



**UNITED NATIONS FORUM ON FORESTS – 4
MAY 3-14, 2004**

GENEVA, SWITZERLAND

**REPORT
BY
RUSSELL DIABO, ADVISOR
NATIONAL ABORIGINAL FORESTRY ASSOCIATION**

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INTRODUCTION:

I attended the United Nations Forum on Forests 4th Session (UNFF 4), held in Geneva, Switzerland, May 3-14, 2004. I attended the UNFF 4 on behalf of the National Aboriginal Forestry Association (NAFA) as a member of the Government of Canada's delegation.

As a member of the Canadian government's delegation, I was constrained in my ability to make interventions and interact with other delegations and organizations during the UNFF 4 session. I had to clear all of my interventions beforehand with the Head of the Canadian Delegation, Mr. Bill Siggleton, Canadian Forest Service, Natural Resources Canada.

The Canadian government's UNFF 4 delegation consisted of ten people, who were as follows:

- Mr. Bill Siggleton, Canadian Forest Service, Natural Resources Canada (Head of Delegation, HOD)
- Mr. Mike Fullerton, Canadian Forest Service, Natural Resources Canada
- Denyse Rousseau, Foreign Affairs Canada
- Anne Castle, Indian and Northern Affairs Canada
- Ralph Roberts, Canadian International Development Agency
- Russell Diabo, National Aboriginal Forestry Association
- Peter Wood, Youth Delegate, International Forestry Students Association
- Peter Demarsh, Canadian Federation of Woodlot Owners
- Boris Romaguer, Ambioterra, Montreal (CEN Forest Caucus) Representing Sierra Club
- Peter Besseau, International Model Forest Secretariat, IDRC

The composition of the Canadian Delegation was intended to include representatives of "Stakeholder Groups" for the Multi-Stakeholder Dialogue session of UNFF 4.

Although I was part of the Government of Canada's official delegation to UNFF 4, my mandate as set out by NAFA was:

1. To attend discussions on the following topics;
 - Traditional Forest Related Knowledge
 - Forest Related Scientific Knowledge
 - Social and Cultural Aspects of Forests
 - Monitoring, Assessment and Reporting
 - Criteria and Indicators of Sustainable Forest Management, and
 - Discussions on the Development of an International Forest Convention

2. To attend and contribute to special meetings of Indigenous Peoples' Organizations and the Multi-Stakeholder Dialogue (Held during week one of UNFF 4)
3. Monitor and Assess issues of concern to Indigenous Peoples' related to Sustainable Forest Management identified during UNFF 4, and provide a report and recommendations no later than June 15, 2004.

UNFF 4 MANDATE, AND TOPICS:

UNFF 4 Mandate:

Starting with the 1987 United Nations Report on Environment and Development, known as the Brundtland Report, the issue of forests has been an international policy and political priority for the past 15 years.

At the 1992 United Nations Conference on Environment and Development (UNCED) the forest issue was among the most controversial, polarizing developing and developed countries. In Rio de Janeiro, Brazil, intense negotiations among governments at UNCED resulted in the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests, also known as the "Forest Principles", as well as Chapter 11 of Agenda 21: Combating Deforestation.

Significant progress has been made since UNCED. Throughout this last decade, the main focus within the United Nations has been to develop coherent policies to promote the management, conservation and sustainable development of all types of forests. The Intergovernmental Panel on Forests (IPF), from 1995 - 1997, and the Intergovernmental Forum on Forests (IFF) from 1997 - 2000, both under the auspices of the United Nations Commission on Sustainable Development, were the main intergovernmental fora for international forest policy development. An informal, high level Interagency Task Force on Forests (ITFF) was set up in July 1995 to coordinate the inputs of international organizations to the forest policy process.

IPF and IFF examined a wide range of forest-related topics over a five-year period. Key outcomes of the deliberations under these processes are presented in the final reports of these processes, IPF4 and IFF4, in the form of more than 270 proposals for action towards sustainable forest management and are considered collectively as the IPF/IFF Proposals for Action. Although the IPF/IFF proposals for action are not legally binding, participants of these processes are under a political obligation to implement the agreed proposals for action and each country is expected to conduct a systematic national assessment of the IPF/IFF proposals for action and to plan for their implementation.

