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A strategy paper for a concept on a non-legally binding instrument on all types of forests

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WORK REPORT

Institute for World Forestry

A Strategy Paper for a Concept on a non-legally binding Instrument on all Types of Forests

by

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Institute for World Forestry

**A Strategy Paper for a Concept on a
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Thomas W. Schneider

Work Report of the Institute for World Forestry 2006/3

Hamburg, April 2006

NON-LEGALLY BINDING INSTRUMENT

1. Introduction

At UNFF-6 the Chairman's Text/Resolution emphasized the importance of strengthening political commitment and action at all levels to implement effectively the sustainable management of all types of forests and to achieve the global objectives set out in the resolution, by requesting the United Nations Forum on Forests to conclude and adopt at its seventh session a non-legally binding instrument (NLBI) on all types of forests. The following paper has to be seen as a Strategy Paper for a Concept on a Non-legally binding instrument for Sustainable Forest Management/ of /on all types of forests.

The question of protecting forests under an international binding Convention has challenged nations like few other environmental issues and dominated much of the UNCED in 1992, where countries ultimately adopted a set of non-legally-binding "Forest Principles". The debate among Governments intensified UNCED follow-up, in tandem with growing public concern about ongoing deforestation and forest degradation worldwide.

An international binding convention on forests is sometimes referred to as "the missing Rio convention" or the "fourth convention", the three others being the Framework Convention on Climate Change, the Convention on Biological Diversity, and the Convention to Combat Desertification.

The intension of some countries for the creation of a non-legally-binding/legally-binding instrument on forests in the post-Rio process (IPF, IFF, and UNFF) was to establish a framework covering the various issues of the fragmented or scattered international forest regime and e.g. to avoid duplication and repetition.

The EU-Council Conclusion (April 2005) prepared for UNFF-5 stated the following elements/requirements for strengthening the International Arrangement on Forests (IAF):

- A legally binding instrument on forests,
- Setting of overarching objectives and specific targets,
- Establishment of clear links with regional and thematic processes,
- Significant improvement of implementation mechanisms (finance and technology transfer),
- adequate monitoring, reporting and compliance procedures,
- Effective participation of stakeholders, and
- strengthened role for, and clear guidance to, the CPF.

During the preparations for UNFF6, member states have asked for additional elements, in particular:

- peer review
- strengthened coordination and international cooperation.

It is evident that the Chairman's text of UNFF-6 reflects the EU CC elements not or only partly.

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2. Where we are – An analytical comparison of the proposals submitted at UNFF-6 and their overlaps

UNFF-6 gave states again the opportunity to expose their positions and thoughts of what should come out of the forum, their commitments to what they think are the major issues for the future International Arrangement on Forests (IAF). The discussion at UNFF-6 focused on the indicative elements of an instrument, the process by which an instrument would be developed and consideration of the international instrument on all types of forests option. The African Group, Australia, Brazil, Canada, the EU and the US (see Box 1) submitted proposals outlining the indicative elements of an instrument. For ongoing negotiations towards UNFF-7 an analytical comparison has been done to identify overlaps and discrepancies of the proposals containing elements on the instrument.

Box 1: Submitted Proposals on Elements for a legally/non-legally-binding instrument on forests

1. AFRICAN GROUP PROPOSAL

Elements of a voluntary code / guidelines / international understanding

2. AUSTRALIAN PROPOSAL

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

3. BRAZILIAN PROPOSAL

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

4. CANADIAN PROPOSAL

Possible elements of an international convention on forests

5. EUROPEAN UNION PROPOSAL

PART A: Strengthening of the International Arrangement on Forests

PART B : Draft international instrument on all types of forests

6. US PROPOSAL

Structure and elements for a Voluntary [?] for Sustainable Forest Management (Codex Sylvanus)

The African Group, Australia, Brazil, and the US submitted proposals advocating a voluntary instrument. Canada and the EU submitted papers for the creation of a legally binding instrument (LBI).

The submitted proposals differ in structure, depth, comprehensiveness, and wording and make therefore the analytical comparison difficult. In addition it has to be considered that during the negotiations at UNFF-6 elements were discussed and adopted, which are not mentioned in the proposals.

Analysing the format of the submitted proposals, eleven themes were identified, partly similar in content:

- I. Context
- II. Purpose
- III. Global Objectives on Forests
- IV. Preamble

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- V. Adoption / Endorsement
- VI. Policies and Measures
- VII. Means of Implementation
- VIII. Institutional Modalities
- IX. Assessment / Monitoring / Reporting
- X.I Information exchange / Cooperation / Peer Review
- XI. Review effectiveness / renewal of the instrument

Number of Elements

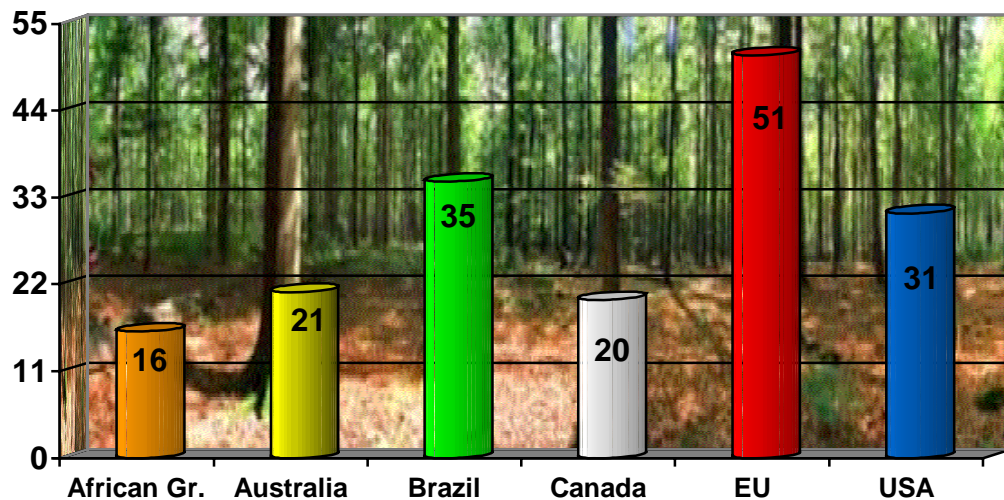


Fig. 1: Number of Elements mentioned in the submitted proposals.

In the six proposals in total 174 elements are mentioned (Fig. 1). Some of these elements are equal others are similar in wording. Finally 79 elements were extracted. The different structure of the proposals in view of their main headings/chapters/topics results in different designation of elements. Therefore in many cases cross references were necessary (see Tab. 2/Annex 1 and Annex 2).

In Fig. 2 (Annex 1) the 79 elements and their relation to the submitted proposals are listed. In Fig.3 (Annex 1) the elements are tabulated in ascending order. The highest degree of convergence (6 times mentioned) is noticed for the elements: IV.8 – principles (preamble), IV.18 – importance of international co-operation (preamble), VII.4 – enhanced international co-operation and assistance (means of implementation), VII.3 – funding mechanism (means of implementation), VII.1 – technology transfer (means of implementation) and III.4 – development of national targets (global objectives on forests).

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| Preamble | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 8. principles | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18. importance of international cooperation | (VII.4) | (VII.4) | (VII.4) | (VII.4) | (VII.4/VII.12)) | <input checked="" type="checkbox"/> |

Tab.: 1: Element 8 “Principles” of theme “Preamble” is directly addressed by all proposals. Element 18 “importance of international cooperation” is directly addressed only by the US proposal but addressed by other proposals in other themes.

However, it is obvious that these elements are of low political relevance. The same can be said for elements where a frequency of 5 or 4 times was noticed.

The politically highly relevant elements (39 in total) are “free standing”, e.g. the EU elements: strengthen commitment to SFM, determination to SFM for benefit of present and future generations, SFM is common concern, global objectives intersect with seven elements of SFM, complementation of existing international arrangements, integrate SFM within multilateral environmental agreements, develop terms of reference for country reports.

In view of the negotiations of the NLBI this diverse picture should be kept in mind. Based on the submitted proposals the frequency of common elements is much lower than the frequency of freestanding elements.

