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Multi-Stakeholder Dialogue

Discussion Paper contributed by the non-governmental organizations and Indigenous Peoples major groups

Summary

The global forest crisis continues unabated despite more than 13 years of global forest policy dialogue: in the Intergovernmental Panel on Forests (from 1995 to 1997), in the Intergovernmental Forum on Forests (from 1997 to 2000), in the United Nations Forum on Forests (from 2000 onward), and parallel discussions within the framework of legally binding instruments such as the Convention on Biodiversity, the Framework Convention on Climate Change and the International Tropical Timber Agreement.

Much of the forest policy dialogue in these forums has been dominated either by a discussion on the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such an instrument, to the detriment of precise and committed government action to halt the crisis. Finally during the sixth session of the United Nations Forum on Forests, Governments agreed to develop a non-legally binding instrument. And at the seventh session, the United Nations Forum on Forests adopted this instrument and multi-year programme of work for the United Nations Forum on Forests and the non-legally binding instrument for 2007-2015.

The United Nations Framework Convention on Climate Change pays much attention to reducing emissions from deforestation and forest degradation in developing countries (REDD), as a contribution to climate change mitigation in general. However there is increasing recognition that REDD policies could have significant impacts on the rights and governance structures of Indigenous Peoples and other forest-dependent peoples, especially as an agreement on REDD might lead to significantly increased financial flows for forest policy. A main concern related to rights and equity is the risk that the benefits and costs of REDD-related initiatives will not be shared equitably with the Indigenous Peoples and local communities that have
historically been responsible for the conservation and sustainable use of large tracks of forests and other carbon-rich ecosystems. It should also be ensured that REDD policies promote coherence between and compliance with different legally binding and non-legally binding instruments related to forests, including in particular the Convention on Biodiversity (CBD). Non-governmental organizations and Indigenous Peoples’ organizations believe that it is necessary to ensure that immediate actions are taken to halt the alarming destruction of forests worldwide and that those actions:

I. Are consistent with international human rights instruments and the CBD;

II. Recognize, respect and support the implementation of the customary rights of Indigenous Peoples and local communities that live in and/or depend on forests;

III. Address the underlying causes of deforestation and forest degradation, including the need for the readjustment of financial flows and the reduction of consumption;

IV. Establish genuine community forest governance that empowers forest and forest dependent peoples.

V. Address the perverse effects of the erroneous inclusion of monoculture tree plantations under the forest definitions of various UN organs such as the FAO, the UNFCCC, the CBD, and the UNFF.

VI. Prohibit the use of market-distorting schemes such as forest and tree plantation certification by the Forest stewardship Council (FSC) that impact negatively on local people and biodiversity.

VII. Implement, and provide ongoing economic support for, community-based forest ecosystem restoration and rehabilitation as a major measure to address forest loss and degradation.
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I. Introduction

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

2. The global forest crisis continues unabated despite more than 13 years of global forest policy dialogue in the Intergovernmental Panel on Forests (from 1995 to 1997), in the Intergovernmental Forum on Forests (from 1997 to 2000), in the United Nations Forum on Forests (from 2000 onward), 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 those forums has been dominated either by a discussion of the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such instrument, to the detriment of precise and committed government action to actually halt the crisis affecting the world’s forests and their peoples.

3. Governments are not much closer to implementing precise means to address the crisis than they were 13 years ago; and it remains unclear — the UNFF and its predecessors having failed to reverse the devastating trend — how such an instrument would be successful in addressing the issues that need to be tackled. Finally during the sixth session of the United Nations Forum on Forests, Governments agreed to develop a non-legally binding instrument and at the seventh session, it adopted this instrument and multi-year programme of work for the United Nations Forum on Forests and the non-legally binding instrument for 2007-2015.

II. Brief assessment of the implementation of relevant Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action

4. There have been numerous Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for appropriate action to address issues of concern to non-governmental organizations 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, monitoring, assessment and reporting on implementation of policies and laws related to sustainable forest management, to name but a few of the more important ones.

5. Environmental and social non-governmental organizations and Indigenous Peoples’ organizations have been actively involved in implementing some of these proposals for action. For example, during 1997 and 1998, together with the United Nations Environment
Programme (UNEP), several Governments and many local communities, seven regional workshops on the issue of underlying causes of deforestation and forest degradation were organized by NGOs. 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 José, Costa Rica. This process was set up to implement Intergovernmental Panel on Forests 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, non-governmental organizations and indigenous peoples’ organizations contributed with a series of independent monitoring exercises, assessing the level of implementation of the Intergovernmental Panel on Forests proposals for action. The results of this exercise were condensed in the 1998 report titled “Keeping the Promise” presented for consideration by the United Nations Forum on Forests.

