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COMMISSION ON SUSTAINABLE DEVELOPMENT  
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### Category III

International arrangements and mechanisms to promote the  
management, conservation and sustainable development of  
all types of forests

### Note by the Secretariat

#### SUMMARY

This note focuses on the substantive elements of international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. It describes some of the numerous existing arrangements and mechanisms with components relevant to forests and/or which contain forest-related substantive elements on which there is consensus. The Forest Principles and the conclusions and proposals for action of the Ad Hoc Intergovernmental Panel on Forests and of the Forum are the most holistic examples.

The mandate for IFF category III comprises three steps: identify possible elements, work towards consensus and engage in further action.

The note seeks guidance from the Forum in the preparation of the report that will be the basis for substantive discussion on category III at its third session. It also notes the offer by the Government of Costa Rica to host an initiative on this category in early 1999.

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## I. MANDATE AND SCOPE

### A. Mandate

1. The Intergovernmental Forum on Forests (IFF) decided at its first session that the discussion of category III would be guided by the following mandate:

"Identify elements, build a global consensus and engage in further action. The Forum should also identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. The Forum will report on its work to the Commission on Sustainable Development in 1999. Based on that report and depending on the decision taken by the Commission at its eighth session, the Forum will engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests."<sup>1</sup>

### B. Scope

2. This note was prepared to facilitate background discussion by IFF at its second session and to seek guidance from IFF in preparation of the report that will be the basis for substantive discussion at its third session.

3. It provides a brief review of international deliberations on forests over the past decade and of the discussions related to this category which took place in the Ad Hoc Intergovernmental Panel on Forests (IPF). It focuses on the substantive elements of international arrangements and mechanisms; it does not identify structural elements, such as obligations, definitions, protocols, subcommittees or procedures (which are often an integral part of legally binding instruments). Annex I lists some existing arrangements and mechanisms, and annex II lists the substantive elements in three legally binding instruments.

4. The elements presented in this note are primarily drawn from the Forest Principles<sup>2</sup> and the programmes of work of the Panel and IFF, which collectively, represent current consensus on priority areas of international concern.

## II. BACKGROUND

### A. International deliberations on forests

5. Forests have been a major focus of international policy debate during the past decade. They were a contentious and sensitive issue in the deliberations leading up to and during the United Nations Conference on Environment and Development. The three-year period following the Conference, on the other hand, was a time of North/South confidence-building. It saw the launching of important and ground-breaking country-led initiatives, including the Conference on Global Partnerships in Forests, sponsored by Indonesia; the Malaysia/Canada Initiative, the India/United Kingdom Initiative, and several regional processes on criteria and indicators for sustainable forest management. At its third session, in 1995, the Commission on Sustainable Development reinitiated

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intergovernmental deliberations on forests when it reviewed the Forest Principles and chapter 11 of Agenda 21,<sup>3</sup> "Combating deforestation". The result of that review was the establishment of the Ad Hoc Intergovernmental Panel on Forests, with a two-year mandate for its programme of work.

6. Programme element V.2 of the programme of work of the Panel focused on international organizations and multilateral institutions and instruments. The mandate of the programme element called for consideration of and advice on the need for other instruments or arrangements for implementation of the Forest Principles. The Panel scheduled discussions on programme element V.2 for its third session. In the limited time available, it was able to discuss only the form that potential instrument or arrangement might take - legally binding or non-legally binding - and not the substantive elements. The conclusions and proposals for action of the Panel at the conclusion of its work resulted in the establishment of IFF, for continued intergovernmental forest policy dialogue. At its nineteenth special session, the General Assembly decided that the Forum should identify the elements of and work towards consensus on international arrangements and mechanisms.