3. Non-Legally Binding Instrument (NLBI)

The creation of a LBI was the most prominent element of the EU CC. The outcome of the UNFF-6 negotiations is that there is actually no consensus on a legally binding instrument. Opposition is for several reasons too strong in several regions worldwide. However, a LBI has been maintained as a future option for UNFF-11 in 2015.

Options to be clarified on the issue of the voluntary instrument negotiated (NLBI) are:

- Should the NLBI be established
 - (a) within current arrangements (= subsidiary body of ECOSOC or GA),
 - (b) within the UN system, or
 - (c) outside the UN system?
- Subscription following adoption or not?

Various proposals at UNFF-6 and the outcome of UNFF-6 indicate that there is a strong political willingness to integrate the instrument into a new IAF. However, options b) and c) on a NLBI are actually not out of discussion. The consequence of option b) would be to establish a committee/forum that succeeds the United Nations Forum on Forests as the body mentioned in ECOSOC Resolution 2000/35. To create a NLBI outside the UN-system (option c) was so far not proposed. Another option to be clarified by EU Council Working Group on Forestry is the creation of a LBI outside the UN-system, following the initiative of Canada.

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As forest policy is not in the competence of the EU, it is in principle up to each individual member state to join this initiative or not. This option could be an alternative if the NLBI negotiated at UNFF-7 is too informal and soft.

At the same time many countries are advocating an international instrument that should be strong and powerful enough to attract political commitment and a firm basis for the necessary financial resources. Another question to be clarified is therefore the type of the NLBI. The following two options for are possible (ref. Netherlands non paper):

I. Freestanding non-legally binding instrument with subscription.

This type of instrument is adopted at a diplomatic conference. Participation in the instrument is voluntary and open to all States. Since the instrument is not legally binding, it is not subject to ratification, acceptance, approval or accession and may therefore become operational immediately after its adoption.

However, States are required to actively subscribe to the instrument in order to demonstrate their political commitment. States subscribe to the instrument by means of a *note verbale* that is sent to the State or international organization that organizes the diplomatic conference. A non-binding model for the *note verbale* is made available to States that have indicated their intention to subscribe to the instrument.

II. Freestanding non-legally binding instrument.

This type of instrument is adopted at an intergovernmental conference. Since the instrument is not legally binding it is not subject to ratification, acceptance, approval or accession and may therefore become operational immediately after its adoption. In many international fora we see this instrument, in many cases under the title of “voluntary guidelines”. States decide individually to implement this voluntary agreement.

The International Expert Meeting “Scoping for a future agreement on forests”, a country-led initiative in support of the United Nations Forum on Forests, held in Berlin from 16 to 18 November 2005, elaborated recommendations for a NLBI. Although the participants did not agree on the recommendations to be transmitted to the United Nations Forum on Forests at its sixth session, the following suggestions and elements regarding a new NLBI were put forward:

- A strong non-legally binding instrument could form a middle ground for countries either in favour of or against a legally binding instrument
- To provide policy guidance rather than technical guidelines
- To use subscription as a more specific expression of interest of the parties involved
- To set clear time-bound quantifiable goals and targets for sustainable forest management and match them with the means of implementation
- To further create common understanding on, while acknowledging the seven thematic elements of, sustainable forest management
- To build on existing arrangements and provide strong linkages with other forest-related instruments
- To avoid duplication and repetition and counteract fragmentation
- To take into account regional economic, social and environmental priorities and regional needs and specific features and make use of regional processes and bodies
- To ensure effective implementation and compliance
- To strengthen collaboration with the Collaborative Partnership on Forests and enhance its role

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- To address cross-cutting issues; and create linkages to the sustainable development agenda and the achievement of the Millennium Development Goals
- To involve all stakeholders
- To strengthen coordination and international cooperation
- To consider financial arrangements, institutional arrangements, working modalities and a review mechanism
- To make available the means for implementing sustainable forest management

4. Nature and scope of the NLBI

There exists a variety of non-binding “soft law” instruments in the international system. These instruments are differently formulated and differently structured. There is also a variety of titles for non-binding legal instruments: e.g. codes of conduct (see box), guidelines, undertaking, and memoranda of understanding. The title is not in itself the determinant of its legal or political weight.

Examples of Codes of Conduct in the UN-System

FAO Code of Conduct for Responsible Fisheries (“FAO Fish Code”)

International Code of Conduct Against Ballistic Missile Proliferation

FAO International Code of Conduct on the Distribution and Use of Pesticides

The International Arms Sales Code of Conduct Act of 1999

Code of Conduct for Social Science Research

International Code of Conduct on Transnational Corporations

(UN Code of conduct for transnational companies)

Voluntary Code of Conduct for the Release of Organisms into the Environment

International Code of Conduct for Plant Germplasm Collecting and Transfer.

Another example is the work of FAO to draft a code of conduct on biotechnology

Non-binding legal instruments are adopted in a number of ways, which can be significant for their ultimate legal effect. Indeed, although some attributes of treaty development may not be present – e.g. full powers or a diplomatic conference – the elaboration of a non-binding instrument can involve similar negotiation approaches. A document (non-paper of the Netherlands) titled “Institutional Modalities in Relation to Subscription” clarifies the possible implications for the institutional modalities of the international instrument, in particular the rights of participation of subscribers and non-subscribers.

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INSTITUTIONAL MODALITIES IN RELATION TO SUBSCRIPTION

(non-paper of the Netherlands prepared for UNFF-6 - circulated at CWGF 1 February 06)

1. Introduction

- *Negotiations.* The premise is that the negotiations on the international instrument take place within UNFF. The content of such instrument may either be agreed at UNFF 6 or at a future UNFF on the basis of the work of an intersessional working group of UNFF.
- *Subscription.* The international instrument is not legally binding, but it will require states and regional economic integration organizations to actively subscribe to it in order to demonstrate their political commitment.
- *Categories of subscribers.* Participation in the instrument will be voluntary and open to all states and regional economic integration organizations. In addition, it could be considered to open subscription to stakeholders.

This paper clarifies the possible implications for the institutional modalities of the international instrument on the basis of the above premises, in particular the rights of participation of subscribers and non-subscribers.

2. Institutional Modalities Outside or Affiliated with the United Nations

- *Adoption.* Since the negotiations take place within UNFF:
 - UNFF will have to agree, by consensus, on the text of the instrument and then forward it to ECOSOC;
 - ECOSOC will then have to agree to this text and forward it to the General Assembly;
 - The General Assembly may either:
 - adopt the international instrument and convene a special inauguration meeting; or
 - recommend it for adoption by a diplomatic conference.
- *Supreme body.* The supreme body will consist of subscribing states and regional economic integration organizations.
- *Rights of (non-)subscribers.*
 - Non-subscribers are entitled to participate in meetings as observers.
 - All elements of the international instrument, in particular facilitative mechanisms, are only available to subscribers.
- *Secretariat.* The Secretariat may be provided by:
 - the UN on the basis of an arrangement between the supreme body and the UN (e.g. UNFCCC; CBD);
 - another international organization on the basis of an arrangement between the supreme body and that organization (e.g. FAO);
 - an independent secretariat that is established by the supreme body.
- *Financing.* The administrative costs related to the instrument, including the costs of the secretariat, may either be born by:
 - The UN or another international organization in whole (cf. HRC) or in part (cf. UNFCCC); or
 - The subscribers.

3. Institutional Modalities Within the United Nations

- *Adoption.* Since the negotiations take place within UNFF:
 - UNFF will have to agree, by consensus, on the text of the instrument and then forward it to ECOSOC;
 - ECOSOC will then have to agree to this text and forward it to the General Assembly;
 - The General Assembly may:
 - adopt the international instrument; and
 - convene a special inauguration meeting;
- *Supreme body.* The supreme body is the General Assembly. By adopting the international instrument, the General Assembly may:
 - create a new functional committee responsible for the implementation of the instrument that is only open to subscribers (cf. COPUOS);
 - either create a new functional committee or designate UNFF as the functional committee responsible for the implementation of the instrument that is open to all UN members.
- *Rights of (non-)subscribers.*
 - Functional committee that is only open to subscribers:
 - non-subscribers are entitled to participate in meetings as observers;
 - Functional committee that is open to all UN members:
 - Subscribers and non-subscribers are entitled to participate in meetings on an equal footing;
 - Particular elements of the international instrument, e.g. facilitative mechanisms, may only be available to subscribers;
- *Secretariat.* The Secretariat will be provided by the UN.
- *Financing.* The administrative costs related to the instrument, including the costs of the secretariat, will be born by the UN.

