



IFF-4 HIGHLIGHTS WEDNESDAY, 9 FEBRUARY 2000

On the eighth day of IFF-4, delegates met in contact groups to further negotiate bracketed text. The contact group on EST transfer met in the morning, the contact group on financial resources met briefly in the afternoon and the contact group on international arrangements and mechanisms (Category III) met throughout the day.

CONTACT GROUPS

TRANSFER OF ESTs: The group discussed, but did not reach consensus on, an action proposal regarding benefit sharing. A developed country proposed a new formulation based on Article 15 (Access to Genetic Resources) of the CBD. The proposal encourages countries, in accordance with national legislation, to promote fair and equitable sharing of benefits arising from the commercial and other utilization of forest genetic resources, consistent with CBD provisions and international and domestic laws related to IPR. Some developed countries supported using this proposal as a basis for negotiation, but developing countries favored merging this proposal with one suggested at a previous session. In comparing the proposals, developing countries expressed their preference for: urging countries to promote benefit sharing; using language referring to biological resources instead of genetic resources; and retaining inclusion of reference to recognition of the origin of forest biological resources. Many developed countries opposed reference to recognition of the origin of forest biological resources. Some said further discussion on the issue was contingent on the outcome of TFRK in Working Group 1. One developed country suggested qualifying provisions of the CBD with "relevant." Delegates debated the implications and placement of language encouraging countries to act "in accordance with" national legislation as opposed to "while taking into account" national legislation. The text remains bracketed in its entirety. The action proposal on the development of mechanisms to link TFRK and IPR also remains in brackets and both will be forwarded to Working Group 2.

FINANCIAL RESOURCES: The group met briefly to discuss the status of text on financial resources. Chair Oistad distributed a new text based on the previous day's negotiations and said he expected agreement on text referring to biological resources as this issue had been agreed upon in discussions on trade and environment, and TFRK. He said agreement on an action proposal regarding an international

forest fund is contingent on the outcome of discussions on international arrangements and mechanisms (Category III). He also reiterated the possibility of moving an action proposal to the programme element on trade and environment.

INTERNATIONAL ARRANGEMENTS AND MECHANISMS (CATEGORY III): The group continued discussion of the Chair's text. Regarding policy implementation of a possible arrangement on forests, a developed country called to insert text on taking steps toward the broadening and development of mechanisms or further initiatives. Another developed country proposed adding text concerning catalyzing and mobilizing financial, technical and scientific resources as a means of implementing the IPF/IFF proposals for action. A developing country said "catalyzing" is too weak. A regional group sought reference to national forest programmes. Some delegates had difficulties with a reference to "generating" financing. Regarding a proposal to monitor progress on the basis of voluntary reporting by countries, some delegates preferred deleting reference to "voluntary." Chair Insanally combined the major elements of all the proposals and delegates agreed to review this at a later stage.

On a function relating to political authority, delegates agreed to initially discuss the first part of the Chair's text, without reference to a LBI and supported a reference to "strong" political commitment as proposed by developing countries. One country with an economy in transition proposed, and others opposed, deleting text regarding developing ways to liaise with governing bodies of organizations, agencies and instruments. A developed country suggested adding text promoting action-oriented dialogue and policy formulation associated with forests.

On the second part of the function that provides for legislative authority/legal framework, one developed country preferred "legal framework" along with text providing for financial support. Delegates could not agree on making reference to a LBI within this function. The section on a legal framework remains in brackets.

Delegates disagreed on a proposal to establish a separate function for a global forest fund. However, developing countries said they could accept a "forest trust fund." The text remains unresolved.

Regarding a proposed intergovernmental body, delegates debated but did not decide on whether it should be "permanent," "standing," or "open-ended." One regional group and two other countries said the

body could not be responsible for all functions as some functions related to an INC. Discussing whether such a body should be under the GA or ECOSOC, one country said the GA has universal state membership but excludes major group representation while ECOSOC has less inclusive state membership but is inclusive of all major groups. One delegate said the decision should be made in view of ensuring swift decision-making with minimum bureaucracy. This remains unresolved.

Delegates discussed a proposal for a UN partnership on forests (UNPF) involving members of the ITFF and chaired by the FAO. Regarding the mandate of such partnership, one regional group suggested the proposed UNPF "undertake coordinated action" while others suggested "carry out coordination." Many countries said the IFF should not prejudice which entity would be the focal point of the proposed UNPF. One delegate said its membership should be open to possible future entities. Regarding text on the relationship between the proposed partnership and the proposed UNFF, one country called to bracket the text since both are still under negotiation. Developing countries supported reviewing the UNFF five years after its establishment.