#### B. The international forest policy agenda

7. Forests have emerged as a priority issue on national, regional and international policy and political agendas. That emergence has been precipitated by concerns associated with:

(a) The alarming rate of deforestation and the degradation and decline of forests and other wooded lands, with a resultant loss of environmental values;

(b) The ability to ensure that future demand for forest products, services and environmental benefits will be met in a sustainable manner;

(c) Actions that benefit from unsustainable forestry practices and constraints in international trade and forest products;

(d) Inadequate coordination and integration of cross-sectoral, forest-related action at the global, regional and national levels.

8. There now exists broad consensus on the principles of and overarching approaches to sustainable forest management. The United Nations Conference on Environment and Development and the Panel's proposals for action reaffirmed the rights of countries to manage and utilize their forests to meet their national priorities and policy objectives. Consensus also exists on the need to manage forests and other wooded lands as ecosystems and to develop and implement national forest programmes as tools for cross-sectoral policy harmonization and international cooperation.

9. To derive multiple benefits from the sustainable management of forests and other wooded lands will require strong political commitment, the participation of a range of interest groups and beneficiaries and recognition of the transboundary, regional and global dimensions of the consequences of forest management. Consequently, approaches to sustainable forest management must

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reconcile national priorities and international considerations, at the transboundary, regional and global levels and be applied in the context of the economic, social, environmental and political realities and priorities of individual countries or regions.

10. Forests have multiple constituencies, with both complementary and conflicting interests. At present a range of special-interest groups, institutions and instruments interface with forests at the national, regional and global levels. All have a narrow perspective of their goals, focusing on specific functions and outputs (i.e., "demands") of forests, such as biological diversity, carbon sequestration, trade in endangered species, international trade in certified forest products etc. Lacking the holistic perspective of management, conservation and sustainable development of all types of forests, the forest agenda lacks a cohesive and comprehensive implementation framework and does not adequately address the fundamental need to maintain the health and productive capacity of forest ecosystems as a whole and thereby to ensure that the conditions in which forests can sustainably "supply" a wide range of functions and outputs are present.

11. The Intergovernmental Forum on Forests faces the challenge of consolidating and building on the present consensus on forests, formulating a unified framework and identifying possible elements of an international arrangement or mechanism - for example, a legally binding instrument - that would govern the management, conservation and sustainable development of all types of forests.

### III. IDENTIFICATION OF POSSIBLE SUBSTANTIVE ELEMENTS

12. Legally binding and non-legally binding arrangements and mechanisms differ in terms of the degree of obligation and intent. A legally binding instrument (e.g., treaty, convention) usually entails legal obligations on the part of the countries that are parties to it (those that have signed and ratified it). Non-legally binding instruments (e.g., action plans, processes or principles, such as the Forest Principles<sup>2</sup>) reflect political commitment and endorsement by countries. From a legal point of view, the two are difficult to compare. The real effectiveness of either type of instrument ultimately depends on the level of political will and commitment of the countries concerned.

#### A. Existing arrangements and mechanisms with forest-related components

13. There are numerous arrangements and mechanisms, legally binding and non-legally binding, which contain forest-related substantive elements on which there is consensus. A listing of such agreements and instruments can be found in annex I below and in the report of the Secretary-General on IFF programme element II.e(ii), "Forest-related work under existing instruments", (E/CN.17/IFF/1998/11), which also contains descriptions and short assessments.

14. All arrangements and mechanisms contain elements addressing specific concerns. Substantive elements drawn from three legally binding instruments relevant to forests - namely, the Central American Convention on Forests; the

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Convention on Biological Diversity; and the International Tropical Timber Organization - are listed in annex II. In these three instruments, the elements reflect obligations by parties. In some cases, subsidiary programmes established by participating countries are not reflected in the annex.

15. There are also several non-legally binding international, regional, local, non-governmental and private initiatives that are worth mentioning in this context. These include the certification initiatives, the criteria and indicator processes, sustainable forest management initiatives by the forest industry in some countries, and standard-setting efforts. These initiatives are either specifically aimed at forests or contain components relevant to forests and also contain substantive elements that could be useful in a discussion on forests at the international level. The elements reflect collective endorsement and stated will by the countries concerned, but have no legally binding obligations.