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The EU advocated in its CC 2005 subscription following adoption. Subscription is not mentioned in the Chair's text. Subscription should therefore not be a prerequisite for the adoption of the NLBI to give those states in principal not favouring any form of an instrument (like USA, where any form of an international forest related instrument could be not consistent with the constitution or Brazil, e.g. considering the FCCC resp. the Kyoto Protocol as a more effective forum for the concept on "avoiding deforestation" in view of economic advantages) the possibility to participate the process.

Accepting this from a strategic point of view, it is of high importance to formulate the nature and scope of the NLBI precisely as possible, e.g. as follows:

- This Instrument is voluntary (Nothing in the NLBI prejudices the rights, jurisdiction and duties of States).
- States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own economic, environmental and social policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
- The Instrument is global in scope, and is directed toward all participants of UNFF, sub-regional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation, management and sustainable development of all types of forests.

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5. Structure of the NLBI

When speaking about a voluntary instrument often the FAO Code of Conduct for Responsible Fisheries (“FAO Fish Code”) was mentioned as an example for a future NLBI on SFM. For different reasons it makes sense to follow as a first approach the structure of this code. In Box 6 (top) it has been modified in formulation for the special requirements of a forest related NLBI. Another proposal was made within a Netherlands non paper focused on UNFF-6 deliberations (Box 6, bottom).

PREFACE –INTRODUCTION

Article 1 : Nature and scope of the NLBI

Article 2 : Objectives of the NLBI

Article 3 : Relationship with other international instruments

Article 4 : Implementation monitoring and updating

Article 5 : Special requirements of developing countries

Article 6 : General principles

Article 7 : Forest management

Article 8 : Forest operations

Article 9 : Forest practices and trade

Article 10: Forest research

Annex 1 : BACKGROUND TO THE ORIGIN AND ELABORATION OF THE NLBI

Annex 2 : RESOLUTION

Preamble

1. Use of Terms

2. Principle

3. Strategic Goals, Global Targets and National Commitment

4. Co-operation

5. General Measures

6. Monitoring, Reporting and Multilateral Consultative Process

7. Institutional Modalities

8. Means of Implementation

9. Subscription

Annex to the NLBI

(List of Subscribing States)

Box 6: Examples of the possible structure of a future NLBI

For the purpose of this paper the following chapters do not follow the above mentioned structures, as they are more focused on specific strategic elements.

5.1 Context/preamble

This chapter describes the actual situation and development on forests world wide and their importance for social, economic, environmental, and development goals (see also chapter 6)

e. g.:

- Deforestation and forest degradation as widely recognised as one of the most complex and critical forest and environmental problems facing human society, with serious long-term economic, social and ecological consequences

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- the vital role of forests in economic development, employment and income generation as well as subsistence at the sub-national and national levels, especially in rural areas for forest dwellers, including local and/or indigenous communities and women;
- long-term supply of timber and other forest products and services in the context of increasing population and expanding economies;
- conservation and sustainable use of biological diversity, realising equitable benefits, and the need to establish protected forest areas;
- protection of soil and watersheds, particularly in fragile ecosystems and vulnerable landscapes (dry lands, coastal areas and mountains). Adequate forest cover is often a prerequisite for a safe and reliable water supply, as well as for enhancement of sustainable agriculture and food security;
- climatic stability, including mitigation of human induced global warming; and
- other social and cultural services, for example, recreation and protection of cultural, aesthetic and spiritual heritage, including sacred forests.

Also mentioned should be e.g. the importance of and reconfirming the commitment to the implementation of the Plan of Implementation of the World Summit on Sustainable Development, Chapter 11 of Agenda 21 as well as the Millennium Development Goals.

5.2 Purpose/Adoption

In this chapter the purpose of the NLBI is formulated, e. g. in the following form:

Noting these (the actual situation and development on forests world wide) and other important developments in world forestry, the UNFF adopted at its seventh session the **Non-Legally Binding Instrument for Sustainable Forest Management** by incorporating the four Global Objectives (adopted at UNFF-6) (for the conservation, management and development of all types of forests). The NLBI, which was unanimously adopted on mm/dd/yyyy, provides a necessary framework for national and international efforts to ensure sustainable management of forest resources.

An added value of the NLBI is only given if it addresses and regulates forest issues not or only partly covered by other forest related instruments like FCCC and CBD. As the FCCC resp. the Kyoto-Protocol is mainly focused on technical aspects and the CBD on biodiversity and conservation, the NLBI should be focused on SFM in its widest sense. With other words, **a clear formulation is urgently needed to demonstrate the added value of the NLBI in view of SFM.**

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5.3 Global Objectives on Forests

At UNFF-6 there was a common consensus not to open the discussion on Global Objectives on Forests again.

A time-bounded target, advocated in the EU CC 2005, has not been considered in the resolution. To open the discussion on this issue again during the negotiations on the NLBI is possible but critical, as conventions e.g. FCCC, CBD, CCD, ITTO, have no time-bounded targets. Time-bounded targets are normally set in supplementing protocols (e.g. Kyoto-Protocol).

Chairman's Text UNFF-6

3. *With a view to achieving* the main objective of the international arrangement on forests, and to enhancing the contribution of forests to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability, and in this regard, emphasizing the importance of political commitment and action at all levels for effective implementation of the sustainable management of all types of forests, sets the following shared global objectives on forests and agrees to work globally and nationally and to make progress toward their achievement by 2015;

Global Objective 1

Reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation;

Global Objective 2

Enhance forest-based economic, social and environmental benefits including by improving the livelihoods of forest dependent people;

Global Objective 3

Increase significantly the area of protected forests worldwide and other areas of sustainably managed forests, and increase the proportion of forest products from sustainably managed forests;

Global Objective 4

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;

Apart from the four Global Objectives additional objectives of the NLBI could be to:

- a. establish principles, in accordance with the relevant rules of international law, for sustainable forest management of all types of forests taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects;
- b. establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of forest resources and forest management and development;
- c. serve as an instrument of reference to help States to establish or to improve the legal and institutional framework required for the exercise of responsible forestry and in the formulation and implementation of appropriate measures;

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- d. facilitate and promote technical, financial and other cooperation in conservation of forest resources and forest management and development;
- e. promote the contribution of forestry to food security and food quality, giving priority to the nutritional needs of local communities;
- f. promote protection of forest resources and their environments;
- g. promote the trade of forest products in conformity with relevant international rules and avoid the use of measures that constitute hidden barriers to such trade;
- h. promote research on forestry as well as on associated ecosystems and relevant environmental factors; and
- i. provide standards of conduct.

5.4 General Measures

In order to achieve the global objectives of the NLBI, the following elements should be formulated/considered. It could read as follows:

(Subscribing) States shall:

- develop, further elaborate, where appropriate, and implement national strategies, plans or programmes for the conservation and sustainable management of forests, including their respective voluntary regional/national targets, taking into account their respective priorities and capacities;
- integrate the conservation and sustainable management of forests into relevant sectoral or cross-sectoral strategies, plans and programmes, in particular in national poverty reduction strategy plans.

(Subscribing) States and international organizations, whether governmental or non-governmental, should promote the understanding of the NLBI among those involved in forestry.

5.4.1 Special requirements of developing countries

The NLBI should duly take into account the capacity of developing countries to implement the recommendations. The text could e.g. read as follows:

In order to achieve the Global Objectives of this NLBI and to support its effective implementation, countries, relevant international organizations, whether governmental or non-governmental, and financial institutions should give full recognition to the special circumstances and requirements of developing countries, including in particular the least-developed among them, and small island developing countries. States, relevant intergovernmental and non-governmental organizations and financial institutions should work for the adoption of measures to address the needs of developing countries, especially in the areas of financial and technical assistance, technology transfer, training and scientific cooperation and in enhancing their ability to develop their own forestry.

5.5 Means of implementation

The first paragraph of the Chair's text urges countries to make concerted efforts to secure sustained high-level political commitment to strengthen the means of implementation to provide support, in particular for developing countries, to promote SFM. The second paragraph urges countries to make concerted efforts to develop and implement NFPs, policies

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and strategies in order to achieve the global objectives set out in this resolution and to promote SFM, through capacity building and transfer of ESTs.

