

Annex

Elements or proposals for a non-legally binding instrument on forests

I. Proposal of the African Group

Elements of a voluntary code/guidelines/international understanding

1. Enhanced capacity-building mechanisms.
2. Recognition of the global importance of forests.
3. Must facilitate or attract strong political support.
4. Must build on strengthening subregional initiatives.
5. Must provide for technological transfer as a means for achievement of sustainable forest management.
6. Must address the three elements (social, environmental and economic) of sustainable forest management.
7. Should include reference to the role of Major Groups.
8. Should accommodate regional nuances and variations.
9. Should have appropriate institutional arrangements for implementation, including strengthening the role of the Collaborative Partnership on Forests.
10. Clear funding mechanisms to ensure that implementation is facilitated in developing countries.
11. Effective institutional arrangements and working modalities.
12. Enhanced international cooperation and assistance.

II. Proposal of Australia

Potential elements of a voluntary international instrument to support sustainable forest management

Summary

1. Purpose and preamble

Including an explanation of context and relationship to other instruments.

2. Adoption/endorsement

3. Principles and definitions

4. Strategic objectives/goals

Including reference to agreed international standards and objectives for sustainable forest management.

5. National policies

Policies and strategies that are relevant to, and adopted by, the participant country.

Including special requirements for developing countries/economies in transition; cross sectoral coordination; research.

6. Means of implementation and modalities

Including financial arrangements; international and regional cooperation; capacity-building; transfer of environmentally sound technologies; and involvement of major groups and relevant stakeholders.

Assumes institutional arrangements and governance are covered in the relevant Economic and Social Council resolution.

7. Process for assessment/monitoring/reporting

8. Process for information exchange/cooperation/peer review

9. Mechanism to review future effectiveness/renewal of the instrument

III. Proposal of Brazil

International understanding on the management, conservation and sustainable development of all types of forests

The United Nations Forum on Forests,

Reaffirming the relevance of the forest-related commitments made in Agenda 21, in the non-legally binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests and the Johannesburg Declaration and Plan of Implementation,

Reaffirming also the importance of achieving the Millennium Development Goals within their time frame and concerned that some countries may not be in a position to do so in view of lack of adequate financial and technical resources,

Reaffirming further the Principles of the Declaration of Rio on Environment and Development, in particular those relating to the sovereign right of countries to take advantage of their own resources according to their policies on environment and development as well as to the common but differentiated responsibilities of the countries, based on their historical contribution towards the degradation of the global environment,

Reaffirming the decisions of the United Nations Forum on Forests and the proposals for action identified by the Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests, and welcoming ongoing efforts to implement such actions,

Reaffirming also Economic and Social Council resolution 2000/35 of 18 October 2000, which stated that the main objective of the international arrangement on forests is to promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to that end; that the purpose of such an international arrangement would be to promote the implementation of internationally agreed actions on forests at the national, regional and global levels in order to provide a coherent, transparent and participatory global framework for policy implementation, coordination and development and to carry out principal functions, based on the Rio Declaration on Environment and Development, the non-legally binding Authoritative Statement of Principles for Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles), chapter 11 of Agenda 21 and the proposals for action adopted by the Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests, in a manner consistent with and complementary to existing international legally binding instruments relevant to forests,

Expressing concern about continued deforestation and forest degradation and its adverse impact on the livelihoods of over a billion people (including many of the poorest and most vulnerable), and about the need for more effective implementation of actions to facilitate the management, conservation and sustainable development of all types of forests,

Reaffirming that the United Nations Forum on Forests, with the assistance of the Collaborative Partnership on Forests as the key intergovernmental mechanisms to facilitate and coordinate the implementation of sustainable forest management at the national, regional and global levels, and stressing the importance of their appropriate strengthening,

Recognizing that the implementation of policies and measures to promote the management, conservation and sustainable development of all types of forests requires significant technical and institutional capacities and substantive investments,

