



SUMMARY REPORT OF THE FINAL MEETING OF THE COSTA RICA-CANADA INITIATIVE 6-10 DECEMBER 1999

The Final Meeting of the Costa Rica-Canada Initiative (CRCI) convened in Ottawa, Canada, from 6-10 December 1999. Sponsored by the Governments of Costa Rica and Canada, in partnership with 21 countries and international organizations, the Meeting was attended by approximately 110 participants from governments, intergovernmental bodies, non-governmental organizations (NGOs), indigenous groups, the private sector and women's groups from more than 50 countries. The Initiative supports Category III of the programme of work of the Intergovernmental Forum on Forests (IFF), which addresses international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. It provides a process for clarifying issues, identifying commonalities in understanding, facilitating exchanges of views and opening the dialogue to enhance the consideration and identification of elements necessary to build a global consensus on the issue of international arrangements and mechanisms, and, in particular, to identify possible elements of and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument (LBI) on all types of forests.

This Meeting was the last of three stages comprising the Initiative. Its objectives were to: provide the basis for informed decision-making on Category III at the fourth and final session of the IFF (IFF-4), which will be held from 31 January-11 February 2000 in New York; gain a better understanding of the arguments for and against three options for future arrangements and mechanisms--existing legally binding instruments (ELBIs), legally binding instruments (LBIs) and legally non-binding instruments (LNBIs); and consider the possible outcomes of IFF-4 and the form(s) and mandate(s) of possible future arrangements. The outcome of the Initiative was a set of findings from the Meeting and "key messages" for IFF-4, which were compiled in a draft Report of the Meeting and discussed in Plenary on the closing day. The Report of the Meeting will be amended to incorporate these discussions and will be submitted to IFF-4, along with supporting documents from the entire Initiative.

A BRIEF HISTORY OF THE INITIATIVE

INTERGOVERNMENTAL PANEL ON FORESTS: In 1995, the UN Commission on Sustainable Development (CSD) established the open-ended *ad hoc* Intergovernmental Panel on Forests (IPF), in support of non-binding agreements made at the UN Conference on Environment and Development (UNCED) in 1992, to pursue

consensus and coordinated Proposals for Action to support the management, conservation and sustainable development of all types of forests. The IPF focused on 12 programme elements under five chapter headings, on: implementation of UNCED forest-related decisions; international cooperation in financial assistance and technology transfer; research, assessment and development of criteria and indicators (C&I) for sustainable forest management (SFM); trade and environment; and international organizations and multilateral institutions and instruments. The IPF met four times from 1995-1997 and submitted its final report to the fifth session of the CSD (CSD-5) in April 1997.

This report contained approximately 140 proposals for action, including a call for continued intergovernmental forest policy dialogue. However, IPF delegates could not agree on a few major issues, including whether to begin negotiations on a global forest convention. The final IPF report proposed three options on international organizations and multilateral institutions and instruments: continue the intergovernmental policy dialogue on forests within existing fora such as the CSD, the UN Food and Agriculture Organization (FAO) and other appropriate international organizations, institutions and instruments; establish an *ad hoc* open-ended IFF under the CSD charged with, *inter alia*, reviewing, monitoring and reporting on progress in the management, conservation and sustainable development of all types of forests and monitoring IPF implementation (sub-options under this proposal recommended either preparing the basis and building consensus for a decision on, and elements of, a LBI by 1999, or, considering the need for other arrangements and mechanisms, including legal arrangements, reporting at the appropriate time in the CSD's work programme); or establish, as soon as possible, an intergovernmental negotiating committee on a LBI on all types of forests with a focused and time-limited mandate. The final IPF report also recognized the need for improved coordination between existing international instruments and mechanisms and noted that no single body, organization or instrument can address in a balanced, holistic way all issues on the international agenda related to all types of forests.

UNGASS: Delegates at CSD-5 adopted the IPF's report and forwarded a set of recommendations to the UN General Assembly Special Session (UNGASS) in June 1997, which convened to conduct an overall review of progress in implementing the UNCED agreements. At UNGASS, the General Assembly decided to continue the intergovernmental policy dialogue on forests through the establishment of an *ad hoc* open-ended IFF under the aegis of the CSD. In addition, it decided that "the Forum should also identify the possible

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elements of and work toward consensus on international arrangements and mechanisms, for example, a LBI." The UN Economic and Social Council's (ECOSOC) Resolution 1997/65 established the IFF, with a mandate to report to CSD-8 in 2000.

INTERGOVERNMENTAL FORUM ON FORESTS: International arrangements and mechanisms were among the topics discussed at IFF-2, held in Geneva from 24 August-4 September 1998. The document summarizing this discussion states the following: effective international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests are of the utmost importance and their adequacy must be addressed; deliberations should draw on existing international and regional arrangements and mechanisms as well as on the IPF Proposals for Action; and implementation of the IFF's mandate on this topic requires initial emphasis on identifying possible elements and, in the course of the process, continued emphasis on working toward a global consensus. It further states that there is at present no global instrument that deals with all types of forests in a comprehensive and holistic way, and hence reaching consensus and engaging in further action requires a step-by-step approach focused on issues of international concern, conducted in a transparent and participatory manner and without a prejudged outcome.

COSTA RICA-CANADA INITIATIVE: During the discussions at IFF-2, Costa Rica and Canada expressed a common desire to contribute to the IFF's programme of work. They therefore agreed to enter into a partnership to initiate a process to identify possible elements of and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a LBI on all types of forests. The Initiative consisted of three stages: the Experts' Meeting of the CRCI, held in San Jose, Costa Rica, from 22-26 February 1999; a series of regional and sub-regional meetings that followed; and the final Meeting in Ottawa. Eight regional meetings built on the findings of the Experts' Meeting, which incorporated the results of discussions on this topic at IFF-3 and identified elements and options for and functions of future international arrangements and mechanisms on forests, from the perspective of each region. The objective of the Final Meeting in Ottawa was to consolidate the results of the San Jose Experts' meeting and the suggestions obtained from the eight regional meetings in order to produce general conclusions and recommendations for IFF-4 on future international arrangements and mechanisms. The final report will be available on the CRCI website at: <http://www.nrcan.gc.ca/cfs/crc>.

