

SPECIAL FERN-FPP REPORT: UNFF failing its mandate - 4th Session of the United Nations Forum on Forests

By Emily Caruso and Leontien Krul

Introduction

The fourth United Nations Forum on Forests took place from 3 to 14 May in Geneva, Switzerland. The meeting brought together over 600 delegates representing governments, intergovernmental organisations, Indigenous Peoples Organisations (IPOs), environmental NGOs, industry and academic groups. The main agenda items planned for this session were: Traditional Forest Related Knowledge, Social and Cultural Aspects of Forests, Monitoring and Reporting, Criteria and Indicators and Forest-Related Scientific Knowledge. There was also a working group on the process of the UNFF Review. This is a brief summary and evaluation of the two-week session.

Background and context

The UNFF's mandate is to *"promote the management and sustainable development of all types of forests and to strengthen long-term political commitment to this end"*.¹ But for the past three years, NGOs and IPOs have been consistently disappointed by the UNFF's inability to tackle the issues central to indigenous peoples, local communities and genuine sustainable forest management.² This latest UNFF meeting was to be the last prior to the final UNFF 5 (to be held in 2005), where governments are expecting to review the effectiveness of the UNFF, to make decisions regarding its future and to decide whether some other international arrangement, such as a forest convention, is needed.

Voluntary reports

Throughout the UNFF process however, the glaring lack of governments preparing national reports and the limited participation of civil society groups reveal that the UNFF is failing in its key objectives (see footnote 1). Under the UNFF, countries are requested to produce national reports, which they send to the UNFF secretariat prior to UNFF sessions. These reports are supposed to evaluate to what extent and in what manner countries have implemented the IPF/IFF proposals for action. A week prior to the beginning of UNFF 4 only 30 out of 191 member states had reported, and more than half of

these reports were prepared without the participation of civil society.³ This lack of reporting merely highlights how lightly governments take their commitments to this process.

Week One

The first week saw government statements on scheduled topics for discussion, together with both the panel discussions on the Millennium Development Goals, Africa and sustainable forest management and the Multi-Stakeholder Dialogue (MSD). However, none of these events held much sway in the important decision-making and text negotiations of the subsequent week.

Multi-Stakeholder Dialogue

IPO and NGO representatives at UNFF 4 felt that the MSD was essentially just an exercise in window dressing by the UNFF, and noted that their participation was 'ghettoised' within this dialogue session. In theory, the MSD – established as a 'cornerstone' of UNFF sessions – is supposed to be a forum for dialogue between the various major groups with specific interests in forests. In the past, the MSD has been extremely disappointing, with little or no dialogue – merely governments making repetitive statements about their progress in relation to sustainable forest management. At UNFF 4, the MSD was promoted as an improved version of the past MSDs, and indeed more time was given to major groups to establish their positions; there were even a few occasions where real exchanges took place.

However, the outcomes and concerns expressed during these discussions never found their way into the important decision-making and text negotiations carried out by the governments in week two. The feelings of IPOs and NGOs coming out of this MSD are best expressed⁴ by the Global Caucus on Community-Based Forest Management: *"What good is a multi-stakeholder dialogue unless the input of indigenous peoples, community representatives, and other members of civil society is incorporated within the actual resolutions of UNFF?"* As Earth Negotiations Bulletin (#10) reports: *"The fact that the resolution on social and cultural aspects of forests included merely*

*a weak reference to indigenous peoples only served to reinforce the perception that UNFF does not reflect the concerns of civil society”.*⁵

In short, the ‘improved’ MSD was merely a means to promote a sense of ‘participation’ at UNFF: it provided the illusion of participation while the real negotiations went on as usual.

Week Two: text negotiations

Resolution on Social and Cultural Aspects of Forests (SCAF)

The draft resolution on social and cultural aspects of forests was a real disappointment for indigenous peoples and NGOs. Despite this topic being of fundamental importance to indigenous peoples – and repeated appeals that they be allowed to intervene – no interventions by major groups were granted. The resulting frustration led IPOs to write an open letter to the Vice-chairman of the Working Group, expressing their great disappointment at both their lack of voice and the weakness of the text in relation to their fundamental concerns.⁶ The final resolution is indeed extremely weak, stating only that: “[The UNFF] *Urges countries, in accordance with their national legislation, to foster a greater involvement and effective participation of their relevant stakeholders, including indigenous and local communities, particularly women and youth in the development, decision-making, implementation and practice of sustainable forest management*”.⁷ The experience of working on text negotiations in a climate where the voices of civil society are deliberately disregarded, led to most of the participants representing IPOs and NGOs to reject the process as undemocratic and unrepresentative. The final text of the resolution is still unavailable on the UNFF website.

Resolution on Traditional Forest Related Knowledge (TFRK)

Following lengthy deliberations, it was finally decided that the UNFF was not proving an appropriate forum for discussion on Traditional Forest Related Knowledge, especially given the lack of consensus between different governments. The difficult progression of the deliberations on this topic highlighted the inability of the UNFF process to fulfil the mandate it has set out. Upon receiving the draft text of the resolution crafted in week one, indigenous peoples’ representatives were disappointed to find that references to rights were few and were often qualified by weakening language. Moreover, there was no reference to free prior and informed consent of indigenous and local communities in relation to access and use of traditional knowledge.

IPOs therefore proposed a number of textual changes to the draft, aimed largely at strengthening the language on rights and participation, and on inserting language on free prior and informed consent for access and use of traditional knowledge. And initially this strategy was at least partially successful, with some governments including parts of this text in their proposals during the negotiations. However, the outset of the second discussion session on this issue saw the G77 and China propose the removal of all the resolution’s decisions and their replacement with a single watered down sentence, which addressed none of the IPOs’ concerns. Thereafter, the negotiations broke down, and, despite hours of discussion, the resolution was scrapped.