The UNFF was established by ECOSOC Resolution/2000/35 as part of a new international arrangement on forests, to carry on the work building on the IPF and IFF processes. The UNFF1 Report outlines the UNFF Plan of Action and Multi-Year Programme of Work (MYPOW). The UNFF further feeds into broader global environment and development processes with documents such as the UNFF2 Ministerial Declaration to the World Summit on Sustainable Development.¹

UNFF 4 Topics:

For a more detailed summary of the topics please find attached copies of the “**Earth Negotiations Bulletin**”, which covers the topics in more detail (Annex “A”).

Multi-Stakeholder Dialogue:

I concur with the following report on this topic from the Sierra Club of Canada:

The Multi-stakeholder dialogue (MSD) at the UNFF-4 was the third attempt of the UNFF to dialogue between UN major groups and country delegations. The MSD focused on: social and cultural aspects of forests; traditional forest-related knowledge; capacity building; and partnerships. The major groups consisted of women; indigenous peoples; NGOs; farmers and small woodland owners; union and workers; business and industry; and scientific community. Of these eight major groups, six submitted papers to the Secretariat before the UNFF-4. A notable exception was the NGO statement. Although the synthesis paper was written across major groups, the NGOs withdrew from the drafting process [as did the Indigenous Alliance of Indigenous and Tribal Peoples of Tropical Forests] over the view that their concerns would not be fully reflected.

*The session on SCAF centered on land tenure and traditional knowledge. The indigenous groups stated that governments should take into account traditional **land tenure** schemes in the allocation of landownership and concessions. They also said that **land rights** are a prerequisite for the protection of traditional knowledge. Other important topics brought up at this session included: the removal of agricultural **market barriers**; and the importance of **prior informed consent** of indigenous people before timber concessions are allocated.*

*The session on TFRK focused on **free prior informed consent** of indigenous peoples; access to TFRK **inventories**; and importance of indigenous peoples’ **ownership of research** resulting from their knowledge. The session on capacity building emphasized the importance of **education and training** and how they should address the needs of local communities. The session on partnership highlighted the importance of **governmental facilitation; equity, trust, transparency and empowerment**. The NGOs cautioned against some partnerships which just exercise public relations without taking their environment*

¹ <http://www.un.org/esa/forests/about-history.html>

and social obligations seriously. They also warned that Type II partnerships established by the World Summit on Sustainable Development (WSSD) and in the Clean Development Mechanisms of the United Nations Framework Convention on Climate Change (UNFCCC) tend to be accompanied by governments abdicating their responsibilities.

Ever since the MSD was established at UNFF-2, it has not really been successful in establishing an effective dialogue between various forest stakeholders. Previous MSD tended to be multi-lateral monologues from major groups and governments, the latter often bragging about how wonderfully forest major groups are integrated in their national participatory processes. This third MSD, however, was a slight improvement from the last one because of its innovation of adopting short interventions, which resulted in more frequent and lively exchanges between the various interests represented. In addition, the interaction between the speakers was more natural and spontaneous relative to normal UN process due to the skills of the MSD moderators. However, although there was an exchange of information, the MSD was not useful in examining critical issues. One agreement after another was introduced while disagreements of any kind were avoided all together. The facilitation should have focused on specific barriers to SFM such as World Bank and GEF policies; consumption patterns; poverty and inadequate law enforcement. Indeed the few barriers mentioned by some NGOs such as market-based policies and the potential deleterious effects of the genetically modified tree plantations fell on the deaf ears of governments. One of the representatives from Forest People Programme, a pro-active NGO working on indigenous and forest policy, was not allowed to intervene, as the Secretariat feared that his critical questions would scare government delegates away from the MSD.

Canadian delegates and non-delegates made several interventions. Peter Wood (Youth) highlighted the extensive input made possible by the well-established international network of forestry students. Russell Diabo (Indigenous) described Canada's aboriginal community by citing the Barrier Lake Tri-partite Agreement as a positive example of effective multi-stakeholder dialogue on-the-ground implementation of TFRK initiated by Aboriginal peoples and conducted on terms acceptable to them as a case study. Peter De Marsh (Woodlot owners) closed the MSD by remarking on the degree of convergence of the major groups. As for myself (NGO), I facilitated the development of key messages of the NGO group interventions namely that markets should play a secondary role in the discussion on social aspects of forests given that markets do not deliver required social services.

