

# **Report on the Fourth United Nations Forum on Forests: A Perspective from a Canadian Environmental Nongovernmental Organisation**

**Presented to the Canadian Environmental Network**



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## **Background to the UNFF**

International forest policy was facilitated by the United Nations by the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF) from 1995 to 2000. These processes produced more than 270 proposals for action towards Sustainable Forest Management (SFM), known collectively as the **IPF/IFF Proposals for Action** (PfA). Although these PfA are not legally binding, countries are expected to conduct a national assessment of the PfA and to plan for their implementation. In October 2000, the United Nations Forum on Forests (UNFF) was established by the United Nations Economic and Social Council with the objective to promote the management, conservation and sustainable development of all types of forests. The PfA served as the basis for the Multi-Year Programme of Work (MYPOW) and Plan of Action of the UNFF. In 2001, the first session of United Nations Forum on Forests (**UNFF-1**) adopted decisions relative to the MYPOW and Plan of Action as well as established three expert groups on: monitoring, assessments and reporting; finance and transfer of environmentally sound technologies (FINTEST); and consideration for an international forest convention. In 2002, **UNFF-2** adopted major decisions on: combating deforestation and forest degradation; forest conservation; rehabilitation and restoration; criteria for the review of the effectiveness of an international forest convention. Major resolutions adopted by **UNFF-3** in 2003 included: enhanced cooperation; forest health and productivity; economic aspects of forests; and maintaining forest cover to meet present and future needs.

## **UNFF-4**

The fourth session of the UNFF took place in Geneva, Switzerland from the 3<sup>d</sup> to the 14<sup>th</sup> of May 2004. At this session, the Sierra Club of Canada was selected to be the environmental nongovernmental organization (ENGO) representative on the Canadian delegation. UNFF-4 dealt with: social and cultural aspects of forests (**SCAF**); traditional forest-related knowledge (**TFRK**); forest-related scientific knowledge; FINTEST; enhanced cooperation; and monitoring, assessment and reporting and criteria and indicators. It is important to note that this session is the last one before the final UNFF-5 which will be held in May 2004, whereby governments will review the effectiveness<sup>1</sup> of the UNFF on SFM and will decide whether it is worth pursuing it to eventually consider an international arrangement on all types of forests, i.e. an international forest convention. Since it was impossible for a single ENGO representative to cover all these topics, only the SCAF and TFRK were closely followed. It was decided to focus on these two topics as it is the first time that these essential components of SFM have ever been dealt within the UNFF and also because they are associated with many underlying causes of deforestation around the world. Important

examples of such social aspects of forests include land tenure and land rights. The Multi-stakeholder dialogue was another major event that was closely followed by the ENGO representative.

### **Multi-stakeholder dialogue**

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 major groups consisted of women; indigenous peoples; ENGOs; 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 ENGO statement. Although the synthesis paper was written across major groups, the ENGOs withdrew from the drafting process as they felt that their concerns would not be fully reflected. The MSD focused on: SCAR; TFRK; capacity building; and partnerships.

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 ENGOs cautioned against some partnerships which just exercise public relations without taking their environmental and social obligations seriously. They also warned that Type II partnerships<sup>2</sup> established by the World Summit on Sustainable Development and in the Clean Development Mechanisms of the United Nations Framework Convention on Climate Change tend to be accompanied by governments abdicating their responsibilities.

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<sup>1</sup> UNFF is jokingly referred to as UNeFFective by the veteran forest policy ENGOs.

<sup>2</sup> "Type II" partnerships refer to non-negotiated partnership commitments established at the World Summit on Sustainable Development in 2002. These "Type II" partnerships between governments, intergovernmental agencies and civil society actors were deemed necessary to complement the negotiated "Type I" commitments between governments in order to ensure that Agenda 21 goals are translated into actual implementation.

The MSD has not been successful in establishing an effective dialogue between various forest stakeholders ever since it was established at UNFF-2. Previous MSDs tended to be multi-lateral monologues from major groups and governments, the latter often bragging about how wonderfully forest-related UN 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 policies; consumption patterns; poverty and inadequate law enforcement. Indeed, the few barriers mentioned by some ENGOs 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 ENGO 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 (ENGO), I facilitated the development of and provided feedback for key messages of the ENGO 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 Manual (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.

Other NGO representatives that made notable interventions during the MSD included Andrei Laletin, (Friends of Siberian Forests), Lambert Okrah (Friends of the Earth-Ghana), Frank Lake (Karuk Tribe in California-USA) and Freddy Molina (Coordinating Indigenous and Peasant Farmers Association on Community Agro-Forestry in Central America).

### **Traditional Forest Related Knowledge**

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 Secretariat of Convention on Biological Diversity (CBD) 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 to (i.e. control of) 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 CBD to deal with TFRK.

Negotiations over TFRK continued for several days whereby meaningful language of indigenous participation regarding 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 at all 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 G77/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<sup>3</sup>. 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. 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.

### **Social and cultural aspects of forestry**

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

On linking forests to **poverty alleviation**, several countries pushed to strengthen 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. Some members of 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 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 that was agreed to within its territory, as it questioned the effectiveness of the Guideline implementation assessment. Canada was most likely concerned that allowing for the international recognition of social impact assessment to be done in

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<sup>3</sup> ENGOs interested in participating in this meeting on TFRK can find more information at the following website: [www.international-alliance.org](http://www.international-alliance.org).

forestry may infringe on provincial jurisdiction. The final text only “ invites countries to consider the evaluation” of the social and cultural impacts of the implementation of the national forest programmes.

