFF sessions, there are numerous instances where information exchange, learning and enhanced cooperation can occur in the context of side events and other informal gatherings of UNFF participants. These events allow participants to focus in depth on particular forest-related concerns, including emerging issues, share lessons on implementation of the PfAs, and foster cooperation on new initiatives. We have already benefited from a few such events (e.g. the UK/IUCN program on forest landscape management) and are convinced that an innovative schedule incorporating routinely incorporating informal sessions, as well as events within the formal agenda, would greatly enhance the realism of the policy dialogue. The 16th session of the FAO Committee on Forestry made strides in this direction, with excellent results.

Coordinated international action. The CPF, under FAO leadership, has already significantly strengthened collaboration among 15 forest related organizations and developed a number of joint initiatives. For example, the CPF has:

Prepared the Sourcebook on Funding Sustainable Forest Management to make information available and accessible through an on line searchable data base

Established the CPF Task Force on Streamlining Forest Related Reporting to reduce reporting burdens on countries

Developed the CPF initiative on forest-related definitions to foster a common understanding of terms and definitions

Established the CPF web site to provide information on the CPF partnership and its many activities

B. Realizing the Potential of UNFF/CPF

Given its short life, controversial creation and the fact that deep conflicts continue to exist among countries, groups of countries and key stakeholders on critical forest issues, the UNFF/CPF arrangement has not yet realized its potential to facilitate national action and international cooperation to achieve sustainable forest management. Drawing on experience with IPF, IFF and the fledgling UNFF, the US believes the following actions could contribute to a significantly stronger and more effective international arrangement on forests:

Better focus the MYPOW. UNFF sessions currently deal with a large number of issues. The effectiveness of these sessions would likely benefit from a more focused agenda targeting 2-3 priority issues per session, with a view to facilitating national actions and better coordinating international cooperation efforts. The 7 common thematic areas for sustainable forest management that have been identified based on the common criteria among the 9 existing criteria and indicator processes, enhanced by an additional thematic area on "international cooperation and trade," seems to provide a simple yet cohesive conceptual framework grouping forest issues and organizing the international policy dialogue, including with respect to national and international efforts to implement the IPF/IFF PfAs, actions identified in the JPOI and other needed actions identified. Moreover, the interactions between and among these themes can provide important information on progress towards sustainable forest management.

Make better use of information prepared for UNFF sessions. Energies of UNFF participants should be redirected to focus on shared interests and enhanced cooperation and away from negotiating UN style text. To this end, the content of reports of the Secretary-General could be better appreciated if not viewed and used as first drafts of session reports. These reports are providing essential information about efforts by countries, CPF members and major groups to promote sustainable forest management, as well as obstacles encountered. They also provide a common basis for discussing next steps. The tendency to use these reports as the basis for formal negotiation (including drafting new resolutions) has been at the expense of substantive dialogue on issues of forest management.

Enhance synergies between UNFF and CPF members. UNFF's ability to further facilitate coordinated action among forest related international organizations depends in large part on increasing synergies between the program of work of UNFF and the approved programs of work and budget of CPF members. It may be useful for the CPF to establish a task force -- to include the UNFF secretariat -- to consider ways to strengthen the current "focal agency system" which designates CPF members for key issues addressed by UNFF and to look into how

such synergies might be strengthened and improved . This is especially important for forest issues that cut across organizations, recognizing that CPF members are sovereign organizations that take direction from their members or parties.

- Take advantage of UNFF status under ECOSOC. As a functional commission under ECOSOC -- the central forum within the UN system addressing key issues of development cooperation -- the UNFF is well placed to address cross-sectoral issues affecting forests, and to which forests can contribute positively. UNFF should work more closely with ECOSOC, its other commissions and FAO to identify ways to better address cross-sectoral issues.

Increased funding. To date, only 6 countries have made voluntary contributions to the UNFF Trust Fund. For UNFF to have the long-term capacity to organize expert groups, consultancies and other activities to support the global policy dialogue, contributions from a wider base are needed.

In sum, the US believes the UNFF/CPF provide a unique and essential international arrangement on forests, which has the potential to address the range of forest issues in a holistic and coordinated manner, advance countries' common interests and focus on real action, and as a non-competitive forum facilitate coordination among forest-related organizations and instruments. The UNFF and CPF are interdependent and mutually supportive. Policies and priorities agreed by the UNFF with the support of CPF members can then be considered for implementation by the governing bodies of CPF members consistent with their mandates.