REPORT OF THE MEETING

OPENING PLENARY

Jacques Carette, Canadian CRCI Co-Chair, opened the meeting on Monday morning, 6 December, and introduced the opening speakers.

Ralph Goodale, Canadian Minister of Natural Resources, spoke on the CRCI process and expected outcomes. He noted that the process had deliberated in a neutral, transparent and participatory manner about future arrangements and mechanisms for the world's forests. He said the stakes and expectations for this meeting were high, its purpose being to provide a sound basis for IFF-4 to make an informed decision on effective mechanisms for ensuring forest sustainability, which will be presented to CSD-8 in April 2000. He noted that three problems common to all global sustainability issues must be addressed: financing, sovereignty, and the relationship between future and existing arrangements. Three impediments exist to reaching an agreement to sustainably manage the world's forests: the provision of funds for SFM initiatives and the ability to invest them effectively; the inalienable right of sovereignty and the need to mold a mutually satisfactory international frame-

work; and the need to debate the pros and cons of alternative mechanisms to arrive at the best and most innovative solutions. He stated that *ad hoc* arrangements are no longer viable, thus the meeting's goal was to achieve a broadly supported plan of action to assist IFF-4 in deciding on a lasting solution for sustainability.

Luis Rojas, Costa Rican CRCI Co-Chair, thanked those who participated in the process, the governments and institutions that contributed financially and technically, and the organizers of the regional meetings. He emphasized that Costa Rica's proposal for broad participation had proven necessary and recommended bearing this in mind for future meetings. He stated that general agreement exists on the usefulness of forests, but not about the political processes and commitments needed at the international level, particularly on financing for SFM. He advocated switching from conventional cooperation activities to more innovative mechanisms, especially for financing. He called for: quick, concrete results; a review of the institutional and legal frameworks for forest sustainability by domestic and international organizations; and the use of forest resources for conservation and as an instrument for socio-economic development.

Co-Chair Carette said the output from regional meetings revealed an emerging concern that forest issues are inadequately addressed at present. He recalled that the CRCI's role was to identify the "best solution" for the global management of forests, based on the outcomes of the regional meetings, and to forward those foundations to IFF-4.

Bagher Asadi, IFF Co-Chair, thanked the Government of Canada for hosting the meeting. He noted the maturation of the critical elements of the IFF process and commended the work of the CRCI and the more than 1000 experts who participated in it, expressing hope that it would serve as an incentive for regional initiatives.

REPORTS OF REGIONAL MEETINGS AND COUNTRY-HOSTED INITIATIVES

REGIONAL MEETINGS: Ajit K. Krishnaswamy, International Institute for Sustainable Development (IISD), presented a summary report on the eight CRCI regional meetings. He noted that the meetings had discussed: identification and clustering of elements that could be advanced through international instruments; advancement of identified elements through ELBIs, LBIs or LNBIs; and functions to be fulfilled by an international instrument, including facilitating policy development and implementation, enhancing coordination or cooperation between forest instruments and bodies, and providing a new forum for dialogue or monitoring of implementation.

The summary report identified trends in support for recommended options. Regarding differences between the outcomes of the meetings, he highlighted that the European regional meeting had determined that a LBI was preferable and had identified functions toward which to work, including: global common objectives; coordination and synergies; implementation and commitments; provision of an international forum; and participation and equity. He highlighted the approach of the Near East, Caucasia and Central and South Asia regional meeting to examining how LBIs could fulfill identified functions. On CRCI results and output for IFF-4, he noted that the regional meetings discussed four possible types of future arrangements and mechanisms (an intergovernmental forum for policy deliberations, a coordinating mechanism, a programme for forest policy implementation, and a LBI) and that various options within those categories that had been identified by the IFF Secretariat.

Reporting on the East and Southeast Asia regional meeting, held in Malaysia, Jusoh Saleh noted that nine elements for international arrangements and mechanisms had been identified, including, *inter alia*: forest management; environmental, economic and social issues;

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capacity building; and financial resources. He said the evaluation of options involved: review of existing LBIs, including Ramsar, the International Tropical Timber Association (ITTA), the UN Framework Convention on Climate Change (UNFCCC), the Convention to Combat Desertification (CCD), and the Convention on International Trade of Endangered Species (CITES); consideration of the potential for LNBI; and assessment of the pros and cons of new LBIs. He said the meeting called for actions to facilitate the building of an international consensus, including: equal partnerships between developed and developing countries through an integrated and holistic approach to forest management; equitable sharing of benefits; transfer of technology; trade liberalization trends; and cooperation in curbing transboundary pollution.

Reporting on the Eastern and Southern Africa regional meeting, held in Zimbabwe, Philip Kariwo said the meeting had underscored, *inter alia*: national and regional consultations; the call for an African position on forest issues; the need for LNBI with holistic and comprehensive approaches to forest issues; and effective implementation mechanisms. He identified a need for clarification of the structure and ultimate objectives of IFF-4, the weight of the CRCI, and the potential gain for the African region.

Reporting on the European regional meeting, held in Spain, Jose Solano noted that discussions of national reports on forest reform processes revealed that the current strategy is fragmented and has serious flaws in its implementation. He highlighted an expert-prepared draft of the five functions of any future international forest plan (mentioned above) which participants connected to the three options of the CRCI. He reported general agreement that LBIs were the best solution and that new LNBI and the ELBI did not meet the requirements of all five functions.

Cristina Resico, reporting on the Southern Region of South America regional meeting, held in Argentina, stated that consensus had emerged over the need for a global definition of SFM as well as for clarification of similar Spanish terms for "sustainable" and "clear cutting." She emphasized the need for, *inter alia*: further investigation into native forests and their use; increased consciousness-raising and public access to research; establishment of a permanent international forum on forests; strengthened national forest agencies; increased private capital in forests; reductions in subsidies; generation of technology transfers; and improvements regarding the processing of forest waste. She commended the Initiative for achieving more than its original objectives.

