

## UNFF EXPERT GROUP HIGHLIGHTS: TUESDAY, 12 DECEMBER 2006

On Tuesday, 12 December, the United Nations Forum on Forests (UNFF) open-ended *ad hoc* expert group (AHEG) on the consideration of the content of the non-legally binding instrument (NLBI) on all types of forests convened at UN Headquarters in New York. In the morning and afternoon plenary sessions, delegates considered the draft composite text of the NLBI. Participants focused on principles, use of terms, and national measures, policies, actions or goals contributing to the Global Objectives.

### PLENARY

**PRINCIPLES:** On the principles of the NLBI, JAPAN suggested looking at the overall structure of the document prior to examining specific principles. MAJOR GROUPS issued a joint statement on their key concerns on the NLBI, including that: national sovereignty clauses recognize traditional rights as supported by other international agreements; governments ensure that markets and trade support sustainable forest management (SFM); traditional knowledge be protected; and financing mechanisms not be diverted from existing funding.

Regarding the Rio Declaration and Forest Principles, the EU preferred that these form the basis of the instrument instead of the basis for the principles of the instrument. COSTA RICA suggested adding that they “are an integral part of this instrument.” The RUSSIAN FEDERATION, supported by the US, emphasized that this document intends to build upon the Rio Declaration and Forest Principles.

The EU proposed that the NLBI be open to economic integration organizations in addition to countries. BRAZIL commented that the retention of this paragraph will depend on whether the instrument will require subscription.

AUSTRALIA requested adding that the NLBI “is not governed by international law.” MALAYSIA suggested this would be excessive given that the instrument is voluntary. ARGENTINA suggested moving this paragraph to the section on adoption.

The US, supported by the RUSSIAN FEDERATION and PERU, emphasized the importance of reiterating that the NLBI is a voluntary instrument. The EU, supported by CANADA, SWITZERLAND, COSTA RICA, ARGENTINA and MEXICO, questioned the need to reference specific Forest Principles.

On sovereignty over forest resources, SWITZERLAND recalled that national sovereignty is already included in the preamble and proposed deleting reference to it in the principles. The US, supported by GUATEMALA and INDIA, requested that the reference be retained.

On the responsibility of each country for sustainable management of its forests and the enforcement of its forest laws, the EU, supported by NEW ZEALAND, JAPAN, NORWAY, SWITZERLAND and MEXICO, proposed adding reference to promoting good governance. COLOMBIA, NIGERIA for the African Group, PAKISTAN, SENEGAL, INDIA and MAURITANIA suggested deleting the paragraph, with SENEGAL noting that the means of enforcing forest law had not been addressed. SWITZERLAND, JAPAN and the EU noted that the paragraph was an important addition to the Forest Principles and requested its retention. The AFRICAN GROUP, supported by PAKISTAN, proposed adding a reference to the provision of adequate financial resources if the paragraph were to be retained.

SWITZERLAND, MEXICO, IRAN, ARGENTINA and COLOMBIA requested deletion of a paragraph on common but differentiated principles, noting repetition within the text. GUATEMALA and MOROCCO proposed replacing common but differentiated “principles” with “responsibilities.”

On the role of international cooperation in improving the management of forests in developing countries and countries with economies in transition, MEXICO, supported by IRAN, CANADA, CUBA, the AFRICAN GROUP, BRAZIL, VENEZUELA and the US, proposed reference to achieving SFM rather than improving forest management. Noting the importance of the international community, IRAN, supported by CANADA and the US, proposed adding reference to the efforts of all countries. PAKISTAN supported by CUBA, the AFRICAN GROUP, VENEZUELA and GUINEA, proposed reference to international cooperation and financial support, with CHINA adding capacity building and technology transfer.

Regarding text stating that nothing in the instrument is intended to affect international legal obligations, proposals were forwarded to move the text to the end of the document, or combine it with the subparagraph stating the voluntary and open nature of the instrument. SWITZERLAND proposed replacing “affect” with “change.” MEXICO proposed text reflecting that nothing in the instrument would prejudice the rights, jurisdictions and duties of member states under international law.

On sustainably managing forests to meet social, economic, ecological, cultural and spiritual needs, the RUSSIAN FEDERATION proposed text stating there should be integral consideration of all functions of forests within the framework of national forest policies. The EU said this could be included when defining SFM. COSTA RICA proposed additional text stating that SFM requires adequate financial resources to ensure sustainability and competitiveness in the long term.

On participation of major groups in forest decision making, AUSTRALIA, supported by the RUSSIAN FEDERATION but opposed by the US, GUATEMALA, and NORWAY, proposed involvement by major groups, as appropriate, instead of “as such.” Supported by BRAZIL, IRAN, and the RUSSIAN FEDERATION, AUSTRALIA proposed referring to major groups as identified by Agenda 21, while the US, NORWAY, GUATEMALA and CHILE preferred listing specific groups. Noting a similar clause on major group involvement under the section on national measures, MOROCCO called for more succinct language in this principle. PAKISTAN, with the AFRICAN GROUP, said major group involvement should be according to each member state’s forest policies. Opposing this language, the US said this would undermine the nature of the principle.