As for Canadian representatives not on the delegation, Art Manuel (Indigenous Network for Economies and Trade) articulated the divide between Aboriginal worldviews and the economic imperative of logging companies. He stressed the

importance of Aboriginal participation in logging enterprises and maintaining traditional lifestyles.²

I participated in the Multi-Stakeholder Dialogue and made two interventions, in the first intervention I introduced the Barriere Lake Trilateral Agreement as an example of implementation of traditional forest related knowledge into forestry planning and management. In the second intervention, I also referred to the Algonquins of Barriere Lake experience as an example of partnerships using a formal agreement, spelling out the role and responsibilities of the parties in a formal process of negotiation and accommodation of the rights and interests of a local Indigenous community, which still needs to be implemented through further negotiations with governments.

It wasn't possible to cover all of the topics since they were often discussed in sessions occurring at the same time. So I focused on Social and Cultural Aspects of Forests (SCAF), and Traditional Forest Related Knowledge (TFRK). In this regard I worked cooperatively on these two topics with Boris Romanguer, Sierra Club, NGO Representative of the Canadian Delegation and the Indigenous Peoples' Organizations attending.

Re: Social and Cultural Aspects of Forests:

I concur with the following report on this topic from the Sierra Club of Canada:

The negotiations around social and cultural aspects of forestry (SCAF) focused mainly on promoting fair and equitable benefit-sharing; contributions for forest to poverty reduction, adopting social impact assessment methodologies and on decentralization and devolution of authority.

*On linking forests to **poverty alleviation**, several countries pushed for the strengthening the link between SFM and the Millennium Development Goals but at the end this proposed link was abandoned. Particularly sensitive topics discussed were land tenure and the rights of ILC.*

*On the promotion of fair and equitable **benefit-sharing**, the European Union (EU) pushed for forest genetic resources to be treated under the Bonn Guidelines and the development of an international ABS regime under the CBD. The G-77/China opposed this most probably fearing that the Bonn Guidelines are too weak; provide insufficient protection for the knowledge and natural wealth of local people; and fail to define the rights of ILC.*

*On **social impact assessment**, the EU prompted reference to the Akwé:Kon Guidelines on cultural, environmental and social impact assessment of development projects that take place on sacred sites, land and water of ILC, which were adopted by the third working group on Article 8(j) of the CBD. Having*

² "Canadian NGO Perspective on the Fourth United Nations Forum on Forests (UNFF-4)", prepared by Boris Romanguer, NGO Representative of the Canadian Delegation, May 27, 2004.

not ratified the CBD, the US claimed it was unfamiliar with the existence of these guidelines. Ironically enough, Canada did not push for the Mohawk-named Akwé:Kon Guideline agreed within its territory questioning the effective assessment of the implementation of the Guidelines. Canada was most likely concerned that allowing for the international recognition of social impact assessment to be done in forestry may infringe on provincial jurisdiction. The final text only “invites countries to consider the evaluation” of the social and cultural impact of the implementation of the national forest programmes.

*On the matter of **decentralization**, G-77/China accepted reference to this term but not on devolution. Indeed some developing countries in the G-77/China may have concerns in the devolution of power to lower levels.*

*Another issue that turned out to be very sensitive was recognizing the specific role of **women in forestry**. This proposal by the US was met by opposition by some members of G-77/China who did not necessarily want to change the present role of women in forestry. The US also proposed full stakeholder participation, including women, in the development of legislation. The word legislation-making was eventually removed and the special role of women in forestry was only recognized on an equal basis as with other relevant stakeholders such youth and indigenous peoples.*

*On financial and technical support to developing countries, G-77/CHINA asked to include references to **international obligations**. The US along with Canada objected to inserting such reference to international obligations perhaps fearing that they would otherwise be forced to respect their Official Development Assistance (ODA) pledge of 0.7% of their Gross National Product (GNP). At the end, the resolution omitted any reference to international obligations and simply urged the donor community to provide support to developing countries to enhance their capacities.*

The final resolutions only contained one reference to participation of all relevant stakeholders. The resolutions gave a strong emphasis on the role in forest in poverty eradication by urging for example SFM to be integrated in national poverty reduction strategies, including through their national forest programmes. However, the final text omitted all reference to indigenous rights, land tenure, customary and even community-based forest management. One particularly disturbing resolution was the promotion of the private sector investment in SFM. This resolution was slightly improved by coupling it to SFM that takes into account the social and cultural aspects of forests.³

³ “Canadian NGO Perspective on the Fourth United Nations Forum on Forests (UNFF-4)”, prepared by Boris Romanguer, NGO Representative of the Canadian Delegation, May 27, 2004.