16. Forest-specific arrangements and mechanisms at the international level, notably the Forest Principles and the Panel's proposals for action, are not legally binding, but they are the most holistic so far, reflect negotiated agreement and consensus at the international level and contain elements that provide a useful basis for discussions on category III.

#### B. Framework and possible elements

17. This section provides the Forum with a starting point for engaging in the three steps outlined in the mandate for category III and proposes options on how to proceed. It is meant to solicit comments and guidance from the Forum.

18. In the note by the Secretariat on IFF programme element I.b on Monitoring progress in implementation of the Panel's proposals for action (E/CN.17/IFF/1998/6), it is suggested that one basis for a framework might be economic and social development and environmental protection, on the one hand, or management, conservation and sustainable development of all types of forests, on the other, or a mix of both. For monitoring, reviewing and reporting, it is suggested that the former be used, with an additional component "Institutions and policy instruments".

19. Another option would be to cluster possible elements to reflect economic, social and environmental functions and values. It, too, would need an additional component reflecting institutions and policy instruments. (A third option is the mix of the two other options.) Examples of possible elements under the first two options can be found below. (It should be noted that the elements are not exclusive to any particular option.)

OPTION 1. Management, conservation  
and sustainable  
development

Management

Criteria and indicators  
Rehabilitation of fragile  
ecosystems  
Reforestation and afforestation

Conservation

Forest conservation and  
protection  
Soil and water conservation  
Carbon storage and sequestration

Sustainable development

Valuation of multiple benefits  
Forest investment  
International trade in forest  
products and services

OPTION 2. Economic, social and  
environmental functions and  
values

Economic functions and values

International trade in forest  
products and services  
Goods and services provided by  
forests

Social functions and values

Participation in decision-  
making  
Traditional use  
Rights and responsibilities of  
communities living in and  
around forests

Environmental functions and values

Forest ecosystem health and  
vitality  
Habitats for biodiversity,  
carbon sequestration  
Soil and water conservation

Institutions and policy instruments

National forest programmes  
Economic instruments and tax policies  
Forest assessment  
Institutional capacity  
Cross-sectoral policy harmonization  
International cooperation

20. The Forest Principles are considered to provide the fundamental basis for international forest policy dialogue. Therefore, for the purpose of initiating background discussion, the Forum may wish to consider using management, conservation and sustainable development (option 1) as a framework for identifying possible elements.

21. As a point of departure for identifying possible elements, it is suggested that the Forum draw upon the Forest Principles, the Panel's programme of work, and the IFF programme of work. In the table below, some of the elements included in those three instruments have been grouped within the above-identified framework of option 1. Whereas the listing in the table may not cover the entire agenda on forests, many of the elements are reflected in other arrangements, both legally binding and non-legally binding.

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Table. Possible substantive elements within a framework based on the management, conservation and sustainable development of all types of forests

Areas of concern for all types of forests	Elements	Forest Principles	Programme of work	
			IPF	IFF
Management	National forest programmes	2(a), 2(b), 3(a), 5(a), 6(b), 6(d), 8(c), 8(d), 8(f), 8(g), 8(h), 9(c)	I.1	I.a
	Criteria and indicators	8(d)	III.2	I.a, I.b
	Forest assessment	2(c), 8(h), 12(a), 12(c)	III.1(a)	I.a, I.b
	Forest research	12(a), 12(c)	III.1(c)	II.d(4)
	Rehabilitation of fragile ecosystems	4, 8(b)	I.4, I.5	II.d(3)
	Reforestation and afforestation	6(d), 8(a), 8(b)	I.4, I.5	II.d(8)
	Traditional forest-related knowledge	5(a), 8(g)	I.3	II.d(2)
Conservation	Forest conservation and protection	7(b), 8(a), 8(f)	I.5	II.d(3)
	Soil and water conservation/carbon storage and sequestration	4	I.1	II.d(5), (6), (7)
	Biological resources and diversity	8(g)	I.3, III.a	II.c, II.d(2)
	Recreation and tourism	1(b)		
	Cultural and spiritual values	1(b), 5(a)		
Sustainable development	Supply, demand, consumption and production	4(b), 7(a)	III.1, II	II.d(7)
	Valuation of multiple benefits	6(c), 9(a)	III.1(b)	II.d(5)