AUSTRALIA, supported by COLOMBIA, BRAZIL, CHINA and the AFRICAN GROUP, suggested deleting a subparagraph on the seven thematic elements of SFM, noting these are addressed in a separate section of the text. The EU, the US and NEW ZEALAND preferred retaining the text, with NEW ZEALAND adding that the thematic elements provide both an indicative set of criteria and a common framework for SFM. ARGENTINA, VENEZUELA, INDIA and CUBA argued that thematic elements are not principles and should not be included in this section. BRAZIL opposed referring to the thematic elements as “an indicative set of global criteria.” The RUSSIAN FEDERATION suggested that “consideration should be given to the thematic elements.”

**USE OF TERMS:** Delegates debated the need to include a section on use of terms but did not embark on substantial discussions of the terms themselves. Noting he was not against including a section on use of terms, the RUSSIAN FEDERATION said it would be a time-consuming process and the added value of the section needed further assessment. AUSTRALIA highlighted dangers in defining terms such as “forest” too precisely, as the term has different meanings to different people. Questioning the necessity of the section, BRAZIL said definitions would vary according to different realities of countries, and that defining terms such as “forest” would become politicized. AUSTRALIA, BRAZIL and the EU stressed the importance of defining SFM. CANADA and the RUSSIAN FEDERATION said the full text must be finalized in order to determine which terms need to be defined. CHINA said defining key terms was necessary.

**NATIONAL MEASURES CONTRIBUTING TO THE GLOBAL OBJECTIVES:** On national measures, policies, actions or goals contributing to the Global Objectives, SWITZERLAND, supported by the EU, COSTA RICA, MEXICO and GUATEMALA, proposed text on the “development or indication of voluntary quantifiable/time-bound national targets or voluntary national measures.” URUGUAY noted the added value of such an inclusion, but cautioned that attaining agreement on such language would be challenging. Chair Hoogeveen suggested, and delegates agreed, that an informal group draft a separate paragraph on voluntary quantifiable/time-bound national targets.

The US, supported by the RUSSIAN FEDERATION, BRAZIL, INDONESIA, INDIA, AUSTRALIA, CHINA, COLOMBIA and the AFRICAN GROUP, proposed that states “resolve, while taking national sovereignty, practices and conditions into account, to contribute to the above shared global objectives.” The RUSSIAN FEDERATION, supported by CHINA, proposed including reference to “legislation practices.” The US, opposed by MEXICO and BRAZIL, also stated that language such as “will,” “shall” and “ensure” are not acceptable in an NLBI.

NEW ZEALAND noted that many measures listed in this section duplicate the Intergovernmental Panel on Forests/ Intergovernmental Forum on Forests Proposals for Action.

On taking into account the Proposals for Action and UNFF resolutions in programmes, plans and strategies, the US and AUSTRALIA expressed concern that the text exceeded the scope of national measures and policies. AUSTRALIA suggested specifying that programmes, plans and strategies be relevant to national circumstances. The AFRICAN GROUP suggested putting more effort into implementing the Proposals for Action and UNFF resolutions “in accordance with national circumstances.”

INDONESIA suggested deleting a paragraph on formulating, implementing, publishing and updating national programmes in support of SFM and combating deforestation. The RUSSIAN FEDERATION said the paragraph was overly prescriptive and repetitive.

The EU supported retaining text encouraging the integration of national forest programmes with other national strategies. PAKISTAN requested adding “through capacity building and transfer of environmentally sound technologies.”

INDONESIA suggested that the subparagraph on enhanced cooperation be integrated with the section on cooperation and cross-sectoral policy coordination. The US and AUSTRALIA opposed this, emphasizing that cross-sectoral cooperation is important at both the national and international levels and both should be highlighted. The RUSSIAN FEDERATION suggested alternative text on considering impacts of factors external to the forest sector.

The EU proposed that text on national forest programmes be consolidated under one paragraph. URUGUAY requested deleting reference to national programmes, policies and strategies, noting this was dealt with earlier in the text, and requested inserting “strategies for rehabilitation and reforestation.” IRAN suggested text on operationalizing elements of the instrument instead of listing specific activities associated with this. PAKISTAN requested inclusion of a reference to low forest cover countries.

On developing a network of protected areas, ARGENTINA proposed language on striving to maintain these. MEXICO noted the need to specifically mention forested protected areas.

INDIA, the US, MOROCCO, VENEZUELA and PAKISTAN requested deletion of a paragraph on maintaining permanent forest estates, noting that it is not applicable to all states. FIJI clarified that for countries with communal land tenure, it is important that this term be retained.

On safeguarding forests from threats, the US, supported by AUSTRALIA, INDIA and BRAZIL, proposed an alternative formulation addressing threats to forest health and vitality, including threats from fire, insects, diseases, pollution and invasive alien species. NEW ZEALAND, supported by BRAZIL, proposed replacing reference to invasive alien species and insects with “pests.”

### **IN THE CORRIDORS**

Some participants lamented that proceedings were slipping into heavy textual negotiations instead of capturing preliminary positions, as expected of a first reading of the text. Others were concerned at the length of time spent discussing principles, noting that this does not bode well for more controversial matters, such as means of implementation, or working through the whole document by the end of the week. However, in the afternoon negotiations progressed steadily through text on national measures and actions, and the day ended on a positive note with a reception hosted by Chair Hoogeveen.