

Presentation at MSD UNFF-7
From NGOs and Indigenous Peoples Major Groups
On Non Legally Binding Instrument
For All Types of Forests

The global forest crisis continues unabated despite of more than ten years of the global forest policy dialogue in the IPF (1995-1997), followed by the IFF (1997-2000), the 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 this session of the Forum may adopt this instrument and multi-year program of work for the UNFF 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, 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.

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 in 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.

NGOs and IPOs are also deeply concerned about the lack of action by key actors, including governments, intergovernmental organizations, private sector, among others, to curb 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. Thus, the only PFAs that would receive any support from most Major Groups are those directly devised to solve these issues.

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.

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

1. NLBI is an instrument that is far removed from the forest principles and from Agenda 21.
2. NLBI is ambiguous and weak regarding the rights of forest dependent people.
3. 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.
4. 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.

5. 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 mayor groups.
6. 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.
7. 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.
8. The instrument does not take seriously benefit sharing in relation to forest dependent communities.
9. The instrument promotes the new landholders and invaders of Indigenous lands by establishing a financial mechanism for small holders and land users only.
10. The instrument does not establish a financial mechanism that is accessible to Indigenous and local communities.