Kayihan Temur reported on the Near East, Caucasias and Central and South Asia regional meeting, held in Turkey, highlighting that most of the 27 countries at the meeting had low-income populations and low forest cover. He identified significant topics addressed, including: financial mechanisms; technology transfer; international cooperation; and the socio-economic dimension of forests. He noted that the meeting had opposed the use of LBIs due to the political nature of the issue and stressed the importance of national strategies. He said existing LNBI are comprehensive yet ineffective, and that new LBIs would be suitable if adequate and equitable compensation mechanisms were provided.

Marta Nunez, reporting on the Amazonian Basin regional meeting, held in Ecuador, noted that a series of preparatory national dialogues had been convened and covered a broad range of views in some of the countries involved. She reported that the regional-level meeting had focused on suggesting elements, exchanging information and diagnosing common problems in the region, rather than on achieving consensus. She stressed the need for: an agreement on concrete mechanisms for implementing instruments; increased transparency and partic-

ipation in international fora and decision-making bodies; assured access to information; and convergence of international, national and regional policies.

Laura Lara reported on the Caribbean, Central and North American regional meeting, held in Mexico. She noted that the meeting had focused on identifying possible elements for future attention and analyzing the pros and cons of ELBI, LNBI and LBI. Most had agreed that sustainability, sovereignty and the rights of women must be ensured. She reported an open discussion on other issues related to IFF Category III, noting major differences in levels of knowledge.

Reports from the South Pacific Sub-regional Workshop on IFF issues, held in Fiji, and the West and Central Africa regional meeting, held in Cameroon, were not presented orally but were made available in written form.

In a Plenary discussion on the reports of the regional meetings, one participant inquired about the lack of consensus on economic and social elements for a LBI. Another commented that at the East and Southeast Asia regional meeting, there was agreement on most economic and social aspects except: certification and labeling (C&L); incentives such as tax structure and subsidies; and trade and SFM. Another participant stressed there was no agreement for a LBI at the Near East, Caucasias and Central and South Asia regional meeting. He noted that the Global Environment Facility (GEF) has provided little funding for forest issues, and a separate forest instrument is needed to provide financial assistance to developing countries for SFM. Participants noted the lack of consensus at the Caribbean, Central and North American regional meeting and cautioned against trying to identify trends in views from the meetings. He urged that a distinction be made between single and multiple, global or regional, and binding or non-binding instruments in the discussion.

COUNTRY-HOSTED INITIATIVES: Special Needs of Countries with Low Forest Cover: Bagher Asadi provided an overview of the Workshop on the Special Needs and Requirements of Developing Countries with Low Forest Cover (LFCC) and Unique Types of Forest, which was held in Tehran, Iran, from 4-8 October 1999. He listed long-term objectives, such as: placing low forest cover on the agenda of future international deliberations; fostering national forest programmes in LFCC; establishing linkages between LFCC actions and the three UNCED conventions on desertification, biodiversity, and climate change; identifying common areas of cooperative action; promoting research; formulating long-term approaches and strategies; and devising mechanisms to pursue implementation. The Workshop met in a Plenary session and in three working groups (addressing policy, capacity and social issues; technical issues; and international issues). He said the meeting had led to the formation of a process (the Tehran Process) to bring together LFCCs to address common needs.

Financing Sustainable Forest Management: Christian Mersmann reported on the UNDP Programme on Forests (PROFOR) Workshop on Financing Sustainable Forest Management, which was held in Croydon, UK, from 11-13 October 1999. He explained that the Workshop had explored potential financing, as well as investment mechanisms and constraints. He summarized Workshop presentations dealing with, *inter alia*: the economics of SFM; core components of financing strategies; international and national financial flows; market-based instruments; public-private partnerships; options for an investment-promotion entity; and a global forest fund (GFF). He concluded that production forests are important to developing countries and called for government contributions for social and environmental goods and services.

KEYNOTE ADDRESSES

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POTENTIAL IMPACT OF CRCI OPTIONS ON EXISTING INSTRUMENTS AND ORGANIZATIONS: Nigel Bankes (University of Calgary) delivered a keynote address on existing international agreements and the three options under consideration in the CRCI for future arrangements on SFM. On the relationships among treaties, he recalled that, in accordance with the Vienna Convention on the Law of Treaties: States must fulfill their obligations under treaties to which they are Party; higher or lower standards in other binding instruments do not necessarily produce conflicts among treaties; and the expression of intent by Parties is important in the case of a conflict, especially in cases of new and past agreements. On the relationship between treaties and LNBI, he explained that: LNBI frequently contain principles of customary law that are as binding upon States as treaty law; customary law may purport to interpret obligations under a treaty; and LNBI that do not embody customary law are "soft law" in that they can influence State behavior but are not binding.

He noted that ELBI and institutions exist in the domains of, *inter alia*, forest conservation, climate change and desertification, and that these could be strengthened as a first option, while also laying the foundations for a second option of creating new LBIs. He gave examples of LNBI (convention Conference of Parties decisions) and LBIs (protocols, annexes, amendments) as inspiration for a new instrument and said drafting a new LBI would allow for an integrated agenda, comprehensive governance and prioritization of specific financial aspects. He said addressing conflicts explicitly could avoid duplication with existing agreements. He offered examples of existing LNBI as a basis for a third option, including: the Rio Forest Principles, Agenda 21, and the UNESCO Man and the Biosphere Programme, and stated that these instruments are inferior to binding treaties and should not affect interpretation of LBIs.

In an ensuing discussion, one participant highlighted the high cost of sustainable development for developing countries and asked that investments be initiated, even if not profitable. Recalling Chapter 11 of Agenda 21, he called for a global financing mechanism. Bankes replied that Agenda 21 provisions must be examined once it is determined whether to add a protocol to an existing convention or draft a whole new instrument.

FINANCE, INCLUDING THE POTENTIAL OF THE CRCI OPTIONS TO LEVERAGE FUNDS: Jorge Rodriguez (UNDP) delivered a keynote address on financing, focusing on how to access non-traditional financial resources for the forest sector. He said that increasing the value of forests nationally entails capturing the global benefits of forests. He presented suggestions for improved financing, including: establishment of a legal framework for attracting investors; improvements in administration; use of carbon markets; multilateral cooperation with transformation to a holistic vision of the environment and SFM; creation of a GFF; NGO programmes to promote the conservation, management and sustainable development of forests; horizontal technology transfer; environmental accounting mechanisms; technical innovations such as improved harvesting techniques and internal audits; and institutional changes in the harvesting and processing of forest products. He suggested that National Forest Programmes (NFPs) include zoning, conservation strategies, institutional strengthening, industrial transformation, and marketing strategies.