**PREPARATION FOR THE MEETING OF THE AD HOC EXPERT
GROUP ON CONSIDERATION WITH A VIEW TO
RECOMMENDING THE PARAMETERS OF A
MANDATE FOR DEVELOPING A LEGAL FRAMEWORK
ON ALL TYPES OF FORESTS**

NEW YORK, 6-10 SEPTEMBER 2004

INFORMATION PROVIDED BY CPF MEMBERS

1. **FAO**
2. **IUFRO**



联合国
粮食及
农业组织

FOOD AND
AGRICULTURE
ORGANIZATION
OF THE
UNITED NATIONS

ORGANISATION
DES NATIONS
UNIES POUR
L'ALIMENTATION
ET L'AGRICULTURE

ORGANIZACION
DE LAS NACIONES
UNIDAS PARA
LA AGRICULTURA
Y LA ALIMENTACION

منظمة
الاغذية
والزراعة
للأمم
المتحدة

30 January 2004

FAO input in response to the invitation by UNFF-3 to provide information for preparations for the UNFF *ad hoc* expert group on "consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests"

1. Existing organizations, instruments and processes

Food and Agriculture Organization of the United Nations (FAO)

Forestry has been a central activity of FAO since its establishment in 1945. Forestry is specifically included in the global goals of the Organization in relation to its contribution to **economic** and **social** progress, to **environmental** stabilization and to the conservation, improvement and sustainable utilization of natural resources. Forestry contributes significantly to the achievement of FAO's mission to "help build a food-secure world for present and future generations".

In assisting member countries to conserve and utilize their forest and tree resources sustainably, FAO works in **partnership** with governments, international organizations, non-governmental groups, private sector, communities and individuals. FAO works through its headquarters in Rome; a network of decentralized but closely coordinated offices at the country and regional levels; and field projects.

The core of FAO's work in forestry is the **direct technical support** offered to countries to help them conserve and manage their forests, keep them healthy, harvest them wisely, market their products and promote the equitable sharing of their benefits. FAO helps countries to develop economically viable approaches to the sustainable use of forest products and services and to account for the economic and environmental benefits that forests provide. It assists countries with their national forest programmes and the strengthening of forest-related institutions, including support for extension and community forestry.

FAO serves as a **neutral forum**, bringing countries together to **discuss technical and policy issues** related to forestry. The Organization provides information and advice on forestry, gathering, analysing and disseminating forest-related information of all kinds.

FAO Forestry statutory bodies

Foremost among the FAO Forestry statutory bodies is the **Committee on Forestry (COFO)**. Heads of forest services and other senior government officials meet at FAO headquarters every two years to identify emerging policy and technical issues, to seek solutions and to advise FAO and others on appropriate action. Ministerial level meetings are also organized in conjunction with COFO sessions.

FAO, through its decentralized forestry structure, supports **six regional forestry commissions**, one each for Africa, Asia and the Pacific, Latin America and the Caribbean, Europe, the Near East and North America. These commissions generally meet every second year, and provide a forum for FAO member countries to discuss both technical and policy issues. Drawing on regional experiences the commissions advise FAO on policy formulation and on priorities for its forestry programme. They also facilitate the participation of NGOs, particularly local organizations, and the private sector in the discussions.

Although not a statutory body, the World Forestry Congress, the world's largest international meeting on forests, is being held under the auspices of FAO approximately every six years since 1949.

Key Assets of FAO in Forestry

The FAO Forestry Programme has (as of January 2004) 64 full-time professional staff posts at headquarters and 16 at decentralized offices. In addition, it employs many temporary staff with a diverse range of skills in forestry, wildlife resources, watershed management, genetics, economics, policy, public administration, sociology, forest products utilization and engineering. This **broad skills base** allows the FAO to address the full spectrum of environmental, economic, and social dimensions of **sustainable forest management**. Linkages to the other FAO programmes in agriculture, economics, fisheries and sustainable development also facilitate **cross-sectoral approaches** to food security, rural development and integrated land use.

Since its founding in 1945, FAO has grown to include 187 Member Nations plus the European Community (Member Organization). It includes all the major forested countries of the world except the Russian Federation, which currently has a special liaison status.