The main argument between the North and the South clearly lies in who controls access to traditional knowledge (TK): the G77/China wanted to delete any reference to access to traditional knowledge, since they want this to be controlled entirely at the national level by the State; in contrast the US, backed by the EU and Canada, were pushing for the facilitation of access to TK. Significantly, this whole discussion took place without input from the knowledge holders themselves. Following similar problems at COP7 of the Convention on Biological Diversity (CBD),⁸ indigenous representatives now recommend that such discussions be held in a human rights forum rather than a biodiversity or intellectual property rights forum.⁹

Discussions with individual governments within the G77 and China made it clear that the positions of the governments within this grouping were highly divergent, and that the more progressive governments had been forced to drop to the lowest common denominator. The governments’ polarised positions on this topic highlighted the fact that the development of any future international arrangement on forests will require that governments are informed and flexible, while providing a sharp reminder that any such arrangement could easily lead down a path where difficult topics are simply not addressed.

Resolution on Monitoring, Assessment and Reporting (MAR) and Criteria and Indicators (C&I)

While the resolutions on Monitoring Assessment and Reporting (MAR) and Criteria & Indicators (C&I) really only touched on these issues, literally nothing was resolved regarding the implementation of the IPF/IFF proposals for action at the national level – despite governments agreeing that this was an important issue. The MAR and C&I issues together formed one resolution, since these two themes were deemed to be closely linked. However, in this resulting resolution only one weak paragraph addressed Monitoring Assessment and Reporting of the

implementation of IPF/IFF proposals for action. While NGOs tried hard to keep at least this paragraph in, many governments argued, during the subsequent negotiations, to remove it.

Such a move clearly marks trouble. For if the IPF/IFF proposals for action are to go any further, they must be supported and implemented within any potential international arrangement on forests in the future, while governments must be encouraged to monitor, report and assess their implementation. Yet although some governments (UK, Dutch, US) agreed to keep the paragraph, others refused, and it was eventually deleted. The final agreed text therefore concentrates largely on the Criteria and Indicators with a few sections on the MAR on the state of the forests. It was a great disappointment for the NGOs to have no paragraph at all concerning MAR on IPF/IFF proposals for action, given that this is the only way in which governments can be held to account, as well as providing a basis for the effectiveness of any potential future international arrangement, or legally binding instrument, on forests.

Resolution on Review

Although the Review of the UNFF was not one of the main topics of UNFF 4, a working group was held and a resolution negotiated concerning the process to facilitate the review of the UNFF at UNFF 5. In order to facilitate country reporting for the Review, a questionnaire has been developed for governments to complete. The criteria developed at UNFF 2 have been used for the questionnaire.

The questionnaire, which will not replace the existing voluntary national reports, will also – at the insistence of the G77 – be voluntary. It is unlikely therefore that the UNFF will ever obtain a global view of the implementation of the proposals for action, since voluntary reporting has so far proven to be of little use.¹⁰ The final text of the resolution on the Review also provides for members of the Collaborative Partnership on Forests and other organisations to submit reports on the implementation of the IPF/IFF proposals for action. They can also submit a completed questionnaire to the UNFF. **It is important that NGOs and IPOs seize this opportunity to hold**

governments to account; bear in mind then that reports and completed questionnaires must be submitted to the UNFF by **30 September 2004**.¹¹

Conclusions

This 4th session of the UNFF was overall a grave disappointment for IPO and NGO representatives. It seems that the effort and time spent over the past four years on improving the UNFF in both its format and its outcomes have changed nothing, and civil society participation is still a sham. As the Earth Negotiations Bulletin (#11)¹² puts it: “*One point of clear consensus in Geneva was that the UNFF has failed to deliver on its stated aims, and that continuing the arrangement in its current form is neither politically viable nor desirable*”. The last statement delivered to the plenary was by IPOs and NGOs; it highlighted their fundamental concerns regarding both the process and the outcomes of this session of the UNFF.¹³

¹ UNFF's main objectives are to:

- Facilitate the implementation of the Intergovernmental Panel on Forests/ Intergovernmental Forum on Forests (IPF/IFF) Proposals for Action at national, regional, and international levels
- Provide a forum for continued policy dialogue on forests among governments
- Monitor and assess progress at the national, regional, and global levels through reporting by governments and regional and international organisations

² See: www.fern.org and www.forestpeoples.org for previous briefings

³ FERN Briefing Note (April 2004) “*Effectiveness of the UNFF; Monitoring and assessing progress through reporting.*” Available at: www.fern.org

⁴ See: www.forestsandcommunities.org for a detailed report from the Global Caucus on Community-Based Forest Management.

⁵ See: www.iisd.ca/forestry/unff/unff4.

⁶ See: www.forestpeoples.org

⁷ See: paragraph 7, *The Final Resolution of UNFF 4 on the Social and Cultural Aspects of Forests*

⁸ The meeting was held in February 2004 in Kuala Lumpur, Malaysia

⁹ See: <http://www.ipcb.org/resolutions/htmls/pf2004.html>

¹⁰ See FERN Briefing Note (April 2004) “*Effectiveness of the UNFF; Monitoring and assessing progress through reporting.*” Available at: www.fern.org

¹¹ Reporting guidelines and questionnaires will be available on the UNFF website after the 30 July 2004. See footnote 2.

¹² See: www.iisd.ca/forestry/unff/unff4/ for details, and for other ENBs covering the UNFF 4

¹³ Available at: www.forestpeoples.org and www.fern.org

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