An analysis of the addressees of the sub-paragraphs in view of commitments and Means of implementation indicates an unbalanced text concerning developed countries vs. developing countries.

It is obvious that a new structure of Means of Implementation is needed, depending on the NLBI to be negotiated. Currently many mechanisms to support and promote SFM are in place. However they suffer from missing enabling conditions. The Chair's Text of UNFF-6 invites the NFP-Facility and PROFOR to support national and thematic actions and mentions the lack of successful planning processes for SFM.

The structure within "Means of Implementation" does not only focus on implementation of projects to achieve goals. It also needs to establish clear rules for any future administrative structure, to allow for efficient and effective functioning of the future **NLBI**.

The urgent need is recognised to strengthen financial support for the achievement of sustainable forest management from public as well as private resources at the national and international level, including the need for better use of existing resources

In this respect it has to be pointed out that financing arrangements for achievement of sustainable forest management require strengthening and access to financial resources at the international level. Existing mechanisms at global level, e.g. the GEF, and other mechanisms at regional and national level should be further strengthened and supported by current bilateral and multilateral programmes. Financing strategies for sustainable forest management should be developed through country-led processes such as Poverty Reduction Strategy Plans (PRSPs) in order to strengthen and enhance mobilisation of resources. In this respect, the innovative work carried out by the NFP facility, hosted by FAO, and PROFOR, hosted by the World Bank, should be built upon.

The establishment of a clear link between financial support and activities to implement the global goals, global/national targets is a prerequisite. The Chair's text has no clear link between commitments and means of implementation for SFM. This issue is formulated in a very general way. The future NLBI must therefore comprise a clear architecture for implementing the global goals with clear roles for each actor/addressee, such as:

1. Existing financial institutions, such as GEF, PROFOR and NFP facility, support developing countries to create enabling conditions (for investments and implementation) and to implement the national targets.
2. Transparent and regionally organized peer reviews on a voluntary basis, e.g. organized by UNFF Secretariat assisted by FAO and CPF members, to provide detailed insight in success stories and obstacles observed for consideration by UNFF.

EU proposes the strengthening of existing forest related funds hosted by CPF members, including the NFP Facility, PROFOR and Bali Partnership Fund to support national actions to implement SFM and commit to contribute to them, to create effective enabling environment for private sector and to develop innovative financial resources. While others like Brazil and the other Amazon States and the African Group advocate for the establishment of a new Global Forest Fund (GFF) for achieving the objectives of the NLBI. In the chair's

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text/resolution the formulation of a GFF is not mentioned, but new and additional financial recourses are proposed.

The negotiations at UNFF-5 were focused either creating a Global Forest Fund (GFF) through voluntary new and additional financial resources, creating a GFF as part of the UNFF Trust Fund, or inviting the FAO NFP facility to establish a fund supporting national actions towards SFM as well as inviting PROFOR to establish a fund to facilitate collaborative work among CPF members;

5.5.1 Peer review

Peer review was an additional element of EU, however not mentioned in EU-CC 2005. To be effective, improved mechanisms for monitoring, assessment and reporting on progress in the implementation of international forest-related commitments must involve third party assessment, peer review processes, independent evaluations and parallel reporting. However, peer review is not beyond dispute (see box).

Box: peer review

"In a survey of members of the Scientific Research Society, "only 8% agreed that 'peer review works well as it is'." (Chubin and Hackett, 1990, Peerless Science, Peer Review and U.S. Science Policy; State University of New York Press, p. 192).

Source: International Institute of Informatics and Systemics, Orlando, Florida/USA

A peer review mechanism/process with a very clear and transparent structure – e.g. as a consultative process with a dialogue of experts teams on field level - should be part of the future **NLBI** to allow interested countries – comparable with the OECD framework – co-operational assistance for the development of their forest policy, for integrating forest-related issues into development strategies and strengthening commitment from the donor community and to improve monitoring, assessment and reporting. Peer reviews is seen as a basic element of compliance (see next chap.).

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5.5.2 Compliance

Compliance procedures were an additional element of EU-CC 2005 for strengthening the International Arrangement on Forests in the light of a LBI. “Compliance” means the Party’s fulfilment of its commitments under a multilateral agreement. Compliance has rarely been discussed while debating Means of Implementation and has not been addressed in the Chair’s Text of UNFF-5 and UNFF-6. Nevertheless, for increasing, inter alia, ODA in any sector an increased transparency about performances is often crucial to convince tax payers and parliaments.

At the International Expert Meeting “Scoping for a future agreement on forests” (CLI Berlin) the view was expressed that compliance should be looked at as a two-way process in terms of both donors and implementers. In general, successful compliance will depend on transparency and incentives. Peer reviews were seen as a basic element of compliance. However, it was stated that it would be difficult to enforce compliance without a legal instrument..

According to international law compliance is an element of a LBI (e.g. CITES). Questions to be answered under this aspect are:

- a) How can a mechanism comparable with compliance be included in the future **NLBI**?
- b) How could this mechanism within the **NLBI** look like (with peer review to get access to financial resources)?
- c) Is a multilateral consultative process a possible option?

A document (non-paper of the Netherlands/December 2004 (circulated during NL/LUX Presidency)) titled “**Compliance building under the future International Arrangement on Forests**” was prepared for the Working Group on Forestry of the European Union. The objective of the paper was to stimulate thinking regarding the design of a possible compliance mechanism in the context of discussions on the future international arrangement on forests. The core of the paper consists of “building blocks” that could be considered when developing a compliance procedure under the future international arrangement on forests. These core elements are drawn together from (i) operational and emerging procedures and (ii) build upon the UNEP Guidelines on Compliance and Enforcement of Multilateral Environmental Agreements that were adopted in 2002 by the Governing Council.

5.5.3 Strengthening of the Collaborative Partnership on Forests

To strengthen the Collaborative Partnership on Forests it was suggested to establish a task force to assist the meetings of the NLBI in providing guidance to the Collaborative Partnership on Forests and to report regularly all aspects of its work.

In order to achieve the global goals of the NLBI, at the meeting of the NLBI the modalities should be considered for the establishment of a seed fund for the financing of joint action of member organizations of the Collaborative Partnership on Forests.

NON-LEGALLY BINDING INSTRUMENT

6. Relationship with other international instruments

The relationship of the NLBI with other international forest related instruments is of special importance to give the instrument the necessary political awareness from outside. Therefore the NLBI should also to be interpreted and applied:

- a. in accordance with other applicable rules of international law, including the respective obligations of States pursuant to international agreements to which they are party (CBD, FCCC, CCD, CITES, Ramsar, ITTA etc.);
- b. in the light of the 1992 Rio Declaration on Environment and Development, and Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED), in particular Chapter 11 of Agenda 21, the Non-Legally Binding Authoritative Statement of Forest Principles for a Global Consensus in the Management, Conservation and Sustainable Development of All Types of Forests and other relevant declarations and international instruments, like the results of IFP, IFF and UNFF negotiations and of regional processes, and the Millennium Development Goals (MDGs).

However part b) could also be addressed to the preamble.

7. Articles related to Forest Management and Management Objectives

The principle question concerning this article/chapter is how detailed the NLBI should consider resp. describe operational/technical aspects of SFM (management framework and procedures, forest operations, management measures, and forest research). A lot of work has been done over the last decade in various regional processes on these issues. As regionalisation is a new element within the UNFF negotiations, the NLBI should - to avoid duplication of work - address these issues to regional processes and should formulate technical aspects on SFM and management objectives in a very general manner, it could read e.g. as follows:

States and all those engaged in forest management should

- through an appropriate policy, legal and institutional framework, adopt measures for the long-term conservation and sustainable use of forests resources. Conservation and management measures, whether at local, national, sub-regional or regional levels, should be based on the best scientific evidence available and be designed to ensure the long-term sustainability of forest resources at levels which promote the objective of their optimum utilization and maintain their availability for present and future generations; short term considerations should not compromise these objectives,
- establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of forest resources and forest management and development by taking note the seven thematic elements of sustainable forest management adopted at UNFF-4, which are drawn from the criteria identified by existing criteria and indicators processes and offer a reference framework for sustainable forest management (see box),

NON-LEGALLY BINDING INSTRUMENT

- recognizing that the sustainable management of forest resources is a global objective, States and sub-regional or regional forest management organizations and arrangements should, inter alia, adopt appropriate measures, based on the best scientific evidence available, qualified by relevant environmental and economic factors, including the special requirements of developing countries.