In response to a question from the floor regarding value-added forest products, Rodriguez stated that the issue of certification of wood exemplifies adding value in terms of guaranteed environmental quality, and asked for ideas on incentives and domestic benefits. In response to a query on environmental services accounting, he cited an example of a group funding mechanism in Costa Rica to pay for the environmental services provided by forests. One participant lamented the lack of

mention of the role of women in managing forest natural resources. Others commented on the limitations of green labels as an incentive for SFM and the potential benefits of debt-for-nature swaps.

NATIONAL SOVEREIGNTY: Jag Maini, Coordinator and Head of the IFF Secretariat, addressed the concept of national sovereignty in relation to forests. He highlighted the following five principles: States have a sovereign right to utilize their resources; States have a right to economic development; States have common but differentiated responsibilities regarding global interests and concerns related to forests; States must not cause damage to the environment of other States; and international cooperation is needed in order to build human and institutional capacity. He noted that perspectives on forests are evolving to embrace: recognition of a wider range of forest benefits and services; participatory decision-making; a shift from forest management to forest ecosystem management; cross-cutting issues; and long-term political commitment. He highlighted global concerns, including: deforestation, population growth and poverty; biodiversity; climate change; trade; and environmentally critical areas. He identified three tracks of policy deliberations: international trade; SFM; and global environmental issues.

During the ensuing discussion, a representative of Friends of the Earth-Paraguay reported that a joint NGO/Indigenous Peoples' Organizations Strategy Meeting on Institutions, Arrangements and Mechanisms for Action on Forests had been held in Ottawa from 4- 5 December. The meeting addressed compliance with forest instruments and noted the need for immediate action in the form of compliance mechanisms, participation by civil society, and policies in support of indigenous peoples.

DELIBERATION OF KEY QUESTIONS

On Tuesday, 7 December, participants divided into four Working Groups (WGs) to discuss three basic issues: the potential impact of the CRCI on ELBI and LNBI and the impact of newly developed instruments on existing arrangements and mechanisms; the potential for the CRCI options to facilitate the leveraging of funds, drawing upon experiences to date under international agreements; and principles to guide SFM, including the impacts of international agreements on key principles, such as national sovereignty, of each of the CRCI options.

Reports of these WG discussions were presented during Plenary in the afternoon. Lynda Mujakachi reported to the Plenary on suggestions made in Working Group 1 (WG-1). These included, *inter alia*, that: financial resources are needed to achieve implementation, and a GFF should be set up; there is a lack of political will to implement existing LBIs; there is a need to secure commitments by governments regarding technology transfer and finance, for which new instruments could be beneficial; coordination is necessary for addressing forest issues; the work of existing instruments should be streamlined to avoid duplication of work and ensure a holistic approach; there is a need for integration of the forest sector in the sustainable development process and participation of women and indigenous people; forest issues are not fully addressed in ELBI, and new instruments should have equal status with existing instruments; a forest instrument cannot stand alone but should be linked with other processes such as the CCD, CBD and UNFCCC, as well as to other national priority issues, including food security and poverty alleviation; and coordination between national, regional and global levels is crucial.

With regard to financing, WG-1 recommendations highlighted that: the difficulty of accessing financial resources for developing countries should be recognized; the roles of the international community and national governments need to be identified; and although financial

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resources are a key element for future arrangements and mechanisms, a LBI will not guarantee availability of funds. They suggested that instruments address substantive national issues.

On principles for SFM, the WG's report noted participants' statements that: a forest instrument would benefit from inclusion of the five key principles listed in Maini's keynote address; a LBI may help ensure implementation of these principles; and forestry is complex and cross-sectoral and cannot be addressed without other sectors and socio-economic processes. The report said that the principles set forth are not exhaustive and that it was important to address national issues in the context of negotiating or addressing an LBI or a LNBI.

For WG-2, Heikki Granholm reported that the Group considered the issues from the local, national, regional and global levels as well as the impacts between and among countries and major groups. On impacts, he stated that the Group raised substantive points, including that: forests are important and confer many benefits that make their management, conservation, and sustainable development imperative; ELBIs have had an overall positive impact in that they incur responsibilities and obligations, foster and strengthen national legislation and policies, heighten awareness, and evolve continuously; a number of ELBIs address forest issues but are not implemented in a coordinated or holistic way; implementation of ELBIs and any potential new LBI should adequately address capacity building, financing mechanisms, the role of major groups, and coordination among different organizations and institutional bodies. WG-2's report also pondered what the benefits of a new LBI would be and how it would affect ELBIs that address forest issues. It also stated views that: a new LBI could create an impetus for SFM but may not be necessary given the various ELBIs; ELBIs require integration and coordination to adequately address forest issues; and financing should be a prerequisite for the development of a new LBI. Some of the pros of LNBIs (e.g., their potential evolution into LBIs, flexibility) and cons (e.g., uncertain level of commitment and less likely funding) were also noted.

On financing, WG-2 noted that: ODA has declined in recent years; funding for forests is of central importance and facilitates SFM; LBIs have facilitated funding at the bilateral and multilateral levels; and a GFF is needed. With regard to principles for SFM, the WG's report stated that: the Rio Forest Principles should guide SFM; many of the Principles have become common law principles; and in order to be effective, any agreement must be balanced.

For WG-3, Jusoh Saleh reported that, on the subject of impacts, some participants had expressed concern regarding lack of involvement and representation at regional meetings and negotiation processes relating to forests. He noted that debate had also ensued regarding the need for full and effective participation of all groups, and that participants had noted a lack of coordination and the importance of holistic approaches. The WG-3 report highlighted that some linkages have been made between conventions and organizations and that creation of a new instrument should be dependent upon it being functional and cost-effective, adding value, and not conflicting with other instruments. It also called for enhanced coordination and improved streamlining of forest-related decisions, although specific mechanisms were not identified. Improved implementation of current commitments was mentioned.