Re: Traditional Forest-Related Knowledge:

I concur with the following report on this topic from the Sierra Club of Canada:

*It is the first time that the UNFF has attempted to deal with the traditional forest related knowledge (TFRK) with all the deeply politically sensitive issues that it entails. Several countries, notably Brazil, criticized the report on TFRK prepared by the Convention on Biological Diversity (CBD) secretariat for its overemphasis on **accessing** TFRK rather than its **protection**. The report promoted cataloguing, patents and technology transfer without taking into account the rights of indigenous peoples or national legislation. Several positions emerged in the discussion of TFRK. On one side, several developed countries, Canada, US, and NZ being particularly vocal, sought greater access (i.e. control) to TFRK and pushed for it to be dealt with within the World Intellectual Property Organisation (WIPO), and Japan even pushed for it to be treated under the Trade-related Aspects of Intellectual Property Rights (TRIP) of the World Trade Organisation (WTO)! Indeed, many countries that were reluctant to have TFRK treated under the UNFF were concerned that such an international agreement would interfere with their national intellectual property initiative. Several members of the G-77/China were concerned that developed countries were trying to bypass national legislation of developing countries to access TK directly from Indigenous and Local Communities (ILC). Still other countries wanted to avoid duplication and forum shopping and wanted the 8 (j) working group of the Convention on Biological Diversity (CBD) to deal with TFRK.*

Negotiations over TFRK continued for several days whereby language to indigenous participation in the sharing of their TFRK was gradually diminished. Language referring to recognition of traditional or customary rights and free prior informed consent of ILC were eventually removed, rendering the final proposal so weak that the Indigenous Peoples Organisations (IPO) concluded that no resolution would be better than the adoption of a poor resolution. It is regrettable to note that Canada was one of the most effective voices in objecting to the recognition of indigenous rights over TFRK.

After several days of negotiations over TFRK, the G-77/China, led by Brazil, proposed to replace the few remaining resolutions by a single operative paragraph on the need to protect and safeguard TFRK. Several developed countries, namely Canada, expressed shock over such a simplified proposal and consultations continued but since no agreement could be reached on indigenous rights, access to, and means of protecting TFRK, no resolution at all was adopted on TFRK. In the absence of any resolution, an IPO representative proposed to governments to pursue discussions on the matter at the expert meeting on TFRK to be organized by the International Alliance of Indigenous Tribal Peoples of Tropical Forests in December 2004 in Costa Rica. Claiming to be unclear as to the exact nature of the process and representativity of this expert meeting, governments were reluctant to officially accept the offer. NGOs

interested in participating in this meeting can find more information at the following website: www.international-alliance.org. If the UNFF Secretariat is as receptive to indigenous concerns as it claims to be, one can only hope that it will fully support this country-led initiative and provide a mechanism for its outputs to be taken into account at UNFF-5.⁴

As noted above, this was one of the more contentious topics for UNFF 4, the dialogue among country delegations centered on State access to traditional forest-related knowledge versus State protection and preservation of traditional forest-related knowledge. Country dialogue continued beyond the allotted time during week two in informal discussions.

After awhile it became clear that there was a chasm of difference and understanding (or lack of) between States on the proposed recommendations of the UN Secretariat. During the informal discussions, the Canadian Head of Delegation, permitted me to make a proposal on behalf of the Indigenous Peoples' Organizations to the country delegations. The proposal was to defer the UNFF 4 discussions on traditional forest-related knowledge to an upcoming country-led initiative, or as it has been described, an "Experts Meeting" on traditional forest-related knowledge, scheduled to be held in San Jose, Costa Rica, December 6-10, 2004.

The idea was to allow the dialogue/debate between country delegations to have the benefit of the results of the "Experts Meeting" on traditional forest-related knowledge for the proceedings of UNFF 5, particularly since the "Experts Meeting" on TFRK was to have been scheduled to be held prior to UNFF 4, but for logistical and funding reasons the "Experts Meeting" was not held, consequently, the country delegations did not have the benefit of a report from such a meeting.