The seven thematic elements of SFM

UNFF-4 acknowledged the following thematic elements of sustainable forest management, which are drawn from the criteria identified by existing criteria and indicators processes and offer a reference framework for sustainable forest management:

1. Extent of forest resources.
2. Biological diversity.
3. Forest health and vitality.
4. Productive functions of forest resources.
5. Protective functions of forest resources.
6. Socio-economic functions.
7. Legal, policy and institutional framework.

8. Co-ordination between instrument and UNFF resp. MYPOW

8.1 Working group/committee

A general question not answered so far is the co-ordination between the NLBI and UNFF resp. the MYPOW (see also chapter 2). In principle two alternatives exist:

1. to negotiate and examine the progress of the NLBI by a working group under a special item at the orderly UNFF sessions;
2. to establish a special committee (comparable with the COPs of the conventions), negotiating the progress of the NLBI (to receive and announce the subscription of States or regional economic integration organizations to this international instrument) independently of UNFF sessions.

This working group/committee has to assist the progress of implementation of the NLBI eg. On the following aspects (ref. Netherlands non paper, modified):

- (a) review criteria and indicators for the conservation and sustainable management of forests;
- (b) mobilize and catalyze support for actions to be taken at the international level, especially through the Collaborative Partnership on Forests, in order to meet the needs at the country level;
- (c) identify the priorities for international forest policy, focusing particularly on policy implementation, on the basis of reports provided by the Collaborative Partnership on Forests;

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- (d) identify areas for priority action for the member organisations of the Collaborative Partnership on Forests;
- (e) approve a multi-year programme of work for collaborative action by the Collaborative Partnership on Forests;
- (f) remind, as appropriate, (Subscribing) States of prior commitments to implement the proposals for action of the Intergovernmental Panel on Forests and the International Forum on Forests as well as related decisions of the United Nations Forum on Forests;
- (g) facilitate, catalyze and provide incentives towards meaningful bilateral, multilateral, public-private partnerships;
- (h) highlight the critical need to mobilize financial resources from bilateral and multilateral sources, including the Global Environmental Facility and other funding of programmes and projects by the World Bank; and
- (i) advocate increased mobilization of national resources and of international support for capacity building (human, institutional, governance);
- (j) cluster the proposals for action of the Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests, as far as they relate to actions at the international level, in the format of an overall plan of implementation together with the establishment of priorities;
- (k) consider reports of intersessional regional meetings and provide guidance for future meetings;
- (l) provide guidance to the Collaborative Partnership on Forests;
- (m) strengthen forest governance and law enforcement at the global, regional and national levels;
- (n) consider and adopt rules of procedure for itself and any subsidiary body or task force it may establish;
- (o) establish the form and the intervals for transmitting the information to be submitted and consider such information as well as reports submitted by any subsidiary body or task force;
- (p) consider and adopt amendments to the NLBI;
- (q) establish such subsidiary bodies and task forces, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of the NLBI;
- (r) contact, through the Secretariat, the executive bodies of Conventions dealing with matters covered by the NLBI with a view to establishing appropriate forms of co-operation with them; and

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- (s) consider and undertake any additional action at the international level that may be required for the achievement of the global objectives of the NLBI in the light of experience gained in its operation.

8.2 Secretariat

A secretariat (Secretariat of the UNFF or another institution/organization) will act as a secretariat to the process to develop the NLBI in close cooperation with member organizations of the Collaborative Partnership on Forests.

According to the two alternatives, 1) to negotiate and examine the progress of the NLBI by a working group under a special item at the orderly UNFF sessions or 2) to establish a special committee (comparable with the COPs of the conventions), negotiating the progress of the NLBI (to receive and announce the subscription of States or regional economic integration organizations to this international instrument) independently of UNFF sessions, from a practical point of view alternative 1) makes sense (no new administrative infrastructure and limited additional costs). However, alternative 2) gives the NLBI and the whole process more political awareness from outside.

The decision for one of these alternatives is of great importance,

- where the secretariat of the NLBI is institutional embedded;
- for the creation of the new MYPOW and;
- how the future sessions are orchestrated in view of items to be discussed.

Possible functions of the Secretariat (ref. Netherlands non paper, modified):

- (a) to arrange for and service meetings of NLBI;
- (b) to prepare reports on the execution of its functions under the NLBI and present them to the Meeting of the NLBI;
- (c) to service and support activities in the context of the joint action of the member organisations of the Collaborative Partnership on Forests;
- (d) to co-ordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangement as may be required for the effective discharge of its functions;
- (e) to make the accomplishments and challenges under the NLBI accessible to members of the public;
- (f) to perform such other functions as may be determined by the NLBI.
- (g) *to receive and announce the subscription of States or regional economic integration organizations to the NLBI). – depends on the type of the NLBI*

8.3 Multi-Year Programme of Work II

The UNFF Multi-Year Programme of Work or MYPOW II, to be adopted at the seventh session of UNFF suggests the structure for subsequent sessions of the UNFF. Based on the decision of UNFF-6 some key issues already are adopted. The next session of UNFF takes place in 2007, UNFF shall then meet biennially (2009, 2011, 2013 and 2015), at 2007 the Multi-Year Programme of Work II has to be adopted, the effectiveness of the international arrangement on forests will be reviewed in 2015 (Chair's Text, para 10, 26 to 28).

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10. *Decides* that, following its seventh session in 2007, the United Nations Forum on Forests shall meet biennially for a period of up to two weeks on the basis of a focused Multi-Year Programme of Work to be adopted by the Forum at its seventh session;

26. *Emphasizes* the importance of strengthening political commitment and action at all levels to implement effectively the sustainable management of all types of forests and to achieve the global objectives set out in this resolution, by requesting the United Nations Forum on Forests to conclude and adopt at its seventh session a non-legally binding instrument on all types of forests. In order to facilitate the work of the Forum in this regard

27. *Decides* that the effectiveness of the international arrangement on forests will be reviewed in 2015 and on this basis a full range of options will be considered, including, *inter alia* , a legally binding instrument on all types of forests, strengthening the current arrangement, continuation of the current arrangement and other options;

28. *Decides* that the United Nations Forum on Forests should contribute relevant input, as appropriate, to the 2012 – 2013 cycle of the Commission on Sustainable Development.

Box 8: Chair`s Text, para 10, 26 to 28

In the past MYPOW (MYPOW I) several important issues were grouped under "Means of Implementation" and "Common Items" that have be treated across all UNFF elements. Means of implementation grouped: finance; transfer of environmentally sound technologies; capacity-building. Common items for each session grouped: multi-stakeholder dialogue; enhanced cooperation and policy and programme coordination, *inter alia*, with the Collaborative Partnership on Forests; country experiences and lessons learned; emerging issues relevant to country implementation; inter-sessional work; monitoring, assessment, and reporting; implementation of the plan of action; promoting public participation; national forest programmes; trade; enabling environment.

For the MYPOW II (2007 – 2015) important issues could be: co-operation between UNFF and regional processes, relevant input to the 2012 – 2013 cycle of the Commission on Sustainable Development, stronger co-operation between UNFF and other forest related international processes (like FCCC, CBD, CCD, ITTO), high level ministerial segments.

8.4 Regionalization

Other items concerning the MYPOW II are links to regional and thematic processes. Regional cooperation on forests was given a substantial attention at UNFF-6, where all forest-related regional bodies and processes were invited to strengthen collaboration and to provide input to the work of the Forum.

11 quint. *Stresses* that the Forum should consider inputs from forest-related regional and sub-regional bodies, mechanisms and processes and from country-led initiatives, as well as from major groups;

Box 9: Chair`s Text, para 11.

NON-LEGALLY BINDING INSTRUMENT

At the CLI Berlin the regional level was identified as being highly relevant for the identification of means of implementation. It could also help to promote information-sharing (particularly on access to finance and good practice), strategy development, institutional structures, funding and peer review.