On the proposed UNFF's programme of work, Chair Insanally proposed removing the list of programme elements. One developed country expressed strong support, noting that the list would otherwise need to be negotiated, and proposed text stating that the UNFF would work on the basis of a multi-year thematic programme of work, drawing on the elements reflected in the Forest Principles, Chapter 11 of Agenda 21 and the IPF/IFF outcomes. One delegate added the Rio Declaration. One developing country opposed a thematic approach, noting it could be restrictive. Delegates concurred on a multi-year programme. One delegate preferred replacing "revision" of the programme of work with "periodic review."

One delegate added reference to the Forest Principles, Chapter 11 of Agenda 21 and the IPF/IFF outcomes to bracketed text on the programme and method of work for the INC. On a paragraph under working modalities stating the proposed UNFF and, in brackets, the INC, should be open to all states, operate in a transparent manner and involve relevant organizations and major groups, delegates debated whether certain groups, such as indigenous people, should be specified. Developing countries supported referring to participation of major groups as identified in Agenda 21. One developed country underscored referring to indigenous people. Others said there are many interested constituencies and cautioned that listing one would lead to listing others. While many delegates supported referring to Agenda 21 alone, others supported also listing, *inter alia*, local communities, women and the private sector. This issue remains unresolved.

One delegate noted the current formulation for open participation could refer to both the UNFF and INC, and proposed, for purposes of clarification, a new paragraph on INC participation.

With regard to the frequency and duration of the proposed UNFF meetings, many developing countries supported annual two-week meetings, and one regional group and some developed countries supported biannual one-week meetings. Some delegates drew attention to the need to allow time for incorporating possible intersessional work of subsidiary bodies. Developing countries suggested starting with annual two-week meetings and reevaluating at a later date. One delegate said this decision should be left to the UNFF. The Chair suggested "held annually for a period up to two weeks, subject to

review by the body itself." Delegates agreed the UNFF will include a ministerial segment as needed and that it could include a one-day policy dialogue with representatives from relevant organizations.

Regarding scientific, technical and expert advice, delegates agreed to recommend *ad-hoc* groups involving experts from both developing and developed countries. Regarding mechanisms for financing and EST transfer, one regional group called for replacing "mechanisms" with "strategies" and developing countries opposed. Discussing a proposal by a regional group on periodic assessment and review of the work of the arrangement, several suggested merging it with a similar proposal of another country. One delegate pointed out that the two proposals were dissimilar since one referred to both the UNFF and an INC while the other only to the former.

In discussing a proposed secretariat, delegates agreed on "compact" instead of "inter-agency." Some developed countries suggested deleting the phrase "with fair representation" regarding the secretariat's composition, while developing countries preferred its retention. One country offered instead "in accordance with UN rules and procedures," and the matter was left pending. Another said that fair representation should not only be geographic but also thematic in order to cover all types of forests. In discussing funding for the secretariat, one developed country supported funding from "existing resources" while a regional group preferred "the UN regular budget."

Regarding a separate section on financial support, many said that the distinction between administrative and operational activities should be clarified. One country suggested addressing them separately but in the same section, and submitted a written proposal which envisions, *inter alia*, funding for administrative activities to come from the regular UN budget, organizations in the proposed UNPF, and voluntary and in-kind contributions.

IN THE CORRIDORS

Many delegates are becoming increasingly nervous that time is fast running out for negotiations. Intense discussions are underway to determine which part of the overall package will be agreed upon first. Some delegations are firmly of the opinion that everything rests on a signal that new money will be forthcoming.

Despite the funding concern, some delegations are still miles apart on other key issues, such as traditional forest-related knowledge. Some delegations believe that others are using the TFRK discussions to push an agenda on intellectual property and *sui generis* systems, which they believe is beyond the competency of the IFF. Others believe that this is a legitimate forum for advancing this issue.

While many delegations have made regular references to transparency and participation, these concepts appear to have been shelved in Category III deliberations. NGOs, Indigenous Peoples' organizations and a number of delegates were disappointed that non-delegate viewpoints were not allowed to be voiced at the conclusion of the day's discussion. Some delegates believe that a different perspective may have helped provide impetus and focus on some issues.

THINGS TO LOOK FOR

CONTACT GROUPS: The contact group on financial resources is expected to meet at 10:00 am in Conference Room 8. The contact group on international arrangements and mechanisms (Category III) will meet in Conference Room 2 at 11:00 am and will continue to meet throughout the day and possibly into the evening. The contact group on trade and environment is scheduled to meet at 2:00 pm in the Trusteeship Council. A contact group on unresolved issues may also be convened.