Unfortunately, the proposal I made on behalf of the Indigenous Peoples Organizations was not acceptable to the representative of the "G-77 and China", which was the representative from Brazil. Moreover, the representative from the European Union stated that since TFRK was not on the agenda for UNFF 5, which had already been set, the proposal didn't resolve the differences of opinion between the country delegations on the topic.

The informal discussions returned to the proposed resolution on TFRK by the Secretary-General, as expected, these discussions/negotiations of text led to the proposed resolution being watered down so much by the representative of "G-77 and China", that even other country delegations (Canada, U.S., New Zealand, Australia, European union) felt that there was no reason to even have a resolution on the topic of TFRK, the Indigenous Peoples' Organizations present agreed, that it was better to send the message that UNFF 4 was not prepared to address the topic of TFRK, than to have a meaningless resolution/recommendations to countries on the topic. The result was that UNFF 4 failed to reach a consensus on this topic.

⁴ "Canadian NGO Perspective on the Fourth United Nations Forum on Forests (UNFF-4)", prepared by Boris Romanguer, NGO Representative of the Canadian Delegation, May 27, 2004.

CONCLUSIONS AND RECOMMENDATIONS:

During the proceedings of UNFF 4, I made contact with the Indigenous Peoples' Organizations attending the session, which were few in number, but a loose Indigenous caucus was formed. The main Indigenous Peoples' Organization attending was the "**International Alliance of Indigenous and Tribal Peoples of Tropical Forests**". The main representative of this organization was **Kittisak Rattanakrajangsri**, Executive Secretary, from Thailand.

For the first week, there were two representatives from Canada, **Arthur Manuel**, Spokesperson, **Indigenous Network on Economies and Trade (INET)**, also representing **UBCIC**, and **Johnson Ginger**, Silviculture Coordinator, **HUU-AY-AHT**, Port Alberni, British Columbia.

Throughout the two week session I coordinated closely with **Kittisak** providing feedback on draft Indigenous peoples' interventions and strategy. During the first week I also coordinated with **Arthur Manuel**, but Arthur had to leave after the first week to attend the Permanent Forum on Indigenous Peoples in New York.

I am making the following two recommendations:

The failure of UNFF 4 to address Indigenous Peoples' rights and interests means that the matter of forests and indigenous Peoples' is being left to the Convention on Biological Diversity (CBD) as an environmental issue. As we know in Canada, and other countries, the environment ministries and departments lack the mandate, human and financial resources to address Indigenous peoples concerns. It is the natural resource and agricultural industries with the support of State ministries and departments at the national and sub-national levels that have the real impact on the ground with laws, policies and plans.

Therefore, Indigenous Peoples should continue to monitor and influence international forest policy as much as possible, and not just within the CBD process and "**Expanded Programme of Work on Forest Biological Diversity**", which is why I recommend:

1. That NAFA and other Indigenous representatives from the temperate and boreal forest regions attend the "Experts Meeting" on Traditional Forest Related Knowledge, scheduled to be held December 6-10, 2004, in San Jose, Costa Rica. This meeting could serve as a strategy session for Indigenous Peoples' from various regions to coordinate prepare for upcoming international meetings on forests and sustainable development.
2. That NAFA and other Indigenous representatives attend UNFF 5, which will be held May 2005, in New York City. This session is unlikely to achieve consensus among countries on an International Forest Convention, but the UNFF 5 session could produce recommendations that may affect international forest policy and the rights and interests of Indigenous Peoples.

ATTACHMENTS:

- Annex “A” – UNFF 4 Resolutions, Unofficial, Unedited Versions
- Annex “B” – UNFF 4 Proceedings, as Reported by Earth Negotiation Bulletin
- Annex “C” – Canada’s Intervention on ‘traditional Forest Related Knowledge
- Annex “D” – Meeting Proposal: Indigenous Peoples & International Forest Policy
- Annex “E” – Indigenous Peoples Discussion Paper: IAITPA
- Annex “F” – Indigenous Network on Economies and Trade Discussion Paper
- Annex “G” – UNFF 4 Presentation by Ole Henrik Magga, Chair UNPFII

ANNEX “A”

ANNEX “B”

ANNEX “C”

ANNEX “D”

ANNEX “E”

ANNEX “F”

ANNEX “G”