Summary

The global forest crisis continues unabated despite of more than ten years of the global forest policy dialogue in the Intergovernmental Panel on Forests (IPF, 1995-1997), followed by the Intergovernmental Forum on Forests (IFF, 1997-2000), the UN Forum on Forests (UNFF, 2000-ongoing), and parallel discussions within the framework of legally binding instruments like the Convention on Biodiversity, the Framework Convention on Climate Change and the International Tropical Timber Agreement. Much of the forest policy dialogue in these fora has been dominated by either discussing the need for an international, legally (or non legally) binding instrument or preparing to discuss the need for such instrument (understanding/code), to the detriment of concise and committed government action to halt the crisis. Finally during UNFF-6 governments agreed to develop non-legally binding instrument (NLBI) and UNFF-7 may adopt this instrument and multi-year program of work (MYPOW) for the UNFF and NLBI for 2007-2015.

A number of agreements already exist, which provide sufficient guidance on the steps required to halt the crisis, among others: the Expanded Work Programme on Forest Biological Diversity of the Convention on Biological Diversity (CBD), the IPF/IFF Proposals for Action (PFA), which governments pledged to implement several years ago, the Rio Declaration on Environment and Development, the Statement of Forest Principles, and Chapter 11 of Agenda 21.

NGOs and IPOs believe it is necessary to ensure that immediate action to halt the alarming destruction of forests world-wide is taken and that these actions:

I. are consistent with international human rights;
II. recognize, respect and support the implementation of the customary rights of Indigenous Peoples and local communities who live in and depend on forests;
III. address the underlying causes of deforestation and forest degradation, including the need for readjustment of financial flows and reduction of consumption;
IV. promote genuine community forest governance that empowers forest peoples.
I. Introduction

1. This discussion paper has been prepared by a coalition of NGOs and Indigenous Peoples’ Organisations (IPOs) working together in the Global Forest Coalition (GFC). The GFC (formerly known as the NGO Forest Working Group) was established in 1995 to bring the views of NGOs and IPOs to the various international forest policy fora and negotiations. The coalition also facilitates the informed participation of NGOs and IPOs in these processes, including the Intergovernmental Panel on Forests, Intergovernmental Forum on Forests, the United Nations Forum on Forests, the Convention on Biological Diversity (CBD), the UN Framework Convention on Climate Change (UN FCCC) and other relevant forest policy processes.

2. The global forest crisis continues unabated despite more than ten years of the global forest policy dialogue in the Intergovernmental Panel on Forests (1995-1997), followed by the Intergovernmental Forum on Forests (1997-2000), the UN Forum on Forests (2000-ongoing), and parallel discussions within the framework of legally binding instruments like the Convention on Biodiversity, the Framework Convention on Climate Change and the International Tropical Timber Agreement. Much of the forest policy dialogue in these fora has been dominated by either discussing the need for an international, legally (or non-legally) binding instrument or preparing to discuss the need for such instrument (understanding/code), to the detriment of concise and committed government action to halt the actual crisis happening to the world’s forests and their peoples.
3. Governments are not much closer to implementing concise means to address the crisis than they were twelve years ago, and it remains unclear how such an instrument, the contents of which remain undefined, would be successful in addressing the issues that need to be tackled, by which the UNFF and its predecessors have failed to reverse the devastating trend. Finally during UNFF-6 governments agreed to develop a non-legally binding instrument (NLBI) and UNFF-7 may adopt this instrument and multi-year program of work (MYPOW) for the UNFF and NLBI for 2007-2015.

II. Brief Assessment of Implementation of Relevant IPF/IFF Proposals for Action

4. There are numerous IPF/IFF proposals for action relevant to NGOs and Indigenous Peoples’ Organizations involved in international forest policy negotiations, such as the ones dealing with underlying causes of deforestation and forest degradation, traditional forest related knowledge, Indigenous Peoples’ and local communities’ rights, criteria and indicators for sustainable forest management (SFM), monitoring, assessment and reporting on implementation of policies and laws related to SFM, trade in forest goods and services, to name but a few of the more important ones.

5. Environmental and social NGOs and IPOs were actively involved in implementing some of these proposals for action. For example, during 1997 and 1998 (together with the UN Environment Programme, several Governments and many local communities), seven regional workshops on the issue of underlying causes of deforestation and forest
degradation were organized. In January 1999, two global workshops on this issue were organized: one in Ecuador exclusively devoted to Indigenous Peoples’ views, and a global workshop involving all interested stakeholders in San Jose, Costa Rica. This process was set up to implement IPF proposal for action 27 (C). As a follow up to these regional and global events, 15 national workshops, to address the underlying causes of deforestation and forest degradation were organized in all continents.

6. Further, NGOs and IPOs contributed with a series of independent monitoring exercises, assessing the level of implementation of the IPF proposals for action. The results of this exercise were condensed in the 1998 report entitled “Keeping the Promise” presented for the UNFF consideration.