Noting that sufficient new and additional financial resources have yet to be channelled to support national policies and programmes aimed at the conservation, management and sustainable development of forests,

Convinced that policies and measures adopted at global, regional, subregional and national levels should enhance the capacity of countries to significantly increase the production of forest products from sustainably managed sources,

Aware that States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries to better address the problems of environmental degradation and that trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade,

Reaffirming the special needs and requirements of low forest cover countries and other countries with fragile ecosystems,

1. *Decides* to adopt the following International Understanding on the Management, Conservation and Sustainable Development of All Types of Forests (referred below as the “Understanding”) as a voluntary instrument to enhance international cooperation and to support national, regional and subregional policies and measures, within the International Arrangement of Forests and the mandate of the United Nations Forum on Forests;

2. *Decides also* that the International Understanding on the Management, Conservation and Sustainable Development of All Types of Forests is based on the non-legally binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests;

3. *Recognizes* in the implementation of the Understanding that:

(a) Each country is responsible for the conservation and sustainable management of its forests and the enforcement of its forest laws, which are essential to achieving sustainable forest management;

(b) International cooperation plays a crucial and catalytic role in reinforcing the efforts of developing countries and countries with economies in transition to improve the management of their forests;

(c) The private sector, forest owners, local and indigenous communities and other stakeholders can contribute to achieving sustainable forest management and should be involved in a transparent and participatory way in decision-making on forests that affects them;

Strategic objectives

4. *Agrees* on the following strategic objectives to be achieved through the implementation of the Understanding:

1. Increase significantly the area of protected and sustainably managed forests and reverse the loss of forest cover around the world;
2. Eradicate poverty in forest areas and improve the quality of life in forest-dependent communities through social and economic policies and measures and sustainable forest management;
3. Reversing the decline in official development assistance allocated to forest-related activities and mobilize significantly increased new and additional financial resources to the implementation of sustainable forest management;
4. Consistently increase the economic value and market share, including for export, of forest products originated from sustainably managed forests and their associated environmental functions;

Policies and measures

5. *Resolves* that the following actions should be developed at global, regional and subregional levels to achieve the above-mentioned strategic objectives:

(a) Initiate or strengthen public-private partnerships with the private sector, civil society organizations and other stakeholders to promote implementation of national forest programmes, criteria and indicators for sustainable forest management, good business practices and improved market transparency;

(b) Promote research and development of forests by means of a network of established centres of excellence in all regions of the world, especially in developing countries;

(c) Promote international cooperation, including South-South cooperation, and the participation of local communities;

(d) Promote long-term political commitments and strengthen existing commitments, which would allow countries to adopt concrete actions in institutional, economic and social fields for the integration of conservation and sustainable forest management within national development policies;

6. *Resolves* that the following actions should be developed at national level to achieve the above-mentioned strategic objectives:

(a) Formulate, implement, publish and regularly update national programmes containing measures to support and increase sustainable forest management and combat deforestation;

(b) Establish and make public national goals related to strategic objectives (1) to (4) established in paragraph 4 of the Understanding;

(c) Develop, periodically update and make available to the Forum national reports on actions and instruments adopted to achieve the strategic objectives of this Understanding, using comparable methodologies to be agreed upon by the Forum and taking into account reports required by other multilateral environmental agreements;

(d) Countries should seek, through the respective governing bodies of member States of the Collaborative Partnership on Forests, to ensure that their forest-related programmes are consistent with the priorities and are supportive of the actions adopted to implement the Understanding;

(e) Include forests in national poverty reduction strategies and, as appropriate, in strategies to achieve the Millennium Development Goals and to carry out the actions agreed upon in Agenda 21 and the Johannesburg Plan of Implementation, with a view to mobilizing new and additional financial resources for sustainable forest management;

(f) Integrate conservation and sustainable forest management within national development policies;

Means of implementation

7. *Decides* to develop the following means of implementation:

(a) Secure high-level political commitment and support to provide financial and technical resources to meet the strategic objectives of the present resolution, including by the establishment a Global Forest Fund, with the aim of providing specific financial resources for achieving the objectives of the Understanding;

(b) Establish a clearing house mechanism to facilitate a better exchange of experiences and good practices and to facilitate access by developing countries to better technology for a sustainable forest management and an increase of in situ value added for forest products;

(c) Promote the transfer of technology to and capacity-building in developing countries to enable them to implement national policies and measures aimed at reversing the loss of forest cover in their territories as well as significantly increase the area of protected and sustainably managed forests;

(d) Invite the Council of the Global Environment Facility to strengthen its role in implementing sustainable forest management by establishing a new operational programme on forests with sufficient additional funds to be allocated by the current replenishment negotiations without prejudice to other operational programmes;

Institutional modalities

8. *Decides also* that the Proposals for Action adopted by the Intergovernmental Panel on Forests (IPF) and the Intergovernmental

Forum on Forests (IFF) should be fully taken into account in the development of the actions referred to in paragraph 4 above;

9. *Decides further* that the Forum should meet every two years to assess the implementation of this Understanding, review national reports, the provision of financial resources and the adequacy of the modalities for transfer of technology and to provide guidance for further action to achieve the objectives established above;

10. *Decides* that regional and subregional meetings should be held at least every two years to discuss practical steps at that level for the implementation of the Understanding; such meetings which should be conducted by regional or subregional organizations mandated by their member States and acknowledged by the Forum, would be prepared jointly by the designated organizations and the Forum secretariat;

11. *Decides also* that the Forum should continue to encourage and facilitate the participation of stakeholders from all major groups in its work, in an open and transparent way;

12. *Decides further* that the Forum should agree on a multiyear programme of work 2006-2015 and the strengthening of the secretariat to fulfil its mandate;

13. *Decides* that the Forum should review, in 2015, the progress achieved in international cooperation for the conservation, management and sustainable development of all types of forests and should consider ways for further strengthening the international arrangement on forests, taking into account the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action as well as Economic and Social Council resolution 2000/35.

IV. Proposal of Canada

Possible elements of an international convention on forests

An international convention on forests should build on the many recommendations produced by the international dialogue of the past 15 years and, at a minimum, should:

(a) Establish the overarching objectives, fundamental principles and definitions that would provide a common understanding of sustainable forest management;

(b) Specify the obligations that parties would undertake to implement sustainable forest management, for example:

- Maintain a national forest estate as a percentage of total area
- Complete, review and update forest inventories
- Develop national frameworks of criteria and indicators for sustainable forest management
- Develop and implement national forest programmes
- Integrate traditional forest-related knowledge in forest management
- Safeguard forests, as appropriate, from fire, insects, diseases, pollution and alien species
- Apply management plans
- Complete networks of protected areas
- Strengthen transparent forest concession allocation systems
- Require environmental impact assessments for projects with likely adverse effects
- Ensure the participation of stakeholders in forest policy decisions
- Encourage industry to develop and use voluntary codes going beyond national legislation
- Support the development of certification schemes that reflect “essential” principles
- Promote research, capacity-building, education and public awareness

(c) Promote cooperation among parties and between parties and international organizations (for example, through agreements);

(d) Consider enhanced access to public and private financial resources and the transfer of environmentally sound technology to help developing countries and countries with economies in transition to meet their obligations (likely a new forest fund);

(e) Establish a compliance regime and dispute settlement process;

(f) Create a permanent governance body with the power to monitor, periodically review and recommend approaches to strengthen the effectiveness of the convention and advance its implementation

through the establishment of subsidiary bodies and actions such as programmes of work;

(g) Establish a secretariat to provide coordination;

(h) Create a structure to enable periodic monitoring and reporting on global and regional progress in achieving sustainable forest management as well as peer reviews;

(i) Define its relationship to other international legally binding forest-related agreements.