Areas of concern for all types of forests	Elements	Forest Principles	Programme of work	
			IPF	IFF
	Forest investment	7(b), 10	II	II.a, II.c
	Forest and forest products industry	7(b), 15	II, IV	II.a, II.c
	Access to and transfer of environmentally sound technologies	7(c), 8(c), 8(g), 11	II	II.c
	International trade in forest products and services	13(a)	IV	II.b
	Market access	9(a), 13(b), 14	IV	II.b
	Certification		IV	II.b
	Cost internalization	13(c)	II, IV	II.a, II.b
	Employment	1(b)	I.1	II.c, II.d(6)
	Economic instruments, tax policies and land tenure	5(a), 7(a), 7(b), 13(c), 13(d), 13(e)	I.2, II	II.d(6)
Institutions and policy instruments	International cooperation	3(b), 7(b), 7(c), 10	II, V.1	II.a, II.e
	Institutional capacity- building	3(a), 12(b), 12(d)	I.1, V.1	II.e
	Education and training	12(b)	I.1, III.1(c)	II.c, II.d(4)
	Participation by major groups and women	1(d), 2(d), 5(a), 5(b)	I.1, I.3	I.a, II.c

IV. BACKGROUND DISCUSSION AND PREPARATION OF THE REPORT FOR  
THE THIRD SESSION OF IFF

22. This note has proposed ways to approach the background discussion of category III and to prepare for the substantive discussion at the Forum's third session. It has presented a framework that could be used to systematize the identification of possible elements and provided examples of possible elements.

23. The Forum may wish to consider the following questions for the background discussion:

(a) Is the approach of using management, conservation, sustainable development, and institutions and policy instruments of all types of forests adequate as a framework to achieve the objectives of category III of the IFF's programme of work?

(b) Does the table reflect the priority concerns of countries in a comprehensive manner?

(c) Are there elements that might be added, deleted, or reformulated in preparation for the substantive discussion?

(d) What other issues need further analysis before the third session?

24. The substantive discussion will also be able to draw upon the following: the outcome of a government-led initiative hosted by Costa Rica, to be held in early 1999; and the report of the Secretary-General on category III, which will take into account the background discussion at the second session.

Notes

<sup>1</sup> E/CN.17/IFF/1998/4.

<sup>2</sup> See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigenda), resolution 1, annex III, Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests.

<sup>3</sup> Ibid., annex II.

Annex I

SELECTED EXISTING ARRANGEMENTS AND MECHANISMS

Legally binding

A. Global

1. Ramsar Convention on Wetlands of International Importance, Especially as Waterfowl Habitat
2. Convention for the Protection of the World Cultural and Natural Heritage
3. Convention for the Protection of the Ozone Layer
4. United Nations Framework Convention on Climate Change
5. Convention on Biological Diversity
6. United Nations Convention to Combat Desertification in Those Countries Experiencing Drought and/or Desertification, Particularly in Africa
7. Convention Concerning Indigenous and Tribal Peoples in Independent Countries
8. Convention on International Trade in Endangered Species of Wild Flora and Fauna
9. International Tropical Timber Agreement
10. General Agreement on Tariffs and Trade/World Trade Organization

B. Regional

11. Convention on Long-Range Transboundary Air Pollution
12. Treaty for Amazon Cooperation
13. Central American Convention on Forests
14. Lomé IV Convention
15. Alpine Convention
16. North American Free Trade Agreement
17. Treaty Establishing the Common Market for Eastern and Southern Africa

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C. Treaty-based organizations