7. Additionally, NGOs and IPOs executed a similar independent monitoring process, focused on the implementation of the forest-related clauses of the CBD and presented at the Sixth Conference of the Parties (COP) to the CBD, in 2002. GFC also prepared a similar exercise to address the implementation of forest-related obligations under the UN FCCC and presented it at the UN FCCC COP 11 in Montreal, Canada in November 2005.

8. NGOs believe that the involvement of NGOs and IPOs in the implementation of some IPF/IEF Proposals for Action was constructive and encouraging, as these PFAs undertaken with involvement of NGOs and IPOs were the only ones so far fully implemented at the global level.
9. NGOs and IPOs remain engaged in fora that offer participation opportunities and effective representation of civil society’s views. However, there are serious constraints that hinder the desired modalities and ability of groups to participate and contribute substantially to these processes. To name but a few, inadequate financial provisions and restraining participation and accreditation rules within the ECOSOC realm discourage many interested NGOs and IPOs. Multi-stakeholder Dialogues (MSD) organized on basis of modalities proposed by the UNFF Secretariat were seen by NGOs, IPOs and other major groups, as a way to segregate the input by these stakeholders. The proposals emanated from the NGO and IPO perspective included a more dynamic set up for dialogue which included at its core an attempt to reporting and debating on issues related to implementation rather than the endless monologues in which the Forum engaged due to lack of reporting commitments. Besides, the results of these dialogues were never included into the Secretary General’s Reports. Most NGOs and IPOs involved in the international forest policy debate think that MSDs are inappropriate vehicles through which to channel civil society’s views. Unless radical changes occur which effectively implement Major Group proposals and views, the organization of these events is discouraged.

III. Priority Areas for Action

10. The main constraints blocking effective action are undoubtedly the overwhelming superiority of vested interests controlling forest resources and the equally grave lack of political will manifest in governmental attitudes towards forest conservation and sustainable
use, and an increasing trend to rely on the market to provide us with solutions when it fact that is where many of the problems originate. The solution to the forest crisis should start by the implementation of existing commitments. In the past NGOs and IPOs had expressed their fears that the negotiation of a forest convention could easily mean another lost decade without decisive action to stop and reverse forest loss. A new non-legally binding instrument will not contribute anything to the current situation unless it explicitly addresses the following underlying causes of forest loss: lack of recognition of Indigenous Peoples’ rights, unsustainable consumption and production patterns and unsustainable financial and timber trade flows.

11. NGOs and IPOs are also deeply concerned about the lack of action by key actors, including governments, intergovernmental organizations, private sector, among others, to curve the alarming rate of deforestation and forest degradation currently occurring. Besides the emphasis on deforestation and forest degradation, another key area of concern for the sector is the lack of recognition of Indigenous Peoples’ and local communities who live in and depend on forests. Without the full recognition of these rights and the implementation of corrective measures at all levels, any attempt to achieve SFM would be futile.

12. Thus, the only PFAs that would receive any support from most Major Groups are those directly devised to solve these issues.

IV. Recommendations and Observations
13. NGOs and IPOs believe it is necessary to ensure that immediate actions to solve the alarming destruction of forests world-wide are taken and that these actions:

- Are consistent with international human rights;
- Recognize, respect and support the implementation of the customary rights of Indigenous Peoples and local communities who live in and depend on forests;
- Address the underlying causes of deforestation and forest degradation, including the need for readjustment of financial flows and reduction of consumption;
- Promote genuine community forest governance that empowers forest peoples.

14. Also we have the following observations about the proposed NLBI that should be taken into consideration:

- NLBI is an instrument that is far removed from the forest principles and from Agenda 21.
- NLBI is ambiguous and weak regarding the rights of forest dependent people.
- NLBI lost its strength especially during the experts meeting because the experts started to negotiate the text instead of contributing to improve and strengthen it technically and scientifically. For instance, the text totally ignores forest-related traditional knowledge.
• The World Summit on Sustainable Development reaffirms that Indigenous Peoples have a vital role to play in sustainable development. However, NLBI does not even mention this in its preamble; at the very least this recognition should be given to Indigenous Peoples.

• There are concerns that NLBI stresses too much the rights of unspecified others that it talks about other stakeholders without identifying them, while Agenda 21 clearly identifies who are the major groups.

• The ambiguity of the instrument derives from the governments saying that they agree with the major groups but in only in accordance with national legislations and only where there is no conflict with this legislation.

• The instrument is based on the commercial aspects of forests but Indigenous Peoples are asking where is the cultural and spiritual aspect that is very important for the Indigenous and local communities.

• The instrument does not take seriously benefit sharing in relation to forest dependent communities.

• The instrument promotes the new landholders and invaders of Indigenous lands by establishing a financial mechanism for small holders and land users only.

• The instrument does not establish a financial mechanism that is accessible to Indigenous and local communities.