V. Proposal of the European Union

Part A: Strengthening of the International Arrangement on Forests

- Preambular paragraphs, including reaffirmation of Economic and Social Council resolution 2000/35 of 18 October 2000 (reference to the 2012-2013 cycle of the Commission on Sustainable Development)
- Global goals and national commitments
- Text on multi-year programme of work, including prioritization of implementation and emerging issues
- Means of implementation
- Invitation to the secretariat of the United Nations Forum on Forests, with support of the Collaborative Partnership on Forests members, to develop terms of reference for country reports
- Text on the Forum secretariat
- Text on Collaborative Partnership on Forests, including on its joint initiatives (such as continued work on streamlining forest-related reporting) and on monitoring, assessment and reporting on sustainable forest management (reference to criteria and indicators for sustainable forest management)
- Text on working modalities (periodicity, location, regionalization of meetings of the International Arrangement on Forests)
- Text on interim review (2011) and review (2015), including consideration of the establishment of a legally binding instrument on all types of forests at the latest in the context of the review in 2015
- Discontinuation

Part B: Draft international instrument on all types of forests

Preamble

*The [subscribing] States,**

- Reconfirmation of Rio Declaration, Forest Principles and IPF/IFF proposals for action;
- Recognition of valuable contributions of the Intergovernmental Panel on Forests, the Intergovernmental Forum on Forests, the United Nations Forum on Forests and the Collaborative Partnership on Forests towards building consensus on forest policy and sustainable forest management;
- Reconfirmation of the United Nations Conference on Environment and Development, the World Summit on Sustainable Development, the Millennium Development Goals

* For the European Union, the added value of subscription depends on the level of adherence to and the contents of the international instrument on all types of forests and on negotiations at the sixth session of the United Nations Forum on Forests.

and the 2005 World Summit Outcome;

- Underscoring of multiple economic, environmental, social and cultural benefits provided by forests;
- Emphasis on contribution of sustainable forest management to sustainable development and to achieving the Millennium Development Goals;
- Expression of concern about continued deforestation and forest degradation;
- Affirmation that the sustainable management of forests is a common concern of humankind;
- Recognition of contribution of regional processes;
- Recognition that the shared global goals are mutually supportive and intersect with the seven thematic elements of sustainable forest management;
- Desire to enhance and complement existing international arrangements for the sustainable management of forests;
- Determination to sustainable forest management for the benefit of present and future generations;

Have agreed as follows:

I. Purpose

I.1 Purpose of the international instrument on all types of forests is to:

- Strengthen the implementation function of Economic and Social Council resolution 2000/35 of 18 October 2000;
- Strengthen the long-term commitment to sustainable forest management;
- Achieve the global goals;

II. Use of terms

II.1 Definition of terms used for the purposes of the international instrument, including:

- States;
- Regional economic integration organizations;
- Collaborative Partnership on Forests;
- Forests;

III. Principles

III.1 Principles should include:

- National sovereignty over and responsibility for forests;
- Common, but differentiated responsibilities;
- Role of international cooperation in supporting national efforts;
- Recognition of the importance of forest governance;

- Recognition of the role and contribution of the private sector and stakeholders;
- Recognition of the importance of partnerships;

IV. Global goals and national commitments

IV.1 With a view to the achievement of internationally agreed development goals, including the Millennium Development Goals, [subscribing] States agree to achieve, by 2015, the following shared global goals on forests:

Goal 1

[Agreed ad ref.] Reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation;

Goal 2

[Agreed ad ref.] Enhance forest-based economic, social and environmental benefits and the contribution of forests to the achievement of internationally agreed development goals, including those contained in the Millennium Declaration, in particular with respect to poverty eradication and environmental sustainability, including by improving the livelihoods of forest dependent people;

Goal 3

[Agreed ad ref.] Increase significantly the area of protected forests worldwide and the area of sustainably managed forests and increase the proportion of forest products from sustainably managed forests;