18. African Timber Organization (ATO)
19. Centre for International Forestry Research (CIFOR)
20. European Commission (EC)
21. International Monetary Fund (IMF)
22. International Tropical Timber Organization (ITTO)
23. Organization of American States (OAS)
24. Organisation for Economic Cooperation and Development (OECD)
25. Regional development banks:
  - African Development Bank (AfDB)
  - Asian Development Bank (ADB)
  - Inter-American Development Bank (IADB)
  - European Bank for Reconstruction and Development (EBRD)
26. United Nations
27. Food and Agriculture Organization of the United Nations (FAO)
28. United Nations Educational, Scientific and Cultural Organization (UNESCO):  
Man and the Biosphere Programme
29. World Bank
  - International Finance Corporation (IFC)
  - Multilateral Investment Guarantee Agency (MIGA)
30. World Trade Organization
  - Committee on Trade and Environment

Non-legally binding

A. Organizations and forums

1. Asia Pacific Economic Cooperation (APEC)
2. Association of South-East Asian Nations (ASEAN)

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3. International Boreal Forest Research Association (IBFRA)
4. International Center for Agroforestry Research (ICRAF)
5. International Center for Plant Genetics (ICPG)
6. Intergovernmental Panel on Climate Change (IPCC)
7. International Undertaking on Plant Genetic Resources (IUPRG)
8. International Union for Conservation of Nature (IUCN)
9. International Union of Forestry Research Organizations (IUFRO)
10. South Pacific Forum
- B. Initiatives, processes and other political commitments
11. United Nations programmes (created by the General Assembly or FAO)
  - United Nations Development Programme (UNDP)
  - United Nations Environment Programme (UNEP)
  - United Nations Conference on Trade and Development (UNCTAD)
  - World Food Programme
  - FAO regional commissions
12. Agenda 21
  - Chapter 11. Combating deforestation
13. Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles)
14. Commission on Sustainable Development
  - Intergovernmental Forum on Forests (IFF)
15. Criteria and indicators for sustainable forest management
  - ITTO
  - Pan-European Helsinki Process (Helsinki Declaration)
  - Montreal Process Working Group (Santiago Declaration)
  - Tarapoto Proposal

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Central America Initiative

Dry Zone Africa Initiative

Near East Initiative

African Timber Organization

16. Global Environment Facility (GEF)

Climate change and biodiversity windows

17. G-7 Pilot Programme to Conserve the Brazilian Rain Forest (PPG 7)

18. G-8 Forest Action Programme

19. Plan of Action for the Sustainable Development of the Americas

Annex IISUBSTANTIVE ELEMENTS IN THREE INTERNATIONAL LEGALLY  
BINDING INSTRUMENTSArrangement/mechanismCentral American Treaty

Status: Legally binding

Scope: Regional

Substantive elements

Protected areas

Agricultural issues

Rehabilitation of primary and  
secondary forest

Reforestation

Fuelwood

Management of primary natural  
forests, buffers

Forest inventory

National funds

Investment, credit access

International financial cooperation

National resource accounting

Illegal traffic and trade

Public participation

Institutional capacity

Sectoral, intersectoral coordination

National action plans

Environmental assessment

Technical capacity and training

Applied research

Enforcement

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International Tropical Timber  
Organization

Status: Legally binding

Scope: Tropical forests

International trade in tropical  
timber

Economic information

Market statistics

Reforestation, rehabilitation

Forest management

Lesser-known and lesser-used  
species

Human resource development

Product development and marketing

Nomenclature and specifications

Technical assistance and cooperation

Transfer of technology and knowledge

Investments and joint ventures

Financial resources

Convention on Biological Diversity

Status: Legally binding

Scope: Global

Conservation and sustainable use

Identification and monitoring

In-situ and ex-situ conservation

Sustainable use of components

Incentive measures

Research and training

Public education and awareness

Impact assessment

Access to genetic resources

Access to and transfer of technology

Exchange of information

Technical and scientific cooperation

Biotechnology and benefit distribution

Financial resources

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