On the matter of **decentralization** and **devolution**, G-77/China accepted reference to decentralization but not to devolution. Indeed some developing countries in the G-77/China may have concerns regarding the devolution of national power to more local 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 G77/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 obliged 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 emphasized the link between forest management and poverty eradication by urging for 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 worrisome resolution was the strong 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.

## **Conclusion**

Governments at UNFF-4 failed to agree on meaningful resolutions pertaining to TFRK and SCAF, which are fundamental aspects toward achieving SFM. The fact that no resolution at all could be reached on TFRK could have been foreseen given the extremely politically sensitive issues that it entailed such as

indigenous rights, access and benefit-sharing and intellectual property rights. However, the few resolutions that survived the negotiations on SCAF were so weak that it clearly demonstrated the inability of the UNFF process to deal with issues of vital importance to SFM. Yet again, the UNFF secretariat failed to integrate the concerns of the IPOs and ENGOs as evident in the joint ENGO/IPO letter written to the vice-chair of the SCAR working group deploring their lack of voice in the process. Indeed, many representatives from civil society left this session disappointed. As the Earth Negotiations Bulletin (ENB) report<sup>4</sup> so eloquently stated in its analysis of UNFF-4, “One point of clear consensus in Geneva was that the UNFF has failed to deliver on its stated aims, and that continuing the arrangement in its current form is neither politically viable nor desirable”.

On a more positive note, it was heartening to see how closely the ENGOs and IPOs worked together and joined forces at this session. If there is anything positive that can be said about this session from an ENGO perspective, it is that it provided a space for civil society from all over the world with an interest in forests to gather and share ideas on how to sustainably manage forests at the local level. The organization and logistics for such a space was mainly provided by the Global Caucus on Community-Based Forest Management<sup>5</sup>, which was also instrumental in facilitating the interventions of various ENGOs and IPOs during the negotiations. Indeed, several ENGOs and IPOs were actively involved in the multistakeholder dialogue as well as in formal and informal side-events throughout the two weeks of the UNFF-4. Since neither the United Nations system nor the majority of the world’s governments are likely to take urgent action to halt the present global forest crisis, bypassing the international and national level and networking/working directly with forest communities maybe the best alternative in achieving sustainable forest management in the more foreseeable future. Indeed, the forest crisis is too urgent to wait for forests to reappear as an international political priority.

### **Actions to be taken by the ENGO community in the aftermath of UNFF-4**

1. Follow the UNFF and the UN Permanent Forum on Indigenous Issues given that forests and indigenous interest are not solely covered by the CBD. Indeed forests have other important values other than biodiversity. Also indigenous interests should not be exclusively left to the responsibility of

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<sup>4</sup> Refer to the final analysis of the UNFF-4 prepared by the Earth Negotiations Bulletin at: [www.iisd.ca/forestry/unff/unff4/](http://www.iisd.ca/forestry/unff/unff4/)

<sup>5</sup> For the Global Caucus’s perspectives on UNFF-4, consult their website at: [www.gccbfm.org](http://www.gccbfm.org).

environmental ministries<sup>6</sup> which are generally underfunded and/or understaffed as compared to other ministries.

2. Accept that the UNFF is more a forum for the exchange of ideas in international forest policy than a process that actually implements action at the ground level. ENGOs participating in upcoming UNFF meetings might get more out of the meetings by focusing on networking with forest stakeholders and donor agencies from around the world rather than trying to influence the final resolutions, which tend to be unsubstantial anyways.

3. Closely follow the upcoming UNFF meeting from the 6<sup>th</sup> to the 10<sup>th</sup> of September 2004 in New York on the *ad hoc* expert group on the consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests (i.e. a potential international forest convention).

4. Participate in the meeting on TRFK organized by NGOs to be scheduled to take place in San Jose, Costa Rica, from the 6<sup>th</sup> to the 10<sup>th</sup> of December 2004 as this meeting will provide important directions for ENGOs and IPOs participation in forest and indigenous policy.

5. Although it is highly unlikely that the UNFF-5 will opt for an international forest convention, ENGOs should nevertheless actively express their views on a legally binding instrument to the Canadian government that has been unalterably in favour of a convention for the past decade. It is the view of many ENGOs that such a legally binding instrument should be avoided unless governments are prepared to ensure that such an instrument<sup>7</sup>:

- a) Is consistent with international human rights
- b) Recognized and respects the customary rights of indigenous peoples and communities who live in and depend on forests
- c) Addresses the underlying causes of deforestation and forest degradation, including the need for readjustment of financial flows and reduction of consumption.
- d) Promotes genuine community based forest management that empowers forest peoples.

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<sup>6</sup> Most Parties to the CBD have the issues dealt with under this Convention managed by their environmental ministries.

<sup>7</sup> The listed considerations for an effective international forest convention are taken from a position paper prepared by Fern in January 2004. For more information on ENGO positions on a legally binding instrument on forests, please consult the following websites: [www.forestpeople.org](http://www.forestpeople.org) and [www.fern.org](http://www.fern.org).