FAO Forestry Programme also **assembles forest information globally** and **works directly with countries** to help them apply the information to local conditions. The normative, information-gathering function is important not only for global or regional planning and detecting trends, but also to advise member countries on policy and technical matters. Similarly, the field programme is a major source of information and a key for maintaining the relevance of FAO's work to the practical realities of its member countries.

The **FAO Strategic Plan for Forestry**¹ links the FAO Forestry Programme to the mandate, corporate strategies and objectives of the overall Strategic Framework for FAO: 2000-2015. While continually updated, it provides direction upon which the biennial Programmes of Work and Budget² are based.

FAO is also recognized in **hosting external entities** and providing meeting facilities. For example, the first session of the Committee for the Review of the Implementation of the UN Convention on Combating Desertification (CRIC) in November 2002 and the International Forum on Partnerships for Sustainable Development, organized by the Government of Italy in cooperation with the UN Department of Economic and Social Affairs (DESA) in March 2004, were both held at FAO Headquarters.

The Forestry Department hosts the National Forest Programme Facility - a partnership of developing countries, donors and leading international organizations to support national forest programmes.

Information on FAO's work in forestry and on various related issues can be found at the Forestry Department's website³ and through information notes⁴.

Sources of information on existing organizations instruments and processes

Many sources, including the Collaborative Partnership on Forests (CPF), provide information on regional and international organizations, instruments and processes. IPF and IFF, supported by two country-led

¹ www.fao.org/forestry/site/1961/en

² <http://www.fao.org/pbe/en/intro.htm>

³ www.fao.org/forestry

⁴ www.fao.org/forestry/site/11468/en

initiatives⁵, examined such information in-depth. Thus the UNFF secretariat should make the best possible use of findings when preparing material to facilitate the discussion on the "legal framework".

Information available from the Collaborative Partnership on Forests (CPF)

At the request of IFF, FAO, on behalf of CPF, developed a directory of nearly 60 forest-related international and regional institutions and instruments (www.fao.org/forestry/site/1662/en) in 1998. Updated in 2001, it includes information on their missions, mandates, structures, programmes, activities, personnel and budget. The next update is scheduled in 2004.

IPF/IFF reviews

- In support of IPF-3: The Swiss - Peru initiative, including expert meetings on the theme "overview on international organizations, institutions and instruments related to forests";
- IPF-3: Report of the Secretary-General on international organizations and multilateral institutions and instruments, including appropriate legal mechanisms (E/CN.17/IPF/1996/23), which included a description of existing institutions and instruments, including their role and mandates;
- IFF-2: Report of the Secretary-General (E/CN.17/IFF/1998/5), which included update of the information from the report above;
- IFF-2: Report of the Secretary-General on forest-related work under existing instruments (E/CN.17/IFF/1998/11), which reviewed 20 instruments, in order to identify gaps and overlaps;
- IFF-2: Background documents (4 and 5) by the secretariat on information on forest-related work of international and regional organizations and under existing instruments;
- IFF-3: Note by the secretariat on forest-related work of international and regional organizations and under existing instruments (E/CN.17/IFF/1999/15);
- In support of IFF-4: Costa Rica - Canada initiative on international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests, including two international and eight regional expert meetings. (E/CN.17/IFF/2000/9).

2. Progress by FAO in implementing the IPF/IFF proposals for action and the decisions and resolutions of UNFF

In general, **the international forest policy process needs strengthening**, in order to influence actions and decisions in- and outside the forest sector and to provide sufficient authority and mechanisms to help country implementation.

FAO activities

FAO's role in implementing IPF/IFF proposals is three-fold: (i) catalyzing action in countries; (ii) implementing those that were directly addressed to it; and (iii) actively participating in the Collaborative Partnership on Forests (CPF). FAO also provides substance to a number of the Secretary-General's reports that are prepared to facilitate discussion at UNFF sessions. They describe trends in implementation of proposals for action, including major successes and gaps and challenges. The sixteenth Committee on Forestry (COFO, March 2003) commended FAO for its support to UNFF and its leadership in the CPF and recommended that these roles be continued and strengthened.

⁵ Documents available at UNFF website <http://www.un.org/esa/forests/index.html>

FAO seeks to respond constructively to the UNFF elements and IPF/IFF proposals for action. FAO also informs its member countries regularly of the international forest policy process. Developments in UNFF and CPF and implementation of IPF/IFF proposals for action have been a recurrent item in all six regional forestry commissions.