Goal 4

[Agreed ad ref.] 1. Reverse the decline in official development assistance for sustainable forest management and mobilize significantly increased new and additional financial resources from all sources for the implementation of sustainable forest management;

IV.2 [Subscribing] States agree to develop national targets contributing to the achievement of the global goals;

V. National measures

V.1 In order to achieve sustainable forest management and the global goals and to meet the related national commitments, [Subscribing] States shall:

(a) Develop, further elaborate, where appropriate, and implement national forest programmes or other forest strategies;

(b) Integrate national forest programmes or other forest strategies into national strategies for sustainable development, national action plans in relation to multilateral environmental agreements and, where appropriate, into poverty reduction strategies;

VI. Strengthening of coordination and international cooperation

VI.1 [Subscribing] States to cooperate, at the regional and global level, with other [subscribing] States, directly or, where appropriate, through competent international organizations, on matters of mutual

interest, for sustainable forest management and the achievement of the global goals;

VI.2 [Subscribing] States to promote cooperation and cross-sectoral policy and programme coordination;

VI.3 [Subscribing] States to involve stakeholders in a transparent and participatory manner in forest decision-making;

VII. Monitoring, assessment, reporting, and multilateral consultative process

VII.1 [Subscribing] States to monitor contributions to global goals, the achievement of national targets and the implementation of national forest programmes and other forest strategies and report to the United Nations Forum on Forests;

VII.2 Development of terms of reference for country reports;

VII.3 Establishment of a process for facilitation, peer review and dialogue;

VIII. Institutional modalities

United Nations Forum on Forests/[subscribing] States

VIII.1 The United Nations Forum on Forests to monitor the implementation of the international instrument, including through monitoring of:

- Mobilization of resources;
- Activities of the Collaborative Partnership on Forests related to the international instrument;
- Cooperation with other forest-related international processes;
- Forest law enforcement, governance and trade;

VIII.2 To identify forest-related priorities;

VIII.3 To consider and adopt amendments to the international instrument;

VIII.4 To consider and undertake any additional action at the international level that may be required for the achievement of the global goals of the international instrument in the light of experience gained;

Regional cooperation

VIII.5 Work with existing regional bodies related with forests or the Food and Agriculture Organization of the United Nations as Chair of the Collaborative Partnership on Forests, through its Regional Forestry Commissions, to:

(a) Facilitate and strengthen regional cooperation and close collaboration with relevant regional and subregional organizations and processes and through building regional partnerships;

(b) Be complementary to and avoid duplication of existing processes;

(c) Be open to members of the Forum, members of the Collaborative Partnership on Forests, major groups and interested parties;

(d) [Should be held in alternating years to the Forum];

(e) Address issues identified in the multi-year programme of work, including through assessing implementation and progress towards achieving the global goals;

(f) Provide regional input to the Forum;

(g) Build awareness of the work of the Forum and the agreed IPF/IFF proposals for action;

(h) Ensure participation by the Forum secretariat;

Collaborative Partnership on Forests

VIII.6 Text explaining the relationship between the international instrument and the Collaborative Partnership on Forests [to be informed by the outcomes of the Forum deliberations];

Secretariat

VIII.7 The Forum secretariat shall serve as secretariat of instrument;

VIII.8 Functions of the secretariat;

IX. Means of implementation [to be informed by the outcomes of the deliberations of the Forum]

Financial resources

IX.1 [Subscribing] States to:

(a) Strengthen existing forest-related funds hosted by members of the Collaborative Partnership on Forests, including the NFP Facility, the Programme on Forests and the Bali Partnership Fund, to support national actions to implement sustainable forest management and commit to contribute to them;

(b) Create effective enabling environment for private sector investment for sustainable forest management;

(c) Develop innovative financial mechanisms for generating revenue or public-private partnerships within context of sustainable forest management;

Incentives measures

IX.2 [Subscribing] State shall, as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable management of forests;