On financing, WG-3's report noted that some WG-3 participants had emphasized that: direct access to funds is necessary, especially to groups at the end of the resource channel; existing funding mechanisms do not make sufficient funds available for effective implementation; any approach must involve comprehensive and participatory programmes; and capacity building for planning and execution of national forest

programmes must be stressed. It noted participants' comments that "new" money might not necessarily be available for new instruments, and that streamlining current financing should be a priority.

On principles for SFM, the WG-3 report noted that although many international agreements address certain principles, no agreement addresses all principles, and goals can be reached in different ways depending on the political will of countries. It noted a call for attention to the need for representation of indigenous peoples at all levels.

For WG-4, Kayihan Temur reported that with regard to impacts, the WG found that both synergies and conflicts exist between ELBIs and organizations at different levels, including administrative and normative. Views expressed in the WG-4 report note that: while most effects of international instruments appear to be beneficial, conflicts should be welcomed as providing opportunities to resolve issues; there are many conventions, but agency coordination is lacking; existing conventions should be analyzed in terms of SFM when considering the need for a new convention on forests; and rationalization of conventions would enable more effective use of resources.

On finance, he reported WG-4's views that: SFM should to a large extent be a self-financing mechanism, as were those mentioned in the keynote address by Jorge Rodriguez on finance, but that traditional funding mechanisms are also important, especially in countries lacking the infrastructure and conditions for SFM; there is no global fund specifically dealing with SFM; and the private sector is emerging as an important source of funding as public funds decrease. A concern was noted that the private sector might only be interested in short-term profits, and thus long-term investments in SFM projects should be encouraged and all forest values considered.

On principles for SFM, the WG-4 report noted the view that all conventions and international agreements already respect national sovereignty and that international institutions have generally had a beneficial impact on SFM. It noted that some felt that a forum for dialogue on forests is needed, which should include all stakeholders and seek to find a common understanding on the principles of SFM. The Group discussed various types of instruments, including ELBIs, LBIs, LNBIs such as C&I, and combinations of these.

In the Plenary discussion following the presentation of the above reports of the WGs' deliberations, participants noted that: sustainable forestry should be sustainable- in other words, forests should finance forests; the role of the private sector in SFM should be enhanced, particularly in terms of contributions to financing and land management; the role of women and children in SFM should be adequately addressed; funding through governments often does not reach the forests nor indigenous people; debt should be recognized as an obstacle to financing; forest issues must be addressed holistically, with all stakeholders involved in the development of any new instruments; a regime for SFM will likely involve a combination of LBIs and LNBIs; and capacity building should be addressed in a country-specific manner.

ASSESSMENT OF THE CRCI OPTIONS TO ADVANCE ELEMENTS AND FUNCTIONS

On Wednesday morning, 8 December, participants reconvened into the four WGs to discuss the IISD summary report of the regional meetings. The WGs were asked to consider trends in views emerging from the regional meetings regarding the three options before the CRCI, as identified in the report: strengthening existing legally binding instruments (SEIs); new LBIs; and LNBIs. Specifically, the Groups were asked to evaluate trends in views on options for addressing key elements as contained in three points in the IISD report's Executive Summary: a LBI for ecological aspects of forests, forest health and productivity and C&I; a LBI for capacity building and technology

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transfer; and LBIs or SEIs and LNBI's for economic and social aspects of forests. The Groups also formulated suggestions on key themes that evolved during the course of their discussions and on how IFF-4 should proceed. Summaries of each Working Group's discussions were presented in an evening Plenary.

Lynda Mujakachi reported on the work of WG-1. She noted that participants called for a mechanism to deal with concrete issues raised in the regional meetings. She stated that some suggested that a LBI should take into account regional as well as global issues, highlighting that any new instrument or instruments must support and cooperate with existing ones. Others said there was no need for a LBI on most element clusters and suggested that existing gaps be addressed through a SEI or a coordinating mechanism. The report of WG-1's deliberations identified a consensus on increasing stakeholder participation at the national level, which would require funding at the local level. Participants had agreed that the CRCI process has been beneficial in terms of raising awareness of the global issues pertaining to forestry. The report from WG-1 underscored the view that capacity building should be addressed at the policy-making, technical and community levels.

On financing, WG-1's report noted the view that existing instruments are not adequately supportive of the forestry sector. On guidance to the IFF, views expressed in WG-1's report included that: the *ad hoc* dialogue must cease and be replaced by a permanent mechanism with improved capacity to implement SFM; the negotiation process must respect the national, regional and global levels of action and focus on how international mechanisms, institutions and cooperation can support national efforts to promote the implementation of SFM to the benefit of all humans; and the clustering of elements and four functions identified for treatment lay a good foundation for beginning negotiations on a new instrument by 2002. Some participants felt that a LBI would: implement a rules-based approach to forests that would curtail discrimination between countries in relation to forestry practices; and bring coherence to what is currently a fragmented and inefficient approach to forests. The report concluded that the IFF should arrive at something "solid," using the Forest Principles as the basis of their work, and deliver a clear message to CSD-8.

Participants also called for recognition of regional specificities and a continued dialogue on forests. Some suggested that agriculture and food must be encompassed in forest issues and mechanisms and highlighted the social value of forests. Others said that developing countries require incentives such as compensation and capacity building at the local level in order to pursue sustainability. They acknowledged the problem of transboundary protected areas. Some suggested GEF support would be difficult to obtain due to its lack of interest in forest issues.

Heikki Granholm presented the report summarizing WG-2 discussions. He reported some WG-2 participants' views that: it is important to recognize regional differences in consideration of the three options; in theory, ELBIs address many aspects of forestry, but in practice, action on forests is far from adequate; options are not mutually exclusive and may be pursued simultaneously; there is a need for further implementation, coordination and strengthening of ELBIs; a new LBI could heighten the importance of forests in some national agendas; many social and economic aspects of forestry involve controversial issues that may be difficult to agree upon; there is overall agreement on, *inter alia*, the need for financial agreements, technology transfer and capacity building, but divergences of opinion on other issues; and there are important local and regional idiosyncrasies in forest issues, and any international initiatives must provide opportunities for region-specific measures that reflect national needs. He noted other views expressed within the Group, including that: the CRCI and regional meetings have been useful and involved more countries, organizations, experts and

groups in the process; useful materials have been developed and identified; discussions have been transparent and open; balanced action is needed; and elements discussed could be included in a LBI.