Following recommendations of the Berlin CLI on regional processes regional processes are supposed to complement and not substitute the international level

- no new regional processes should be created (like regional UNFF meetings)
- the “links” are supposed to work both ways, i.e. a) assisting regions in accessing international level discussions and decisions and implementing global goals and b) strengthening regional work and improving feedback and input from regions to the international level.
- no additional costs for a stronger regional component should arise.

Participants of the CLI generally underlined additionally that there needs to be a strengthened link between regional processes and UNFF, there was no consensus on whether regional UNFF discussions would improve on current activities at the regional level and whether there would not be a duplication of mechanisms already in place. In any case, many participants felt that no new regional process should be created in the framework of the IAF.

The following resource constraints related to strengthening of regional processes within IAF were identified:

- need to capture funds from the UN and other existing sources
- some regional organizations may be weakened by resource constraints
- costs for travelling, preparation and participation (no consensus on whether costs would be higher or lower)
- countries do not want extra reporting burden
- possible language barriers (need for interpretation), but in some regional processes language and cultural similarities may turn out to be an advantage.

At the Berlin CLI the following principles and functions were thought to be important for a regional component:

Possible principles of the regional component

- Global policy level can help to formulate regional strategies as well as implementation oriented regional policies on country level and vice versa; a strong regional policy can feed back to the global level.
- Technical support from CPF members has to reach the regional level.
- Besides global and regional benefits, it is important that the countries, in particular, do benefit from regionalization.

Possible functions of the regional component

- Networking, exchange of information and experiences
- Coordination and enhanced implementation
- Enhance monitoring, assessment and reporting through monitoring of issues specific to the region and assistance to countries in their reporting
- Facilitation of increased participation and involvement of stakeholders
- Attracting financing through cooperation and partnerships.

NON-LEGALLY BINDING INSTRUMENT

The participants furthermore discussed **six possible options with regard to regionalization**:

1. Global meetings in regions
2. Regional UNFF meetings in cooperation with UNREC
3. Regional UNFF meetings in collaboration with FAO RFC
4. Regional organisations and processes
5. Combination of the latter three
6. No new regional UNFF process, but a strengthening of other regional organizations.

How to integrate this issue into the NLBI and then into the MYPOW II depends on the type of the “link”.

Priority issues on regional co-operation between the MCPFE and e.g. the UNFF were subject of discussions at the MCPFE Round Table Meeting at Wroclaw, Poland (24 – 25 April, 2006). Participants agreed that the MCPFE (in co-operation with UNECE and FAO RFC) should be the pan-European forum for regionalization in view of the UNFF-6 proposal on regionalization.

| Multi Year Programm of Work II | | | | |
|--|---|--|---|--|
| Seventh Session (2007) | Eighth Session (2009) | Ninth Session (2011) | Tenth Session (2013) | Eleventh Session (2015) |
| Adoption of the multi-year programme of work II | | | | Review the effectiveness of the international arrangement on forests |
| Adoption of a non-legally binding instrument on all types of forests | | Relevant input to the Commission on Sustainable Development | Relevant input to the Commission on Sustainable Development | |
| <i>Co-operation between UNFF and regional processes”</i> | <i>Co-operation between UNFF and regional processes</i> | <i>Co-operation between UNFF and regional processes</i> | <i>Co-operation between UNFF and regional processes</i> | |
| Co-operation between UNFF and other forest related international processes | | Co-operation between UNFF and other forest related international processes | | |
| | | | | |
| | Ministerial | | | Ministerial |

NON-LEGALLY BINDING INSTRUMENT

For the meeting of the Council Working Group on Forestry at 22 May 2006 in Brussels a document was prepared by the EU Presidency in cooperation with the incoming Presidency Finland. It aims to stimulate discussions and to facilitate the preparations of the EU for UNFF-7 and the upcoming UNFF Working Group on an NLBI. As “food for thought”, the following table sets out one possible procedural approach to structuring the work of the IAF, using the concept of “thematic focuses” like:

- Conceptual framework for SFM
- Livelihood and poverty reduction
- Governance, access and tenure rights
- Scientific and traditional knowledge

| | | |
|---------------------------|---------|---|
| Year 1 (2007): | UNFF-7 | Adoption of MYPOW (including concept of “thematic focuses”); Provisions for addressing “thematic focus 1”; Establishment of a timetable for monitoring, assessment and reporting |
| Year 2 (2008): | Regions | Preparation of regional inputs on specific issues (“thematic focus 1”) |
| Year 3 (2009): | UNFF-8 | Substantive discussion of and decisions on “thematic focus 1”, taking into account regional inputs; Provisions for addressing “thematic focus 2” |
| Year 4 (2010): | Regions | Preparation of regional inputs on “thematic focus 2”, and on progress made on “thematic focus 1” (experiences gained and lessons learned); |
| Year 5 (2011): | UNFF-9 | Assessment of progress made on “thematic focus 1”; Substantive discussion of and decisions on “thematic focus 2”, taking into account regional inputs; Provisions for addressing “thematic focus 3” |
| Year 6 (2012): | Regions | Preparation of regional inputs on “thematic focus 3”, and on progress made on “thematic focus 2” (experiences gained and lessons learned); |
| Year 7 (2013): | UNFF-10 | Assessment of progress made on “thematic focus 2”; Substantive discussion of and decisions on “thematic focus 3”, taking into account regional inputs; Preparation of review of IAF |
| Year 8 (2014): | Regions | Preparation of regional inputs on progress made on “thematic focus 3” (experiences gained and lessons learned); Regional inputs to review of IAF |
| Year 9 (2015): | UNFF-11 | Assessment of progress made on “thematic focus 3”; Review of IAF; Decision on future of IAF |