7. Additionally, non-governmental organizations and Indigenous Peoples’ organizations executed a similar independent monitoring process, focused on the implementation of the forest-related clauses of the Convention on Biological Diversity and presented at the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2002. GFC prepared a similar exercise to address the implementation of forest-related obligations under the United Nations Framework Convention on Climate Change and presented it at the eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Montreal in November 2005. In 2008, GFC produced a report on the implementation of the Expanded Program of Work on Forest Biodiversity of the Convention on Biodiversity, which was adopted in 2002, by 22 independent NGOs and IPOs in 22 different countries. Important conclusions of these different reports were the need for improved policy coherence in the field of forests and inappropriate implementation of the Expanded Program of Work on Forest Biodiversity of the Convention on Biodiversity in the most of checked countries.

8. Non-governmental organizations believe that the involvement of NGOs and IPOs in the implementation of some Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action was constructive and encouraging, as those proposals undertaken with the involvement of non-governmental organizations and indigenous peoples’ organizations were amongst the very few proposals so far fully implemented at the global level.

9. NGOs and IPOs remain engaged in forums 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 those processes: inadequate financial provisions and restraining participation and accreditation rules within the realm of the Economic and Social Council, to name but a few, discourage many interested NGOs and IPOs. Multi-stakeholder dialogues organized on the basis of modalities proposed by the secretariat of the United Nations Forum on Forests have been seen by non-governmental organizations, indigenous peoples’ organizations and other major groups as a way to segregate the input provided by those stakeholders. The proposals emanating from the non-governmental organization and
indigenous peoples’ organization perspective encompassed a more dynamic set-up for
dialogue which included at its core an attempt to report and debate issues related to
implementation rather than the one-sided and non-action-oriented debates in which the
Forum had engaged owing to lack of reporting commitments. Moreover, the results of
those dialogues were rarely included in the Secretary-General’s reports. Most NGOs and
IPOs involved in the international forest policy debate think that multi-stakeholder
dialogues are inappropriate vehicles through which to channel civil society’s views.
Unless radical changes occur which allow for effective implementation of the proposals
and views of major groups, the organization of these events is discouraged.

10. In order to take better advantage of the contributions by NGOs and IPOs into the
implementation of the NLBI, NGOs and IPOs together with the other major groups
propose a “Major Groups Initiative” (MGI), in the form of an intercessional meeting to
discuss ways to stop deforestation and forest degradation with support of civil society.
This meeting should take place by the end of 2009 or beginning of 2010 and contribute to
UNFF-9 deliberations in 2011, which has been declared International Year of Forests. The
outcomes of the meeting could also contribute to other forest policy processes, in
particular the discussions on reducing deforestation that takes place under the Framework
Convention on Climate Change and the discussions on how to significantly reduce
biodiversity loss within the framework of the Convention on Biodiversity. Major groups’
representatives together with participants from governments and CPF members will jointly
discuss optimal ways of cooperation with civil society in local, national and global levels
in order to put an end to the global forest crisis.

III. Priority areas for action

11. The main constraints blocking effective action are undoubtedly the overwhelming
influence of vested interests controlling the exploitation of 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 solutions
when in fact that is where many of the problems originate. The solution to the forest crisis
should start with the implementation of existing commitments. In the past, non-
governmental organizations and Indigenous Peoples’ organizations 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. The recently adopted non-legally
binding instrument will not contribute anything substantial 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 trade flows.

12. Non-governmental organizations and Indigenous Peoples’ organizations are also
deeply concerned about the lack of action by key actors, including governments,
tergovernmental organizations, and the private sector, among others, to curb the
alarming rate of deforestation and forest degradation currently occurring. In addition to the
need for emphasis on deforestation and forest degradation, another key area of concern for
the forest sector is the lack of recognition of Indigenous Peoples and local communities
that live in or near to and depend on forests. Without the full recognition of these rights
and the implementation of corrective measures at all levels, any attempt to achieve sustainable forest management would be futile.

13. The rampant replacement of forests and other natural ecosystems with large-scale monoculture tree plantations, implemented following narrowly conceived productive and economic objectives, rendering artificial constructs wrongly called “planted forests” is unequivocally a grave direct cause of forest loss and degradation. The main reason for this is that the scientific paradigm of modern forestry is based upon ill-conceived definitions of forests, which introduce the erroneous assumption that forests can be replaced by artificial plantations. Through this erroneous understanding of the nature of forests, a far-reaching plan for the speculative expansion of monoculture tree plantations has been devised and implemented worldwide. The pernicious effects of this plan represent an enormous threat to the last remaining forests.

14. A change of this convenient forestry paradigm is necessary if the last remaining natural forest ecosystems are to be saved. The reforestation efforts must be based on restoration of forests natural attributes. This should be based on sound scientific and traditional knowledge, in a symbiotic assemblage which will reinstate ecological functionality and structure. Thus, the only proposals for action that would receive any support from most of the major groups are those directly devised to solve these issues.

15. The United Nations Framework Convention on Climate Change pays much attention to reducing emissions from deforestation and degradation in developing countries (REDD), as a contribution to climate change mitigation in general. There is increasing recognition that REDD policies might have substantial impacts on the rights and governance structures of Indigenous Peoples and other forest-dependent peoples, especially as an agreement on REDD might lead to significantly increased financial flows for the development of monoculture tree plantations, including of genetically modified trees, and the isolation of forests for exclusive conservation purposes. A main concern related to rights and equity is the risk that the benefits and costs of REDD-related initiatives will not be shared equitably with the Indigenous Peoples and local communities that have historically been responsible for the conservation and sustainable use of large tracts of forests and other carbon-rich ecosystems.

IV. Recommendations

16. Non-governmental organizations and Indigenous Peoples’ organizations believe that it is necessary to ensure that immediate actions to halt the alarming destruction of forests worldwide are taken at the local, national and global level and that those actions:

- Are consistent with international human rights and with UN Declaration on Rights of Indigenous Peoples (UNDRIPs).
- Recognize, respect and support the implementation of the customary rights of Indigenous Peoples and local communities that live in and depend on forests
- Address the underlying causes of deforestation and forest degradation, including the need for readjustment of financial flows and the reduction of consumption
• Promote genuine community forest governance that empowers forest peoples
• Support traditional forest-related knowledge
• Take into account cultural and spiritual aspects of forests and develop approaches to deal with benefit sharing in relation to forest-dependent communities
• Establish a financial mechanism that is accessible to Indigenous Peoples and local communities.

17. Any new forest conservation regime should:
• Ensure Policy Coherence and Compliance between the different forest-related legally binding and non-legally binding instruments.
• Ensure full coherence between different international agreements in the field of forests and forest peoples' rights, including the CBD and UNDRIPs. This requires innovative cooperative structures at the international and national level between the institutions responsible for implementing these agreements;
• Contribute to the CBD target of significantly reducing biodiversity loss by 2010;
• Contribute to a more equitable climate regime by taking into account the principle of common but differentiated responsibilities and ensuring compliance with the financial commitments made at the 1992 UN Conference on Environment and Development;
• Ensure that any emission reductions through forest conservation policies in developing countries are complementary to emission reductions in industrialized countries;

b. Respect Rights and Address Underlying Causes
• Ensure the full and effective participation and engagement of Indigenous Peoples and local communities in all stages of the development and implementation of REDD policies and projects. In certain cases, this might imply revisiting policies that have been developed without such engagement;
• Ensure equitable treatment of Indigenous Peoples, communities and countries that have successfully conserved forests and/or reduced deforestation. This implies that incentives should be de-linked from emission reductions;
• Take into account the gender dimension of different policies and incentives to conserve forests and fully respect the rights and needs of women in forest policies;
• Respect traditional and local institutions for natural resource management, effective forms of representation in co-management bodies and participatory democracy in general.
• Address underlying causes of forest loss, including those related to unsustainable consumption of products including wood, paper, meat and transport fuels;

c. Provide a broad range of Positive incentives for Indigenous Peoples’ territories,
and other lands occupied or used by Indigenous Peoples and local communities;

- Provide a broad range of social, cultural, legal and economic incentives for forest conservation and sustainable use, especially by Indigenous Peoples and local communities. Conservation is and should be part of cultural identity and pride; Provide a broad range of social, cultural, legal and economic incentives for forest restoration;

- Ensure that incentive schemes and other forest policies recognize, respect and/or are based on the historical territorial and use rights of Indigenous Peoples and local communities. Recognizing Indigenous Peoples' territories and Community Conserved Areas has proven to be a successful and equitable strategy to conserve forests. In a region like the Brazilian Amazon, Indigenous territories are the areas where deforestation was most effectively reduced over the past decades;

- Ensure that incentive schemes and other forest policies recognize and support the significant contribution of Indigenous territories and community conserved areas to forest conservation;

- Ensure that such incentive schemes do not undermine the customary governance systems of Indigenous Peoples’ territories and community conserved areas, and the values that have led to their success in terms of forest conservation.