On next steps, he reported WG-2 views that future action is needed and implementation at all levels is crucial, and that possibilities exist to build synergies among options and/or to apply a twin-track approach of strengthening ELBIs while developing a new instrument. He also noted that while many called for a LBI, a number of options exist, including an umbrella agreement with regional annexes, a LNBI that evolves into a LBI and development of regional mechanisms, and that the organizational structure of a new instrument need not be determined immediately.

WG-3 generally agreed that assessing the treatment of elements in the Executive Summary as assigned did not take a holistic approach to the problem, and they instead chose to examine each of the four functions that any new instrument should perform, as outlined in the IISD report: facilitating policy development; enabling policy implementation; enhancing coordination or cooperation between forest instruments and bodies; and providing a new forum for dialogue or monitoring of implementation. Jusoh Saleh presented the findings of WG-3's discussions, noting the Group's general observations on the absence of results from the Caribbean, Central and North American regional meeting and the omission of full representation of the results of the regional meetings in the IISD report, as well as the lack of indigenous participation at regional meetings. He mentioned a general concern with the "mathematical" approach to assessing results and with the identification of trends as a focal activity when the purpose of the CRCI was to provide information to IFF-4.

Reporting on the Group's discussion of policy development, he noted a general consensus on the need for a new, holistic, and comprehensive arrangement on forests and a lack of consensus on whether the instrument should be a LBI or LNBI. Views were also expressed on: the opportunity for enhancement of dialogue in other fora; the need for political will; and the need for any future mechanism to be transparent and fully participatory and to avoid duplication. He also mentioned that functions cannot be examined in isolation and must be linked with all other functions.

Regarding the Group's discussion of coordination, he noted the need to: make national and international efforts; coordinate among a wide range of forest institutions; continue and strengthen the role of the IFF; ensure effective participation; agree on the necessity of coordination, though how it is to be done requires further dialogue; and make a political commitment. Regarding policy implementation, he reported participants' comments favoring, *inter alia*: capacity building and financial resources as necessary for implementation; links between implementation, monitoring and reporting; LBIs encouraging political will; and emphasis on transparency and effective participation.

With regard to the WG's discussion on the provision of legislative authority, its report highlighted: a need for adequate legislative authority; lack of consensus on how to organize authority or where authority originates; a lack of endorsement for a specific mechanism; general agreement that legislative authority is needed to ensure impact on the ground; and concern that any instrument could be superseded by existing agreements.

He concluded by listing the Group's key messages for IFF-4, including that: policy negotiations must come to an end because problems and issues are already well-known; key functions must be highlighted at IFF-4; a permanent policy forum with full participation from all levels is needed; a coordination mechanism is required; capacity building and promotion of productive investment in SFM should be emphasized; representatives at IFF-4 must be armed with knowledge

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and responsibility to move forward; IFF-4 should be recognized as a window of opportunity to take a decision on this issue; implementation of current commitments and the link with financial resources must be the focus of any new arrangements; a higher level of commitment and transparency in discussions at IFF-4 is necessary; an action-oriented solution that tackles all elements and functions must be produced; and the rights of indigenous people and women must be recognized.

In WG-4, several participants also felt that the elements should be treated holistically. Others reiterated the view that the IISD report did not accurately reflect all the views expressed in the regional meetings and therefore attempts to evaluate trends emerging from the meetings were inappropriate. WG-4 instead discussed which key points should go forward to IFF-4 in the final document and which functions any new instrument should perform. Kayihan Temur reported WG-4's generally accepted views that SFM requires a global holistic approach and that social, ecological and other aspects of forest issues must be integrated. He reported the observation that an international forum is needed to continue deliberations on SFM. Other views expressed included that: development and/or implementation of forest policy should be open, democratic, participatory and consensus-based; many existing non-binding processes, such as on C&I or certification, are working well so far; existing instruments are fragmented and need coordination; and regional and national initiatives should also be taken into consideration. On the issue of whether a new integrated instrument is needed, he reported that many in WG-4 called for further discussion about which elements should be included and which ones are already covered by existing instruments. On functions, he reported no consensus on whether a LBI or LNBI is most appropriate for policy development, although strong views had been expressed favoring one or the other or combinations of instruments. He reported that the Group generally agreed that options recommended to IFF-4 must take into consideration: the ability of parties to respond; the resources available; political good will; clarity; and the need for an inclusive and open process. On future action, he said the Group discussed a continuation of the forest dialogue, which should be action-oriented and focused on implementation.

In a Plenary discussion following the above reports from the Working Groups, several participants from WG-1, WG-3 and WG-4 commented that all views were not contained in the WG summary reports. Another stated that a LBI for SFM could only be operational if accompanied by measures addressing poverty. Further views expressed included that: the functions of a new instrument should be more clearly identified; the varying levels of agreement on the issues discussed within the Groups should be recognized; any new instruments should complement and not conflict with existing instruments; consensus was neither sought nor reached on most issues; and existing instruments could be strengthened by the development of a new instrument, a framework, mergers, or by calling on the Conferences of Parties (COPs) of existing instruments (e.g., the CCD, CBD and UNFCCC) to take action, but the means of strengthening should be determined by IFF-4. Michael Fullerton, Canadian Expert for the CRCI, expressed the view that a trend for a LBI had emerged.

SUMMARY OF THE DRAFT REPORT OF THE FINAL MEETING OF THE CRCI

The draft report of the Final Meeting of the CRCI was disseminated on Thursday, 9 December. It summarizes discussions that took place during the week and presents the range of opinions of experts from governments, intergovernmental organizations, indigenous groups and

NGOs who participated in their personal capacity. The report states that it should not be considered as negotiated text and does not represent a consensus of views.

The report provides background information about the CRCI process and objectives for the Ottawa meeting. As stated in the report, the objective of the meeting was to enhance understanding of the three options before the CRCI and provide a report to IFF-4 regarding future international arrangements and mechanisms for the management of forests that consolidated the results of regional meetings. In discussing the outcomes of the meeting, the report summarizes the keynote addresses given by Nigel Bankes, Jorge Rodriguez and Jag Maini, and outlines participants' responses.