Research, capacity-building and training and technology transfer

IX.3 [Subscribing] States to:

(a) Develop, via the International Union of Forest Research Organizations, the Centre for International Forestry Research and the World Agroforestry Centre in collaboration with other members of the

Collaborative Partnership on Forests, a joint initiative on science and technology to support the implementation of the international instrument by assessing available information and producing reports on forest-related issues;

(b) Promote, via the Food and Agriculture Organization of the United Nations, in collaboration with members of the Collaborative Partnership on Forests, exchange of experiences and good practice, and a clearing house mechanism to facilitate access by developing countries to better technology for sustainable forest management;

IX.4 [Subscribing] States to: promote effective protection, use and related benefit-sharing of traditional knowledge in sustainable forest management;

[X. Subscription]

X.1 The international instrument shall be open for subscription by States and regional economic integration organizations through submission of a diplomatic note to the secretariat;

X.2 The secretariat shall serve as an immediate central contact for receiving and announcing the subscription of States or regional economic integration organizations to the international instrument;

X.3 The present international instrument becomes operational [...].]

VI. Proposal of the United States of America

Structure and elements for a Voluntary [?] for Sustainable Forest Management

(Codex Sylvanus)

The subscribing States/Members of the General Assembly of the United Nations:

1. Preamble

- Emphasize the multiple benefits provided by forests
- Emphasize the contribution of sustainable forest management to sustainable development and the achievement of the Millennium Development Goals
- Recall the World Summit on Sustainable Development, the Forest Principles, the proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests, the establishment of the International Arrangement on Forests
- Welcome the work of the United Nations Forum on Forests and the Collaborative Partnership on Forests
- Recognize the importance of forest governance and public-private partnerships
- Recognize the importance of international cooperation
- Recognize the importance of political commitment at all levels

2. Adoption/endorsement of a Codex Sylvanus

3. Principles

- National sovereignty over forests
- National responsibility for forests
- Role of international cooperation in supporting national efforts
- International obligations
- Contribution of the private sector, communities and other stakeholders
- Importance of cross-sectoral coordination at all levels
- Seven thematic elements of sustainable forest management

4. Global goals or strategic objectives

- Reversing forest cover loss
- Promoting forest benefits through sustainable forest management and legally harvested forest products
- Increasing effectively managed protected forest areas
- Mobilizing financial resources — domestic, foreign, public and private

5. National policies/actions

- Identify policies and measures for country action
- Strengthen public-private partnerships
- Identify/implement measures to improve cross-sectoral coordination
- Support regional cooperation efforts
- Include forests in national poverty reduction and development strategies
- Promote mutually supportive forest-related programmes of the members of the Collaborative Partnership on Forests

6. Cooperation and means of implementation

- Better coordinate existing programmes and processes
- Initiate or strengthen public-private partnerships
- Promote research and development and technology transfer
- Promote international cooperation
- Strengthen regional processes
- Catalyse financial resources
- Facilitate international support, especially through the Collaborative Partnership on Forests
- Forest priorities of the members of the Collaborative Partnership on Forests are mutually supportive

7. Report and review

- Report progress on implementation to the United Nations Forum on Forests and the members of the Collaborative Partnership on Forests
- Assess progress/review of effectiveness in 2015

VII. Co-Chairs' draft indicative elements for a non-legally binding instrument

The following is a list of common elements for an indicative list of elements that could be considered in developing a [instrument/code/guidelines/international understanding]:

Context/Preamble

- Recognition of global importance of forests
- Economic, social and environmental benefits
- Principles
- Need for political support
- Recognizing regional differences

Strategic objectives/goals

- Same as in resolution

Policies and measures

- Strengthening subregional initiatives

Means of implementation

- Technology transfer
- Funding mechanism
- Capacity-building
- Enhanced international cooperation and assistance
- Involvement of major groups

Institutional modalities

- Review in 2015
- Secretariat of the United Nations Forum on Forests as secretariat for the instrument