In 2004, FAO organized two workshops, in conjunction with the regional forestry commissions in Africa and Asia-Pacific, specifically to advance the implementation of IPF/IFF proposals for action and to improve countries' preparedness to participate in the international dialogue. This was in response to recommendations from COFO which confirmed the importance of regional forestry commissions in supporting countries to implement sustainable forest management, including IPF/IFF proposals for action, for example by facilitating the exchange of experiences and enhancing cooperation. The organization of the workshops is also consistent with the outcome of the UNFF ad hoc expert group on monitoring, assessment and reporting, to have regional forestry commissions facilitate the assessment of the implementation of IPF/IFF proposals and the flow of information between UNFF and countries.

Examples of some of the major areas of implementation

The following highlights some of the major activities by FAO in support of the implementation of IPF/IFF/UNFF recommendations. Many of the activities are carried out in collaboration with partners.

National forest programmes

- Increasing support development and implementation of national forest programmes and to the collection of information, including direct country support through the NFP Facility, hosted by FAO. The Facility currently supports national forest programme processes in 28 countries.

Forest information (especially national and global forest assessments and forest products)

- Updating the global Forest Resources Assessment (FRA) in 2005, including building linkages with criteria and indicators; and increasing efforts to help countries build capacity for national forest assessments.
- Publishing the annual Yearbook of Forest Products, the relate database and market reviews.

Criteria and indicators for sustainable forest management

- Facilitating and catalyzing regional and international processes, including through technical and financial support (Dry-Zone Africa, Near East, Tarapoto, Lepaterique, and Dry Forests in Asia).
- Helping countries develop and implement criteria and indicators e.g. through organizing, together with ITTO, an expert consultation in March 2004 in the Philippines.

Trade and SFM

- Carrying out a comprehensive analysis on Impact Assessment of Forest Products Trade in the Promotion of Sustainable Forest Management (by March 2004).
- Facilitating dialogue between international organisations and forest certification schemes.

Low forest cover countries

- Organizing regional workshops to enhance the role of planted forests, trees outside forests and urban and peri-urban forests in contributing to sustainable forest management in low forest cover countries.
- Conducting an international workshop for low forest cover countries in the Near East and Africa in Mali, in January, 2004 on "how to translate proposals for action into implementation".

Capacity building

- Helping establish community-based enterprises for revenue generation in Africa and Latin America.

- Assisting government staff to improve their skills to support the participation of local populations in forest management.
- Training national coordinators and field crews on forest inventory, information management, and assessment methodologies.
- Identifying best practices and successful management experiences in Central Africa and Asia-Pacific.

Finance

- Examining how forest policies can use financial and economic forces to improve forest management.
- Providing technical guidance, tools and analyses, for example on forest valuation; economic analysis of forestry policies; trends in costs and prices; and forest revenue systems.
- At the local level, analyzing costs and benefits of forestry projects and policies and valuation of non-market goods and services; and providing training and guidelines for economic appraisal.

Forest biological diversity

- Participating actively in CBD meetings and supporting the implementation of the CBD expanded Programme of Work on Forest Biological Diversity through various programmes and projects.
- Clarifying the concepts of “sustainable forest management” and “ecosystem approach”, discussed at CBD and UNFF.

FAO's support through the Collaborative Partnership on Forests (CPF)

FAO chairs the Collaborative Partnership on Forests and is the focal point for six out of 17 key elements.

As part of the collaborative effort of CPF, FAO has initiated and currently coordinates and maintains a number of CPF joint activities:

- CPF Sourcebook on Funding for Sustainable Forest Management⁶
- CPF Task Force for Streamlining Forest-Related Reporting, including its web-based portal⁷ on national information submitted to major forest-related international organizations and instruments
- Development and technical maintenance of the CPF website⁸
- Harmonization of forest-related definitions⁹
- Directory of forest-related international and regional institutions and instruments¹⁰

For further information on FAO's activities, especially those in collaboration with other partners, please see the CPF annual progress reports to UNFF (CPF Framework)¹¹.

⁶ www.fao.org/forestry/cpf-sourcebook

⁷ www.fao.org/forestry/cpf-mar

⁸ www.fao.org/forestry/cpf

⁹ www.fao.org/forestry/cpf/definitions

¹⁰ www.fao.org/forestry/site/1662/en

¹¹ CPF reports are available at www.fao.org/forestry/site/2087/en