NON-LEGALLY BINDING INSTRUMENT

Annex 1

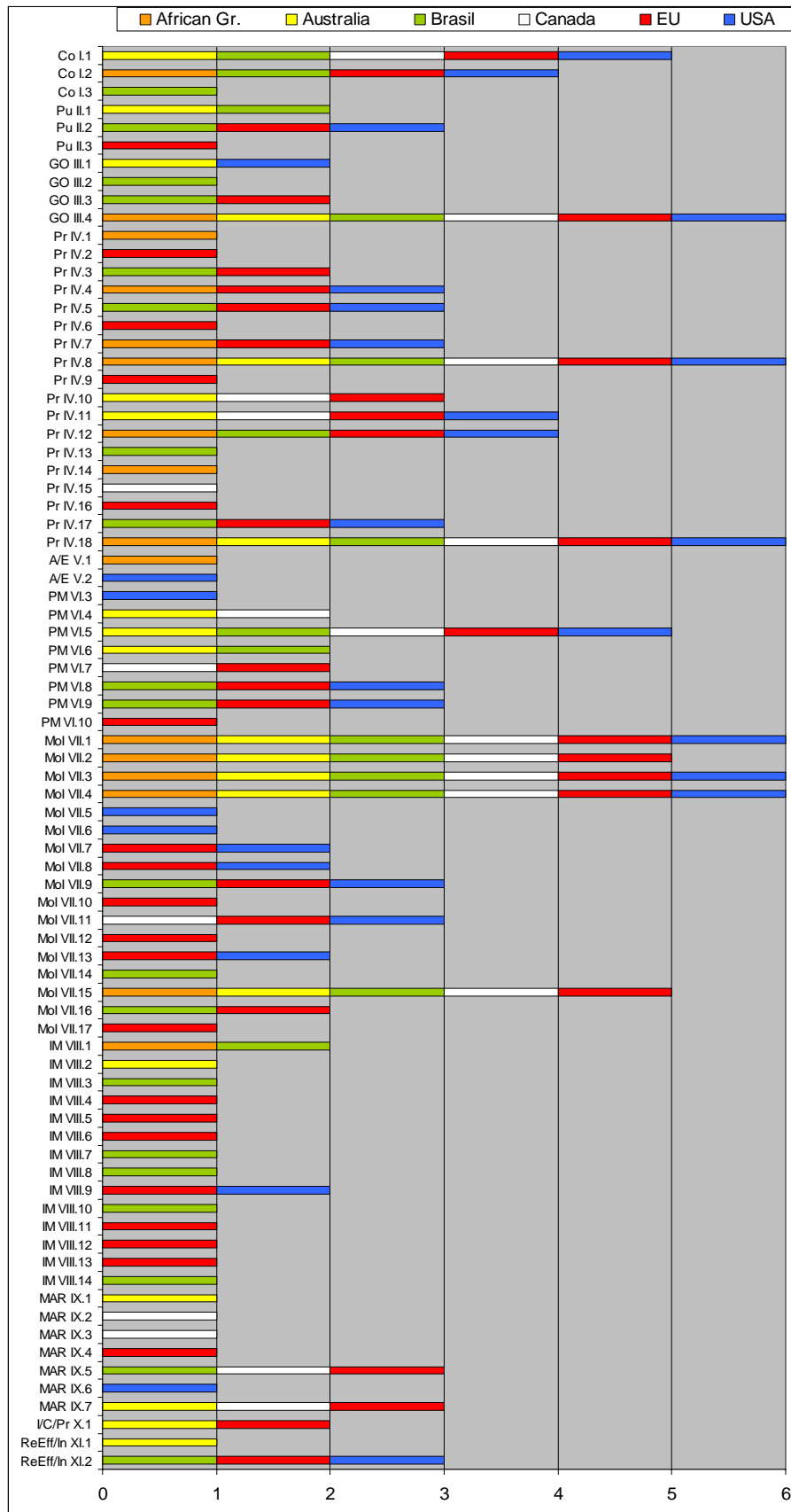


Fig. 1: Same wording of elements but partly addressed to different themes (cross linkages considered).

NON-LEGALLY BINDING INSTRUMENT

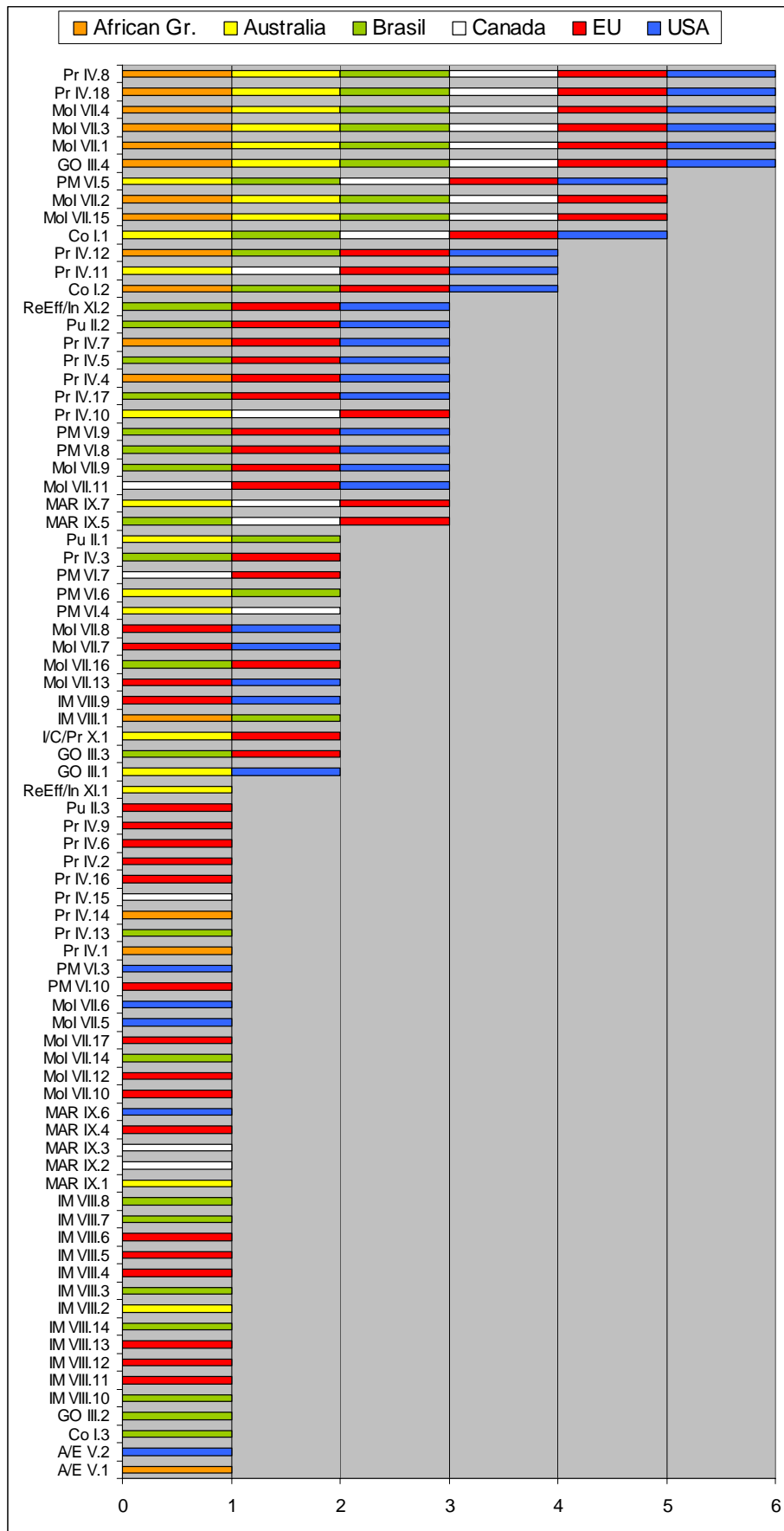


Fig. 2: Same wording of elements but partly addressed to different themes (cross-linkages considered) in ascending order of frequency

NON-LEGALLY BINDING INSTRUMENT

Annex 2

I. Context

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|---------------|-------------------------------------|---|-------------------------------------|--|--|
| 1. explanation of context and relationship to other instruments | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Agenda 21, Forest Principles, Johannesburg, MDG, UNFF/IP/IFF, ECOSOC 2000/35 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Rio Declaration, Forest Principles, PfAs; IPF, IFF, UNFF, CPF; UNCED, WSSD, MDGs, 2005 World Summit (IV.16) | <input checked="" type="checkbox"/> WSSD; Forest Principles, PfAs, IAF; UNFF, CPF |
| 2. strengthen UNFF / CPF | (VIII.1) | | <input checked="" type="checkbox"/> | | (II.2) | (VI.3) |
| 3. promote open international economic system | | | <input checked="" type="checkbox"/> | | | |

II. Purpose

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|---------------|---------------------|-------------------------------------|-------------------|-------------------------------------|-------------|
| 1. promote the implementation of internationally agreed actions | | (III.1) | <input checked="" type="checkbox"/> | | | |
| 2. strengthen ECOSOC 2000/35 | | | (I.2) | | <input checked="" type="checkbox"/> | (VI.3) |
| 3. strengthen commitment to SFM | | | | | <input checked="" type="checkbox"/> | |

NON-LEGALLY BINDING INSTRUMENT

III. Global Objectives on Forests

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|---------------|--|-------------------------------------|-------------------|-------------------------------------|---|
| 1. strategic objectives | | <input checked="" type="checkbox"/> incl. reference to agreed international standards | | | | <input checked="" type="checkbox"/> reversing forest cover loss, promoting forest benefits, increasing SFM forest areas, mobilizing financial resources |
| 2. enhance international cooperation within IAF /UNFF | | | <input checked="" type="checkbox"/> | | | (VI.3) |
| 3. Global Objectives on Forests | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | |
| 4. States develop national targets | | (VI.4) | (VI.8/VI.9) | (IV.11) | <input checked="" type="checkbox"/> | (VI.5) |

NON-LEGALLY BINDING INSTRUMENT

IV. Preamble

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|---|---|
| 1. recognition of global importance of forests | <input checked="" type="checkbox"/> | | | | | |
| 2. determination to SFM for benefit of present + future | | | | | <input checked="" type="checkbox"/> | |
| 3. concern about adverse impact on livelihood of forest dependent people | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | |
| 4. economic, social and environmental benefits | <input checked="" type="checkbox"/> | | | | <input checked="" type="checkbox"/> + cultural | <input checked="" type="checkbox"/> |
| 5. contribution of SFM to sustainable development and MDGs | | | (I.1) | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. SFM is common concern | | | | | <input checked="" type="checkbox"/> | |
| 7. contribution of regional processes | (VI.1) | | | | <input checked="" type="checkbox"/> | (VI.2/VII.13) |
| 8. principles | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> including national sovereignty, differentiated responsibilities, role of international cooperation, importance of forest governance, role of private sector and stakeholders, importance of partnerships | <input checked="" type="checkbox"/> including national sovereignty, responsibility, role of international cooperation, international obligations, contribution of private sector, communities, stakeholders, importance of cross-sectoral coordination, 7 thematic elements of SFM |
| 9. global objectives intersect with seven elements of SFM | | | | | <input checked="" type="checkbox"/> | |
| 10. definitions | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> incl. states, regional economic integration organizations | |