CRCI OPTIONS: On the three options before the CRCI (SEIs, LBIs and LNBIs), the report states that many participants noted that the options are not mutually exclusive and that a combination thereof may be possible or even desirable. While discernable trends were evident in some regions, there was no clear preference in others.

Strengthening Existing Legally Binding Instruments: Regarding SEIs, participants generally agreed that these address many forest issues, have the potential to evolve and may involve less political effort than developing a LBI. Many also recognized that the fragmented manner in which they currently address forest issues is a drawback.

A New Legally Binding Instrument: Regarding a new LBI, participants noted that it could fill gaps in institutionalized forest policy and be designed to accommodate the different needs of regions and countries. The report states that potential weaknesses of this option include the fact that the relationship between a new LBI and existing agreements may not be clear, a new LBI may not guarantee compliance, and sufficient agreement to begin negotiations is currently lacking.

Legally Non-Binding Instruments: The report notes that the third option of LNBIs has the advantage of being flexible and adaptable to national circumstances. A LNBI could evolve into a LBI over time and allow for a gradual approach. The report states that some participants felt that a LNBI may not require a high degree of political will or foster sustained political commitment.

ELEMENTS: The report notes that an initial list of 72 elements of possible international arrangements and mechanisms, for example, a legally binding instrument (LBI) on all types of forests, provided by the CRCI and endorsed by its Steering Committee, was forwarded to regional meetings for consideration. The meetings modified the list to cluster elements into broader categories. Most regional meetings produced recommendations adapting the elements to national and regional perspectives. The report states that the information gathered on element clusters will be valuable in reaching consensus on any future international arrangements.

FUNCTIONS: The report notes that, rather than analyzing the three CRCI options, some of the WGs focused their attention directly on elements and functions in order to identify the goals of a future arrangement. Groups recognized that the four stand-alone principal functions (policy development, coordination and synergies, policy implementation and legislative authority) also had strong inter-linkages.

Policy Development: On policy development, the report notes agreement at the meeting that any kind of instrument might be appropriate to address the forest sector issues in a holistic manner. Although participants called for a coordinated and cross-sectoral approach, a LBI was not formally required. Emphasis was also placed on producing a transparent and participatory instrument.

Coordination and Synergies: The report notes the recognition that: coordination at national, regional and international levels among institutions and agreements and between governments is vital to SFM; coor-

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dination could be improved by more or less effective means; meaningful participation should be flagged to reflect the particular concerns of civil society and minorities; combining coordination mechanisms with other key functions is important; and political will must be gathered prior to drafting a mechanism.

Policy Implementation: The report notes that many participants called for heightened implementation of forest sector instruments through enhanced financial resources, technology transfer and capacity building. Some highlighted links with monitoring and reporting. Regarding the issue of options, the report notes that many supported a LBI and that common support was given to enhanced compliance and implementation for moving toward an action-oriented approach. Views were expressed on governance, a multilateral framework, and sanctions for non-implementation and resource flow.

Legislative Authority: On legislative authority, all options were seen as potentially suitable and not mutually exclusive, but due to the particular challenge posed by forestry, many supported strengthening current arrangements. This function was perceived as important for resource mobilization and technology transfer.

KEY MESSAGES TO THE IFF: The report states that experts at the meeting agreed that a clear decision on future international arrangements is required at IFF-4, and any permanent arrangement or mechanism should fulfill the four functions, be supported by political will, and treat forest issues comprehensively. This approach should: respect the sovereign rights of States; incorporate global, regional and national considerations; provide for participation of all stakeholders; take into account existing international commitments on forests; promote the use of traditional knowledge in SFM; facilitate financing, technology transfer and capacity building; provide measures to assist with implementing commitments; improve the coordination of existing instruments and initiatives; and take concrete action to strengthen existing commitments.

The report notes that options need not be mutually exclusive or exhaustive, and a two-track approach could be used to strengthening existing instruments and develop a LBI simultaneously. Some supported considering a new LBI, while others cautioned that consensus remains pending on the relative benefits of the various options.

CLOSING PLENARY

DISCUSSION OF THE DRAFT FINAL REPORT: On Friday morning, 10 December, Co-Chair Carette opened the final Plenary to consider the draft final report of the meeting, noting that the report should accurately represent the range of views expressed at this final CRCI meeting in Ottawa as well as at the regional meetings. He asked participants to focus on the key messages to IFF-4. He noted that the final report would be circulated to the Steering Committee and Rapporteurs to be finalized before the end of 1999.

Participants' comments during the Plenary focused on the divergence between what participants recalled being discussed in the various meetings and WGs and what was included in the draft report. It was reiterated that the report is not a negotiated text, although some objected to the weakness inherent in a non-consensual document. Many participants supported a suggestion to make reference to the needs and requirements of LFCCs, particularly for funding for SFM. There were also calls for attention to: Agenda 21; a coordination mechanism; capacity building; commitments; indigenous people's rights; fragmentation in treatment of forest issues; transparency; and full participation of all stakeholders, including women and indigenous people.

Recommendations were made for other texts to be attached to the report, including the individual reports from the regional meetings, the WG reports and any other supporting documents.

Participants then presented their views on three paragraphs containing the key messages to be sent to IFF-4. On the paragraph stating that IFF-4 needs to make a clear decision on future international arrangements so that responsibility for SFM worldwide rests with the global forest community, several participants noted the desirability of involving other cross-sectoral elements as well. Some participants called for a stronger message on establishing a permanent action-oriented international forest dialogue with a synergistic manner, stronger institutional structure and adequate legal authority and levels of commitment. Another comment stressed reference to financial measures and mechanisms. Mike Fullerton, Canadian CRCI Expert, asked for acknowledgment that: this paragraph reflects the view of the regional meetings that forest issues are insufficiently addressed in existing instruments; experts at the Final Meeting of the CRCI agreed that a clear decision on a new international arrangement should be put to IFF-4 for consideration; and a LBI provides the greatest potential to leverage financial resources from public and private sectors at the national and international levels.

Regarding the paragraph on the approach for any permanent arrangement or mechanism, one participant recommended changing a "permanent" to a "future" arrangement or mechanism, and another called for reference to the possibility of a plurality of arrangements or mechanisms. Other comments referred to "recognizing the importance of" rather than "promoting the use of" traditional knowledge, and acknowledging and promoting traditional methods of SFM. Some participants highlighted the need for: full participation of all sectors; coordination at different levels; and concrete actions to monitor implementation. Participants proposed that mention in this paragraph should also be made to: recognize the struggle against poverty; address the specific needs of developing countries; and provide a new financial mechanism for SFM, such as a GFF. Fullerton called for the new approach to heighten and sustain political commitment at the sub-national, national, regional and global levels to achieve SFM and have the same legal status as existing instruments to ensure accountability of commitments.

On the paragraph on a two-track approach for future options, many participants called for a stronger message on "strengthening" implementation and "fulfillment" of existing instruments. Some participants noted the need for clear wording on consultation and participation. Others noted that new mechanisms would not necessarily have to be legally binding, but others objected to this interpretation of what had been discussed. Numerous participants requested deletion of text stating that some participants voiced their readiness to consider a new LBI while others indicated consensus still needed to be reached on the relative benefits of the various options. Participants were divided over whether an emerging consensus exists to start a time-limited process to shape a new arrangement that fills key functions and addresses key areas of concern such as improved implementation, or whether the report should state that the meeting agreed that there was no agreement for a LBI. One participant called for further discussion of national and regional issues before discussion of a LBI at the global level. Another participant noted that existing instruments are not comprehensive enough to cover all forest issues.

Other comments called for clarification of what is meant by "conflicts" between arrangements and recognition of cross-sectoral linkages between forestry, agriculture, food and the environment.

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CLOSING REMARKS: In closing, Ambassador Ilkka Ristimäki, IFF Co-Chair, commented that the CRCI had provided valuable insights into the issues and useful ingredients for IFF-4. He noted an emerging consensus that some arrangement was necessary to maintain and consolidate the work completed thus far on intergovernmental forest policies, although consensus was lacking on the form it would take. He said any arrangement would involve the four functions: policy development; coordination; policy implementation; and provision of legal authority. He also stated that consideration of the third option, LNIBs, was no longer an abstract concept but a concrete choice requiring an institutional arrangement or mechanism.

CRCI Co-Chairs Jose Rodriguez and Jacques Carette brought the meeting to a close, thanking all participants and organizers and noting that the CRCI process had sown the seeds for progress in developing international forest policy.

THINGS TO LOOK FOR

FOURTH AND FINAL SESSION OF THE INTERGOVERNMENTAL FORUM ON FORESTS: IFF-4 is scheduled to meet from 31 January-11 February 2000 in New York. For more information contact: IFF Secretariat, Two United Nations Plaza, 12th Floor, New York, US; tel: +1-212-963-6208; fax: +1-212-963-3463; Internet: <http://www.un.org/esa/sustdev/iff.htm>.

AD HOC OPEN-ENDED GROUP OF EXPERTS ON ENERGY AND SUSTAINABLE DEVELOPMENT: The *Ad hoc* Open-Ended Group of Experts on Energy and Sustainable Development will be held from 6-10 March 2000 in New York. For more information contact: Leticia Silverio, Coordinator, 2 UN Plaza - Rm. DC2-2202, New York, N.Y. 10017, USA; tel: +1-212-963-4670; fax: +1-212-963-4260; e-mail: silveriol@un.org.

INTERNATIONAL LANDCARE CONFERENCE: The International Landcare Conference will be held in March 2000 in Melbourne, Australia. For more information contact: Joanne Safstrom; tel: +61-3-9412-4382; fax: +61-3-9412-4442; e-mail: j.safstrom@dce.vic.gov.au.

EIGHTH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT: CSD-8 will meet from 24 April-5 May 2000 in New York to consider integrated planning and management of

land resources, agriculture, and financial resources/trade and investment/economic growth. The CSD *Ad hoc* Intersessional Working Groups will meet in New York from 22 February-3 March 2000. For information contact: Andrey Vasilyev, Division for Sustainable Development; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: vasilyev@un.org. For major group information, contact Zehra Aydin-Sidos, Division for Sustainable Development; tel: +1-212-963-8811; fax: +1-212-963-1267; e-mail: aydin@un.org; Internet: <http://www.un.org/esa/sustdev/>.

FIFTH CONFERENCE OF PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: CBD COP-5 will be held from 15-26 May 2000 in Nairobi, Kenya. For more information contact: CBD Secretariat; World Trade Center, 393 Jacques St., Suite 300, Montreal, Quebec, Canada, H2Y 1N9; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: chm@biodiv.org; Internet: <http://www.biodiv.org>.

28TH SESSION OF THE INTERNATIONAL TROPICAL TIMBER COUNCIL: This meeting will take place from 24-30 May 2000 in Lima, Peru. For more information contact: ITTO; e-mail: info@itto.or.jp; Internet: <http://www.transport.com/~leje/itto.htm>.

12TH SESSION OF THE UNFCCC SUBSIDIARY BODIES: SB-12 will be held from 12-16 June 2000 in Bonn, Germany, preceded by one week of informal meetings, including workshops. For more information, contact: UNFCCC Secretariat; tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: secretariat@unfccc.de; Internet: <http://www.unfccc.de>.

FOREST PRODUCTS SOCIETY: The 54th Annual Meeting of the Forest Products Society will convene from 18-21 June 2000 in Lake Tahoe, Nevada. For more information contact: Forest Products Society; tel: +1-608-231-1361; fax: +1-608-231-2152; e-mail: info@forestprod.org; Internet: <http://www.forestprod.org/conf.html> or <http://www.ucfpl.ucop.edu/fps2000.htm>.

21ST WORLD CONGRESS OF THE INTERNATIONAL UNION OF FOREST RESEARCH ORGANIZATIONS (IUFRO): The 21st IUFRO World Congress will be held from 7-12 August 2000 in Kuala Lumpur, Malaysia. For more information contact: <http://iufro.boku.ac.at/iufro/congress/>.