NON-LEGALLY BINDING INSTRUMENT

| | | | | | | |
|---|-------------------------------------|---------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| | | | | | , CPF, forests | |
| 11. specification of obligations for SFM, e.g. C+I, NFP, management plans | | (VI.4) | | <input checked="" type="checkbox"/> | (VI.7) | (VI.5) |
| 12. need for political support | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. SFM requires capacities and investments, incl. for forest products | | | <input checked="" type="checkbox"/> | | | |
| 14. recognizing regional differences | <input checked="" type="checkbox"/> | | | | | |
| 15. special needs of LFCC | | | <input checked="" type="checkbox"/> | | | |
| 16. complementation of existing international arrangements | | | | | <input checked="" type="checkbox"/> | |
| 17. importance of forest governance, public-private partnerships | | | (VII.8) | | (VII.8) | <input checked="" type="checkbox"/> |
| 18. importance of international cooperation | (VII.4) | (VII.4) | (VII.4) | (VII.4) | (VII.4/VII.12)) | <input checked="" type="checkbox"/> |

V. Adoption / endorsement

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|--------------------------|---------------|-------------------------------------|--------------------|-------------------|--|-------------------------------------|
| 1. Adoption/ endorsement | | <input checked="" type="checkbox"/> | | | | <input checked="" type="checkbox"/> |
| 2. Subscription | | | | | <input checked="" type="checkbox"/> by diplomatic note to Secretariat | <input checked="" type="checkbox"/> |

VI. Policies and Measures

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|-------------------------------------|-------------------------------------|--------------------|-------------------|-------------|---|
| 1. strengthening sub-regional initiatives | <input checked="" type="checkbox"/> | | | | | |
| 2. support regional cooperation | | | | | | <input checked="" type="checkbox"/> (VII.13) |
| 3. promote programs of CPF members | | | | | | <input checked="" type="checkbox"/> |
| 4. strategies adopted by participant | | <input checked="" type="checkbox"/> | | (IV.11) | | |

NON-LEGALLY BINDING INSTRUMENT

| | | | | | | |
|--|--|-------------------------------------|-------------------------------------|---------|-------------------------------------|-------------------------------------|
| country | | | | | | |
| 5. identify policies for country action | | (VI.4) | (VI.8/VI.9) | (IV.11) | (III.4) | <input checked="" type="checkbox"/> |
| 6. special requirements for DC, CIT | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| 7. implement NFPs | | | | (IV.11) | <input checked="" type="checkbox"/> | |
| 8. include forests in nat. poverty reduction strategies | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. integrate SFM within nat. development policies | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. integrate SFM within multilateral environmental agreements | | | | | <input checked="" type="checkbox"/> | |

VII. Means of Implementation

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|-------------------------------------|-------------------------------------|--|--|--|---|
| 1. technology transfer | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. capacity building | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 3. funding mechanisms | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Global Forest Fund, GEF | <input checked="" type="checkbox"/> new Forest Fund | <input checked="" type="checkbox"/> including NFP Facility, PROFOR, Bali Partnership Fund | <input checked="" type="checkbox"/> |
| 4. enhanced international cooperation and assistance | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> esp. through CPF |
| 5. forest priorities of CPF members are mutually supportive | | | | | | <input checked="" type="checkbox"/> |
| 6. coordinate existing programs/processes | | | | | | <input checked="" type="checkbox"/> |
| 7. promote cooperation and cross-sectoral coordination | | | | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. public-private partnership | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> + private sector investment | <input checked="" type="checkbox"/> |
| 9. adopt measures as incentives | | | | | <input checked="" type="checkbox"/> | |

NON-LEGALLY BINDING INSTRUMENT

| | | | | | | |
|--|-------------------------------------|--|-------------------------------------|-------------------------------------|--|---|
| 10. R&D in centres of excellence, esp. in DC | | | <input checked="" type="checkbox"/> | | | |
| 11. joint initiative on science and technology | | | | | <input checked="" type="checkbox"/> via IUFRO, CIFOR, ICRAF and CPF members | <input checked="" type="checkbox"/> |
| 12. promote exchange of experiences (IV.18) | | | | | <input checked="" type="checkbox"/> via FAO and CPF members | |
| 13. strengthen regional processes | | | | | (X.9) | <input checked="" type="checkbox"/> (VI.2) |
| 14. promote long-term political commitments | | | <input checked="" type="checkbox"/> | | | |
| 15. involvement of major groups | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> +stakeholders | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> stakeholders | |
| 16. establish clearing house mechanism | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | |
| 17. promote TFRK | | | | | <input checked="" type="checkbox"/> | |

VIII. Institutional Modalities

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------|---|-------------|
| 1. appropriate institutional arrangements for implementation, incl. strengthening the role of the CPF | <input checked="" type="checkbox"/> | | (1.2) | | | |
| 2. assumes institutional arrangements are covered in ECOSOC resolution | | <input checked="" type="checkbox"/> | | | | |
| 3. PfAs are fully taken into account | | | <input checked="" type="checkbox"/> | | | |
| 4. UNFF monitors implementation of instrument | | | | | <input checked="" type="checkbox"/> resources, CPF activities, cooperation with other processes, forest law enforcement, governance, trade | |
| 5. identify priorities | | | | | <input checked="" type="checkbox"/> | |
| 6. consider amendments to instrument | | | | | <input checked="" type="checkbox"/> | |
| 7. UNFF meets | | | <input checked="" type="checkbox"/> | | | |

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| | | | | | | |
|--|--|--|--|--|--|---------------|
| regularly every two years | | | | | | |
| 8. regional / sub-regional meetings at least every two years | | | <input checked="" type="checkbox"/> organisation acknowledged by UNFF + Secretariat | | | |
| 9. work with existing regional bodies or FAO | | | | | <input checked="" type="checkbox"/> regional partnerships, open to UNFF and CPF members, major groups and parties, Form secretariat | (VII.13/VI.2) |
| 10. participation of stakeholders in the Forum | | | <input checked="" type="checkbox"/> | | | |
| 11. relationship Instrument – CPF | | | | | <input checked="" type="checkbox"/> | |
| 12. Secretariat for UNFF and instrument | | | | | <input checked="" type="checkbox"/> | |
| 13. functions of secretariat | | | | | <input checked="" type="checkbox"/> | |
| 14. MYPOW 2006-2015, strengthen secretariat | | | <input checked="" type="checkbox"/> | | | |

IX. Assessment / monitoring / reporting

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|---|---------------|-------------------------------------|-------------------------------------|--|-------------------------------------|-------------------------------------|
| 1. Process | | <input checked="" type="checkbox"/> | | | | |
| 2. updated national programmes | | | <input checked="" type="checkbox"/> | | | |
| 3. publish national goals | | | <input checked="" type="checkbox"/> | | | |
| 4. develop terms of reference for country reports | | | | | <input checked="" type="checkbox"/> | |
| 5. periodical reports to UNFF | | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 6. report progress to UNFF and CPF members | | | | | | <input checked="" type="checkbox"/> |
| 7. peer reviews | | (X.) | | <input checked="" type="checkbox"/> (CAN proposes convention) | <input checked="" type="checkbox"/> | |

X. Information exchange / cooperation / peer review

NON-LEGALLY BINDING INSTRUMENT

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|------------|---------------|-------------------------------------|--------------------|-------------------|-------------|-------------|
| 1. Process | | <input checked="" type="checkbox"/> | | | | |

XI. Review effectiveness / renewal of the instrument

| | African Group | Australian Proposal | Brazilian Proposal | Canadian Proposal | EU Proposal | US Proposal |
|-------------------|---------------|-------------------------------------|-------------------------------------|-------------------|-------------------------------------|-------------------------------------|
| 1. Mechanism | | <input checked="" type="checkbox"/> | | | (VIII.4) | |
| 2. Review in 2015 | | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |