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## **I. Introduction**

The Economic and Social Council of the United Nations (ECOSOC) in paragraph 3(c)(i) of Resolution 2000/35 decided that the United Nations Forum on Forests will within five years “consider with a view to recommending to the Economic and Social Council and through it to the General Assembly the parameters of a mandate for developing a legal framework on all types of forests. This process could develop the financial provisions to implement any future agreed legal framework.”. The Council also decided in paragraph 17 of the same resolution “that the international arrangement on forests should be dynamic and adapt to evolving conditions and that the effectiveness of this arrangement would be reviewed in five years”, and further decided “that the five year review of this arrangement will also address the institutional framework of the United Nations Forum on Forests, including its position within the United Nation system”.

Subsequently, through Decision 2003/299 ECOSOC established the Ad hoc Expert Group on consideration with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests to be held in New York, from 7 to 10 September 2004. Among the tasks assigned to it, the ad hoc expert group is to “assess existing regional and international binding and non-binding instruments and processes relevant to forests” and “review the relevant experiences of existing forest-related and other relevant organizations and agreements, including multilateral environmental agreements and regional conventions and processes, focussing on complementarities, gaps and duplication” (paragraphs 33(a) and (d)).

This background document has been prepared to facilitate the work of the ad hoc expert group in undertaking these tasks. It seeks to do this by providing background discussion on forest instruments and their characteristics (section II); presenting some general trends (section III); and discussing recent developments by instrument, agreement or process (section IV). It also contains (section V) an example of how this analysis might be further developed.

This document focuses on the main international normative (legal and non-legal) developments since 1999, and also includes regional activities. Developments before this time, especially for the period 1992-1998, are dealt with extensively in Background Document number 5, “Information On Forest-Related Work Under Existing Instruments”, which was prepared for the second session of the Intergovernmental Forum on Forest (IFF) in 1998, and in the report of the Secretary-General prepared for the same session, E/CN.17/IFF/1998/11, which includes, inter alia, tables on perceived gaps and overlaps at the time. There is also a fair amount of other factual information and background material, including studies and reports on this issue.

This document is based partly on the input from countries received by the United Nations Forum on Forests (UNFF) Secretariat and partly on separate research. It has been compiled by the UNFF Secretariat with the generous assistance of UNEP legal offices and should be viewed as work in progress. It should be emphasised that this is very much a working draft; it is the intention of the Secretariat to conduct further work on this Background Document, based on the discussions of the  
General

## **II. Characteristics of forest-related instruments, agreements and processes**

This section examines the potential role of international forest-related instruments. Background Document Number 3 outlines some general principles of international law and types of prevailing international legal instruments.

Where there are issues of international concern that can potentially be addressed through a legal instrument, there is generally a need to attempt to strike a balance between cooperation and regulation; II.

As with any international legal regime the components that may constitute an effective international instrument/regime for forests may include the following:

- Political support within the participating States.
- Articulation of shared norms. There have to be shared understandings of fundamental values that an instrument should promote.
- A shared understanding of desired policy objectives and strategies to attain those shared objectives;
- Fair amount of forest-related scientific consensus about the existence and causes of the international problem.
- Understandable and legitimate dispute resolution process.
- Openness to public and scientific input, including stakeholder involvement.
- Open communication and access to information
- Compliance prompting mechanisms: establish and strengthen norms for cooperation, implementation, and compliance.
- Recognition of varying capacities of developed and developing countries
- As stated in Chapter 38 of Agenda 21: “Implementation of Agenda 21 and other conclusions of UNCED shall be ... consistent with the principles of universality, democracy, transparency, cost effectiveness and accountability”
- Organizational capability of implementing institutions.
- Adequate human and financial resources and information for the effective operation of the secretariat.
- Financial mechanisms to support programme implementation by .

Forest-related policy issues are handled in a plethora of instruments and agreements with originally

against illegal logging. Indeed, several regional processes have recently addressed forest law enforcement, governance and trade and this trend is gaining strength. As this issue continues to be discussed in new contexts, forests will undoubtedly be introduced in a number of previously unconsidered arenas.

In May 1998, the G-8 launched an action program on forests, which gave high priority to eliminating illegal logging and illegal timber trade. Several Regional Forest Law Enforcement and Governance (FLEG) processes are now running in parallel. The FLEG processes around the world have also opened space for action and calls for accountability by civil society. In Latin America, for example, where an official FLEG process is in the pipeline, civil society is particularly active.

The World Summit on Sustainable Development (2002) marked an important milestone for the forest policy development. The Johannesburg Plan of Implementation includes the commitment to “take immediate action on domestic forest law enforcement and illegal international trade in forest products, including in forest biological resources, with the support of the international community, and provide human and institutional capacity building related to the enforcement of national legislation in those areas.” The Asia Forest Partnership and the Congo Basin Forest Partnership (CBFP), both launched at WSSD, also target illegal logging as one of the barriers for sustainable forest management.

The Parties to the Convention on Biological Diversity have also expressed their concern regarding the adverse impact of illegal logging on conservation efforts. CBD continues and further strengthens its work on the effects on forest biological diversity of insufficient forest law enforcement. Means of assessing and combating illegal logging and illegal trade of timber has also received special attention in recent ITTO proceedings.

Forest governance is also one of the areas emerging from the World Bank's Forest Policy Implementation Review and Strategy process. Consequently the World Bank Group launched its Forest Governance Program and it has contributed to establishment of several partnerships on forest law enforcement. In addition, a number of NGOs and civil society groups have made efforts to address this issue. The Forests Dialogue will be hosting a multi-stakeholder dialogue on the issue as an Organization-led initiative and will serve as an input to the UNFF process.

Several milestones have reached over the past five years in the field of defining sustainability and development of criteria and indicators. The nine criteria and indicator processes have also played a major role in the development of a common vision of what constitutes sustainable forest management. Country- and organization-led initiatives, such as the CPF Task Force on Streamlining Forest-Related Reporting (established to reduce the reporting burden on countries), have assisted in developing seven thematic elements, now acknowledged by the UNFF as providing a reference framework for SFM. These are the extent of forest resources; biological diversity; forest health and vitality; productive functions of forest resources; protective functions of forest resources; socio-economic functions; and the legal, policy and institutional framework.

At the time of writing this document, negotiations were not completed yet on the successor agreement to the ITTA 1994



products and services without undue reduction of its inherent values and future productivity and without undue undesirable effects on the physical and social environment...].”

Although the regional and organisations led criteria and indicator processes have broken new ground as regards facilitating data collection for sustainable forest management, discussions under the CBD and the Kyoto Protocol to the UNFCCC have the potential to affect the discussions on this issue once again. At its 20<sup>th</sup> session the Subsidiary Body for Scientific and Technical Advice (SBSTA20) decided on data submissions more ambitious than any criteria and indicator process (which has identified indicators for sustainable forest management down to the forest management

Executive Secretary, with the UNFF, the UNFCCC and the CBD, to promote activities with Low Forest Cover Countries (LFCCs) for a joint approach on forests.

The UNCCD and CBD Secretariats with cooperation of the UNFCCC Secretariat held a workshop in 2004 on “Forests and Forest Ecosystems: Promoting Synergy in the Implementation of the three Rio Conventions”. It focused on how forest and forest ecosystems could provide a theme around joint implementation. The workshop addressed ways and means for planning and implementing plans and programmes that address, in a coherent and complementary manner, the provisions of all three Conventions at the national level.

The Ramsar bureau has also formally established collaborative agreements with a number of secretariats and with a wide range of partners. At their eighth Conference, Parties of the Convention took note of the Third Ramsar-CBD Joint Work Plan that covers the period 2002-2006 which includes a provision for the Ramsar Bureau to work with the CBD Secretariat on ways and means for Ramsar “to contribute to the implementation of the new programme of work on forest biological diversity”, particularly on issues related to peatlands and wooded wetlands.

These developments point to real increased efforts to answer the calls for coordination and the creation of synergies among organisations that deal with the many aspects of forests. These organisations have initiated collaborative efforts in many areas which directly benefit the organisations themselves and their clients.. The challenge of securing consistent forest policies from the different fora that deal with forests is seen by many as the core challenge facing international forest policy. There have been several calls by, for example, UNFF for consistent messages by governments in the different fora dealing with forests. One starting point has been a very practical one, that of forest-related reporting and data collection.

The recommendations of the two UNFF ad hoc expert groups, held in December 2003 - particularly the innovative proposals on how to improve transfer of environmentally sound technologies for SFM and financing SFM within and outside the forest sector and at the international level – represent another significant development.

The new financial mechanism provided by the Global Environment Facility (GEF) under its recently established operation programme for land degradation also provides a promising window for the implementation of the SFM component as part of the sustainable land management focal area. The GEF was designated as a financing mechanism for the UN Convention to Combat Desertification (UNCCD) in 2003 and has since allocated more than USD\$18 million to new projects. From its inception in 1991 to June 2003, the GEF has committed \$777.6 million for environmental projects that address threats to forests, with nearly \$2 billion in co-financing being leveraged from national, bilateral and multinational partners. These projects focus on promoting sustainable livelihoods by integrating best practices in the conservation and sustainable use of forest resources. Nearly 150 projects have been implemented in 76 countries. GEF projects provide support to more than 741 protected areas worldwide. Strong emphasis is also placed on the sustainable use of non-timber forest products.

There are also a number of financial incentives for afforestation and reforestation projects embedded in the implementation mechanisms of the Kyoto Protocol under the UNFCCC. Although not yet ratified, the anticipation of these new opportunities has sparked a new interest in

such projects that may continue even if the Protocol is not ratified. There are some risks, that forests are viewed simply as “carbon sinks” which could result in a limited perspective on the value

## **United Nations Framework Convention on Climate Change (UNFCCC)**

### *Background*

Forests are an important component o

undertaking reforestation or afforestation initiatives in developing countries under the Clean Development Mechanism. These credits could be retroactive from 2000 providing the projects meet certain pre-requisites pertaining to environmental, social and development concerns. During the first commitment period, special waivers apply to debits from harvesting short-rotation forests,



### *Recent Developments*

The most important recent development for this instrument is the designation of the GEF as a financial mechanism to the UNCCD. In May 2001, the GEF Council decided to pursue the designation of land degradation as a focal area, and the second Global Environment Facility Assembly adopted this in October 2002. The designation of GEF as a financing mechanism for UNCCD led in 2003 to the allocation of more than US\$18 million by the GEF to new projects under the category of land degradation.

The UNCCD has adopted a decision on “collaboration with the GEF”, which addresses the designation of the GEF as a financial mechanism and the arrangements for establishing a working relationship with the GEF. COP-6 paid attention to the issue of synergies and to promote such synergies, UNCCD is supporting, with the UNFF, the UNFCCC and the CBD, the activities with Low Forest Cover Countries (LFCCs) for a joint approach on forests.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

#### *Background*

Several threatened and endangered tree species have been listed for many years in the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which place various levels of control or restrictions on their trade.

CITES Appendix III includes all species that any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade. Appendix II includes: i) all species that, while not threatened with extinction, may become so unless trade in specimens of the species is subject to strict regulation; and ii) other species that must be subject to regulation so that trade in specimens of species referred to in i) above may be brought under effective control. Appendix I includes species threatened with extinction designi

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### *Recent Developments*

The Bigleaf Mahogany Working Group reported its findings in November 2002. This report addressed the effectiveness of current and potential Appendix III listings, provided an analysis of legal and illegal trade, and reported on the status of the species in tropical America. COP-12 then decided to include the species (including logs, sawn wood, veneer sheets and plywood) in Appendix II; this amendment entered into effect 12 months later, i.e. on 15 November 2003.

## **Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)**

### *Background*

The Ramsar Convention, which is concerned with the conservation and wise use of wetlands and their resources, includes in its mandate a range of forested wetland. Parties have agreed to give priority to designating under-represented wetland types, including mangroves and peatlands. “Guidelines for Global Action on Peatlands” were adopted in 2002.

The Ramsar bureau has formally established collaborative agreements with a number of secretariats and with a wide range of partners. A Joint Work Plan for 2000-2001, developed between the Ramsar Convention and the Convention on Biological Diversity, reflected an increased emphasis on the conservation of biological diversity in wetlands and continued the collaboration that was formalized between the two conventions in 1996. Forest ecosystems are one of the thematic areas identified for collaboration.

### *Recent Developments*

In November 2002 the Convention took note of the “Progress report on the implementation of the second Joint Work Plan (2000-2001) of the Convention on Biological Diversity and the Convention on Wetlands” and of the “Third Joint Work Plan”, covering the period 2002-2006, of the CBD and the Ramsar Convention. The latter Plan includes Activity 4 on forest ecosystems, in which under ‘*Actions to be taken*’ it states that the CBD Secretariat will invite the Ramsar Bureau to explore ways and means on how Ramsar “can contribute to the implementation of the new programme of work on forest biological diversity”, particularly on issues related to peatlands and wooded wetlands.

Contracting Parties to this Convention have concluded, in its Strategic Plan 1997-2002, that mangrove ecosystems are under-represented in the List of Wetlands of International Importance; guidance on the identification and designation of mangrove ecosystems was also adopted.

A recent Resolution VIII.32 on the “Conservation, integrated management, and sustainable use of mangrove ecosystems and their resources” requests Parties to: modify their national policies and strategies that could have harmful effects on mangrove ecosystems; promote conservation, integrated management and sustainable use of mangrove ecosystems in accordance with SEAs of the potentially harmful activities; and designate mangrove ecosystems for inclusion in the Ramsar List.



It also exhorts updating and exchanging information on mangroves and their integrated management and sustainable use of agricultural policies with trade-related agreements.

- Growing niche markets within some consumer countries for certified timber.
- Increased political attention on forest governance and law enforcement and commitment to combat illegal logging, associated illegal trade and corruption in the forest sector.
- Increased interest in monitoring and regulating the international trade in high volume commercially traded tropical timber species through CITES.
- Increasing interest in managing natural forests as ecosystems, including maintaining environmental services (e.g. hydrological, aesthetic, biodiversity, carbon sequestration services).
- Increasing recognition of the economic potential in developing national and international markets and market transactions for the environmental services provided by forests.
- Increasing interest in non-timber forest products in the context of timber production.
- Increasing awareness about the impacts of invasive alien species and the possible impacts of genetic manipulation of forest species on tropical forest ecosystems and tropical timber production.
- The establishment of new public-private forest partnerships such as the Congo Basin Forest Partnership and the Asia Forest Partnership.

A successor Agreement to the International Tropical Timber Agreement is being negotiated under the auspices of United Nations Conference on Trade and Development (UNCTAD) for deposit with the Secretary-General of the United Nations. UNCTAD held the first session of the United Nations Conference for the negotiation of a successor agreement to the International Tropical Timber Agreement, 1994, in Geneva from 26 to 30 July 2004. The negotiation will resume at its second session, to be held on 14-18 February 2005.

## **2. Regional**

### **The Central American Council for Forests and Protected Areas**

The Central American Council for Forests and Protected Areas (CCAB-AP) is an advisory body of the Central American Commission on Environment and Development (CCAD), a subsidiary body of the Central American Integration System (SICA). It is responsible for the implementation of CCAD policies and strategies on the sustainable use of forest resources and the conservation of biological diversity. CCAB-AP was established in response to the Central American Agreement on Biodiversity, which was signed by the presidents of the region in 1993. It is composed of the heads of forest departments and national parks departments of the seven Central American countries (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Panama and Nicaragua). CCAB-AP's main strategic working areas at present are: research and inventory of species; economically sustainable uses of forests and wildlife; the valorization of environmental services; the strengthening and consolidation of Central America's national systems of protected areas; the economic valuation of forests; the promotion of co-management within protected forests and wildlife areas; studies on the agricultural frontier and on agro-forestry; and the promotion of a regional strategy for the

prevention of forest fires. The Council is currently emphasizing activities related to the economic valuation of environmental benefits of Central America's forest ecosystems, including carbon sequestration

### **Amazonian Co-operation Treaty (ACT)**

#### *Background*

Signed in July 1978, the Amazon Co-operation Treaty is a multi-lateral agreement for the promotion of co-operation between the Amazon countries - Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela -

One highly significant development in recent years was the establishment of the international arrangement on forests in 2000, with the United Nations Forum on Forests as the main body of that arrangement. In October 2000, the ECOSOC, through its Resolution E/2000/35, established the United Nations Forum on Forests, as a subsidiary body of the Council. The main objective, based on the Rio Declaration, the Forest Principles, Chapter 11 of Agenda 21 and the outcome of the IPF/IFF Processes is to promote "... the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end...". UNFF functions under the rules of procedure of the functional commissions of ECOSOC, and reports to General Assembly through ECOSOC.

As an intergovernmental policy forum, the UNFF is composed of all States members of the United Nations and specialized agencies, and meets in annual sessions. The UNFF is unique by being the only subsidiary organ of ECOSOC with universal membership.

ECOSOC, in its resolution E/2000/35, also invited the heads of relevant international organizations to form a Collaborative Partnership on Forests, to support the work of the UNFF and to foster increased cooperation and coordination on forests. Heads of agencies responded to the invitation positively and, in April 2001, CPF was created.

In order to achieve its main objective, the following principal functions have been identified for the UNFF:

- To facilitate implementation of forest-related agreements and foster a common understanding on sustainable forest management;
- To provide for continued policy development and dialogue among Governments, international organizations, including major groups, as identified in Agenda 21 as well as to address forest issues and emerging areas of concern in a holistic, comprehensive and integrated manner,
- To enhance cooperation as well as policy and programme coordination on forest-related issues
- To foster international cooperation and
- To monitor, assess and report on progress of the above functions and objectives
- To strengthen political commitment to the management, conservation and sustainable development of all types of forests.

The IPF/IFF processes produced more than 270 Proposals for Action towards SFM. These proposals formed the basis for the UNFF Multi-Year Programme of Work and Plan of Action. Country and Organization led initiatives are also contributing to the development of UNFF themes. Multi-stakeholder dialogues are an integral part of the agenda at UNFF sessions, allowing major stakeholders to contribute to the international forest dialogue.

As its objectives and principal functions illustrate, UNFF has a j 312.75 0 T02 -13.5 33092 Tc 0 Tw2 Tw (As4

rehabilitation of fragile ecosystems; economic, social and cultural aspects of forests; forest-related scientific knowledge and traditional knowledge; monitoring, assessment and review; C&I; and forest health. Issues of trade, certification and labelling, cross-sectoral linkages, finance and transfer of environmentally sound technologies, have also been considered by UNFF sessions.

As a part of its multi-year programme of work, UNFF has, at each of its session, examined ways of



- Country-level monitoring of progress towards achieving the Millennium Development Goals.
-

drinking water and to provide affordable energy. In addition, it recognised the multiple benefits of both natural and planted forests and trees contribute to the well-being of the planet and humanity.

In addition, the Summit was the occasion for several countries to launch official WSSD partnerships. These .



Governments of Canada, Argentina, Chile and the Dominican Republic, together with the United Nations Development Programme, are involved in the partnership.

### ***Other Forest-related Partnerships***

Several other forest-related partnerships were launched at WSSD, or have been announced since WSSD, including a forest landscape restoration initiative; system planning and management of transboundary ecosystem resources in south-western Amazon; and a public-private partnership for SFM.

## **Commission on Sustainable Development (CSD)**

### *Background*

The United Nations Commission on Sustainable Development (CSD) was created in December 1992 to ensure effective follow-up of the Earth Summit in 1992. The Commission aims to monitor and report on implementation of the Earth Summit agreements at the local, national, regional and international levels. The CSD is a functional commission of the ECOSOC, with 53 members. A five-year review of Earth Summit progress took place in 1997 by the United Nations General Assembly meeting in special session, followed in 2002 by a ten-year review by the World Summit on Sustainable Development.

The Summit reiterated the initial mandate and functions of the CSD as a high level forum on sustainable development, and deliberated to enhance its role so that it can respond to the new demands emerged from the WSSD Plan of Implementation.

Both the IPF and the IFF (1995-2000) were ad hoc forest processes under the auspices of the CSD, with the main objectives to follow up on the Forest Principles and Chapter 11 of the Agenda 21 adopted at the Earth Summit.

### *Recent Developments*

In the follow-up to the WSSD, the Commission on Sustainable Development decided at its eleventh session that its multi-year programme of work beyond 2003 would be organized on the basis of seven two-year cycles, with each cycle focusing on selected thematic clusters of issues. Among others, it identified the thematic cluster "Forests, Biodiversity, Biotechnology, Tourism, Mountains." Forests will remain as part of the Multi-Year Programme of Work as scheduled; unless otherwise agreed by the Commission forests will be reviewed in 2012-2013.

CSD has also been mandated to follow up on the WSSD Partnerships. At each session of the CSD a Partnership Fair is held, which provides a venue for showcasing progress in existing Partnerships for Sustainable Development, launching new partnerships and networking among existing and potential partners.

## **FAO Committee on Forestry (COFO)**

### *Background*

Foremost among the FAO Forestry statutory bodies is the Committee on Forestry. Heads of forest services and other senior government officials meet at FAO headquarters every two years to identify emerging policy and technical issues, to seek solutions and to advise FAO and others on appropriate action in forestry.



directed to the national level, efforts to develop and implement criteria and indicators at the forest management unit level have recently been intensified, with governments continuing to involve a range of partners, including forest owners, NGOs and the private sector.

### *Recent Developments*

Following a recommendation from the Expert Consultation on Criteria and Indicators for Sustainable Forest Management, held in Rome in November 2000, the International Conference on the Contribution of Criteria and Indicators for Sustainable Forest Management was held in Guatemala City from 3-7 February 2003 (CICI-2003). The main objectives were to improve development and implementation of criteria and indicators, foster political commitment, strengthen institutional capacity and stakeholder participation, and contribute to the work of UNFF. One of the most important outcomes of the Conference was the identification of the seven thematic areas of sustainable forest management, which were later noted by the FAO Committee on Forestry in 2003, and most recently acknowledged by the fourth session of UNFF in 2004. The Global Forest Resources Assessment update in 2005 is being built around six75 Tw ( ) Tj 0 -709.5 e was try the fourth session w

which are essentially governmental. These two processes are mutually reinforcing and have the potential to coalesce in the future.

CEFDHAC, also known as the Brazzaville Process, was launched in May 1996 as a forum for consultation, information exchange and the strengthening of sub-regional cooperation in matters concerning central African forests. The member countries are Burundi, Cameroon, Gabon, Equatorial Guinea, the Central African Republic, the Congo, the Democratic Republic of the Congo, Rwanda and Sao Tomé and Príncipe. CEFDHAC is open to governments, NGOs, the private sector, research institutions and development agencies.

The third CEFDHAC meeting, held in Bujumbura, Burundi from 5 to 7 June 2000, focused on governance and joint management of central African moist forest ecosystems. Also discussed were the Strategic Action Plan for the Conservation and Sustainable Use of Biological Diversity in the Congo Basin, which is being formulated; the need for further work to set in place a timber certification system for the Congo basin – based on the standards, criteria and indicators of ITTO and the African Timber Organization (ATO); and various options for institutionalizing CEFDHAC.

The Yaoundé Declaration was adopted by the Summit of Central African Heads of State on the Conservation and Sustainable Management of Tropical Forests, held in March 1999 in Yaoundé, Cameroon. The following countries participated in the summit: Cameroon, Chad, the Congo, Equatorial Guinea and Gabon. Among other activities and aims, the Yaoundé Declaration calls for action towards harmonized national policies; participation of the rural population and the private sector in decisions on forests; transboundary protected areas; the fight against poaching and other unsustainable exploitation; financial systems that support sustainable forest management; and international cooperation. An expert meeting was held in September 2000 to prepare for the first

## **New Partnership for Africa's Development**

### *Background*

The New Partnership for Africa's Development (NEPAD) is a holistic, comprehensive, integrated, strategic framework for the socio-economic development of Africa. The NEPAD document provides the vision for Africa, a statement of the problems facing the continent and a programme of action to resolve these problems in order to reach the vision. Its primary objective is to eradicate poverty in Africa and to place African countries both individually and collectively on a path of sustainable growth and development to thus halt the marginalization of Africa in the globalisation process. Essentially, it calls for a new relationship of partnership between African and the international community. NEPAD's priority areas are political governance, economic governance, market access and agriculture, human development, infrastructure, science and technology, environment and tourism.

### *Recent Developments*

Recently the NEPAD Secretariat is becoming more involved in forestry, including through the participation in African forestry related meetings.

## **African Timber Organization**

The African Timber Organization (ATO) was formed in 1976 by Angola, Cameroon, Central

The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries, founded in 1975. Its mission is to promote economic integration in the field of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial matters, social and cultural issues, among others.

## **Interstate Committee to Fight Drought in the Sahel (CILSS)**

### *Background*

CILSS is as an intergovernmental organisation composed of nine Sahelian countries, namely, Burkina Faso, Cape-Verde, The Gambia, Guinea Bissau, Mali, Mauritania, Niger, Senegal and Chad. It was formed in 1973 with the mandate to



forestry in sustainable livelihoods and on sustainable urban and peri-urban forestry and green spaces in the LFCCs.

Further to the Tehran Declaration and the Proposed Strategy for LFCC, the LFCC Secretariat has maintained close collaboration with UNFF and FAO throughout 2002 and 2003. The Secretariat has been actively participating in several international side events. At the third session of the UNFF (2003) the LFCC Secretariat became accredited with the Forum.

A Strategic Framework was also prepared highlighting the priority actions and programmes for the period 2004-2005, which includes natural resource management, planted forests, urban and peri-urban forests and green spaces, trees outside forests, water and watershed management, and national forest programmes.

### **South Asian Cooperative Environment Programme**

#### *Background*

South Asia Cooperative Environment Programme (SACEP) is an inter-governmental organization, established in 1982 by the Governments of South Asia to promote and support protection, management and enhancement of the environment in the region.

Since its inception, SACEP has promoted sustainable development in the region by implementing a number of projects and programmes in the fields of environment education, environment legislation, biodiversity, air pollution, and the protection and management of the coastal environment with the assistance of various bilateral and multilateral funding agencies. Furthermore, UNEP/UNEP

provide information and advice to enable them to make informed decisions about their future development and well-being.

*Recent developments*

The Regional Forestry Programme was formally established within the Land Resources Division in 2000. The Programme provides a focal point for collaboration, coordination and implementation, working together with associate programmes and regional initiatives, towards strengthening national capacity in promoting sustainable land-

The signatory states and the European Community are responsible for implementing the MCPFE resolutions at regional, national and sub-national levels. Based on voluntary commitments, governments all over Europe have taken initiatives to ensure and improve the sustainable management and protection of forests.

Through its resolutions MCPFE has been contributing to the implementation of the forest related decisions of the UNCED and its follow-up the IPF/IFF/UNFF process as well. The MCPFE obtained observer status to the UNFF in June 2001 and participates in its work.

Furthermore the MCPFE has also been contributing to the provisions of other United Nations Conventions, e.g. the CBD:

During its meeting in 2003 in Evian, France, the G-8 confirmed their determination to strengthen international efforts to tackle the problem of illegal logging from the perspective of sustainable forest management.

In the G8 meeting held in 2004 on Sea Island, the USA, in describing some of its activities in agriculture and biodiversity, made particular mention of the promotion of SFM and control of illegal logging through Asia Forest Partnership, Congo Basin Forest Partnership, and others as well as the preparations for the Paris Conference on Biodiversity to be held in January 2005.

## **Ministerial Processes for Forest Law Enforcement and Governance (FLEG)**

### *Background*

In May, 1998, the G-8 launched an action program on forests, which gives high priority to eliminating illegal logging and illegal timber trade. The action programme sought to complement actions undertaken at regional and international levels, and states the G-8's commitment to identifying actions in both producer and consumer countries. Several FLEG processes are now running in parallel.

### *Recent Developments*

The issue of illegal logging has come to the fore in international forest policy debates since 2000, highlighting much wider issues such as appropriate forest governance, effective law enforcement, sustainable trade, and ethical investment.

The G-8 action programme motivated a partnership on forest law enforcement for East Asia between the World Bank, the UK and the US, which led to the FLEG East Asia Ministerial Conference in September 2001. The Conference adopted a Ministerial Declaration, whereby participating countries committed themselves to, *inter alia*, intensify national efforts and strengthen bilateral, regional and multilateral collaboration to address forest crime and violations of forest law. The Declaration also contained a commitment to create a regional task force on FLEG to advance the Declaration's objectives. The task force held a follow-up meeting on the Declaration's implementation in Bali, Indonesia, in May 2002. The first working meeting of the FLEG Task Force and Advisory Group was held in Jakarta in January 2003. The participants – who represented a broad range of governments, NGOs and private sector organizations – cooperated to produce action plans for initial actions in four key areas to be undertaken to curb illegal logging. Moving forward, the participants are committed to continuing to push for specific national and regional actions to combat forest degradation.

More recently, Ministers from several countries in Africa expressed interest in focusing specifically on forest law enforcement and governance, and asked assistance from the World Bank (with sponsorship from the United States, UK and France) to convene an African FLEG Ministerial process. The AFLEG Ministerial Conference convened in Yaoundé, Cameroon from October 13-16, 2003, drawing together ministers from Africa, Europe and North America to consider how partnerships between producers and consumers, donors, civil society and the private sector could

potentially address illegal forest exploitation and associated trade in Africa. The Conference resulted in the endorsement of a Ministerial Declaration and Action Plan for AFLEG. The AFLEG process is part of the New Partnership for Africa's Development (NEPAD) and is intended to strengthen international and multi-stakeholder commitment. The objectives of the AFLEG process are to confirm the will and commitment of producer and consumer country governments and other stakeholders to FLEG, address the need for shared responsibility and cooperation between stakeholders, and develop a programme of action.

In May 2003, the European Union published its Action Plan on Forest Law Enforcement, Governance and Trade. This outlines proposals for voluntary licensing to ensure that only legally verified timber could be imported into the EU, procurement policies that discriminate against illegal timber, encouragement of responsible financing, and support for private sector-led trade initiatives.

The FLEG processes around the world have also opened space for action and calls for accountability by civil society. In Latin America, for example, where an official FLEG process is in the pipeline, civil society is particularly active.

### **3. Financial and Trade Institutions**

#### **World Bank**

##### *Background*

The World Bank Group's mission is to fight poverty and improve the living standards of people in the developing world. It is a development Bank which provides loans, policy advice, technical assistance and knowledge sharing services to low and middle income countries to reduce poverty.

The World Bank is one of the United Nations' specialized agencies, and is made up of 184 member countries. These countries are jointly responsible for how the institution is financed and how its money is spent. Several Banks make up for the World Bank Group: these are the World Bank itself, the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) which provide low-interest loans, interest-free credit, and grants to developing countries; the International Finance Corporation (IFC), which promotes private sector investment by supporting high-risk sectors and countries; the Multilateral Investment Guarantee Agency (MIGA), which provides political risk insurance (guarantees) to investors in and lenders to developing countries; and the International Centre for Settlement of Investment Disputes (ICSID), which settles investment disputes between foreign investors and their host countries

##### *Recent developments*

In October 2002, the Board and Executive Directors of the World Bank approved its new Forests Strategy and operational policy for the forest sector. These recognize that forests are critical in alleviating poverty and developing sustainable economies and environments. The policy is based on

three interdependent components: harnessing the potential of forests to reduce poverty; integrating forests into sustainable economic development in client countries; protecting vital local and global forest services and values.

In broad terms, the

Perhaps the most significant recent development in the area of forests is the new mechanism under GEF's function for the implementation of SFM, as part of the sustainable land management focal area. The Second GEF Assembly in Beijing in October 2002, designated land degradation, primarily desertification and deforestation as a focal area of the GEF. Strategic considerations include the need to guide the development and implementation of programs, and to promote synergies among

The African Development Bank is a financial development institution dedicated to combating poverty, improving social quality, mobilizing the flow of external and domestic public and private resources, promoting investments, and providing technical assistance and policy advice. The agreement establishing the African Development Bank was drawn under the auspices of the Economic Commission for Africa and entered into force in 1964. It began its operations in 1966.

The ADB's Forestry Policy Paper (1994) was designed to derive maximum economic and environmental benefits from their forest resources. The priority areas of ABD's forest policy included: conservation and rehabilitation of degraded forests; fuelwood and industrial plantations establishment; raising sawn timber production capacity; natural resources conservation; training and technical assistance; and sectoral analyses.

### ***Asian Development Bank (ADB)***

Asian Development Bank is a multilateral development finance institution, dedicated to reducing poverty in Asia and the Pacific. Established in 1966 under the auspices of ECAFE (today ESCAP), the Bank fosters economic growth and cooperation, uses its resources for financing development and provides loans for the economic and social advancement of the developing member countries (DMCs). The Bank is represented by 61 members, mostly from the region.

In 1995 the Bank prepared a document on 'Guiding Principles for assistance to the Forestry Sector'. These principles stress the multiple and complimentary uses of forests for their economic, environmental, and social values; the renewable character of forest resources; forest development strategies; identity, culture and rights of forest-dwelling communities; and the role of forests in maintaining biodiversity, global carbon storage and air pollution.

In 2002 a regional workshop on ADB's Forest Policy Review was undertaken. The review presented the results of the Bank's forestry portfolio, including the effectiveness and impact of past ADB forestry activities. It identified forest sector policy, legal and institutional constraints and the marco forest resource demand and supply trends, and technological challenges in Asia. This workshop resulted in a draft of the Bank's forest sector strategic framework and areas of priority which cover: forest governance, forest resources security and development, poverty reduction and environmental protection, and global environmental aspects.

### ***Central American Bank for Economic Integration (CABEI)***

The Central American Bank for Economic Integration specializes in the capturing and channelling of foreign resources complementary to those supplied by other sources, in order to promote the balanced economic integration and development of the Central American countries.

CABEI was created in 1960, by four founding member countries, as the financial arm of the Central American integration and development process. In 1992, in order to strengthen the Bank financially and institutionally and tighten relations with the international community, reforms were made to the



Constitutive Agreement that allowed for the participation of members from outside the region in the equity capital.

### ***Inter-american Development Bank (IDB)***

The Inter-American Development Bank is an international financial institution created in 1959 to help accelerate the economic and social development of member countries in Latin America and the Caribbean. The Bank is owned by 46 member countries: twenty-eight from the Western Hemisphere, and 18 from Europe, Asia and the Middle East.

The purpose of the Bank's activities in the forest sector is to assist member countries to utilize and conserve their forest resources to provide social, economic and environmental benefits. The Bank seeks to ensure the maintenance and improvement of forests in order to increase the sector's production and productivity, with due regard to the function these forests perform in protecting the environment and in supporting the livelihood of various groups.

In accordance with the objectives of its forest policy, the Bank provides financing and technical cooperation for forest activities aiming at the utilization and conservation of forest resources to provide long-term social, economic and environmental benefits, in area such as: institutional strengthening; research and studies; forest management, reforestation, afforestation and restoration programmes; agroforestry systems to enhance rural development; establishment of forest based industries; forest conservation and protection measures; and other forest related services.

## **4. Non-governmental processes**

### **World Business Council for Sustainable Development (WBCSD): forestry working group “Sustainable Forest Products Industry”**

In its report *Towards a Sustainable Paper Cycle*, the International Institute for Environment and Development (IIED) emphasized the need for increased dialogue among forest industry, environmental, governmental, and private stakeholders regarding forest management. Drawing from an array of existing proposals, IIED urged the forest industry to synthesize a globally acceptable set of guiding principles for SFM that involved these stakeholders. In the beginning of 1998, the Working Group Towards a Sustainable Forest Industry, an international group of individual forest companies within The World Business Council for Sustainable Development, began discussions.

In June of 1999, individuals from the WBCSD, WRI, WWF, and IIED invited representatives of private forest owners to join a discussion group in London that was facilitated by The Environmental Council. This meeting led to a second facilitated dialogue in August of 1999 that included private industry representatives, environmental groups, and private forest owners. As a result of this meeting, the group recommended the creation of a steering committee, which would initiate dialogue among individuals from forest products businesses, social and environmental groups, and private forest owners from around the world. The members, who perceived opportunities to reduce conflict and find common cause, created an ad hoc dialogue group to pursue

this objective. Originally called The Continued Dialogue on Sustainable Forest Management, the group changed its name to The Forests Dialogue when it met in June of 2000.

#### *Recent Developments*

In 2001, leaders of the world's largest forest companies formed The Global Forest Industry CEO Forum, further expanding the platform for discussing forestry issues.

In January 2003, the WBCSD signed a Collaborative Framework agreement with WWF International to undertake joint efforts to improve sustainable forest management outcomes.

At the "4th Certification Watch Conference" conference in Quebec City in September 2003, the WBCSD presented a discussion paper Forest certification systems and the "Legitimacy" Thresholds Model (LTM). The paper urges the creation of a core alliance of stakeholders to establish an independent assessment framework.

### **The Forests Dialogue (TFD)**

#### *Background*

In 1999, in cooperation with the World Resources Institute (WRI) and the World Wide Fund for Nature (WWF), the Forest working group convened The Forests Dialogue, involving a wide range of stakeholders from both developed and developing countries – forest representatives, labour, academics, the World Bank, NGOs and Yale University's Global Institute of Sustainable Forestry.

## **Extent of Forest Resources**

Forest resources are affected by a complex web of policies and circumstances. A varied set of policy developments can all have very significant direct and indirect impacts on changes in the level of forest resources. Over the last ten years, policy and decision-

## **Conservation**

There is also a very wide array of instruments and processes that address aspects of conservation of existing forest resources. International legally binding instruments such as the CBD, the Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), the Convention on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)<sup>2</sup> under CMS, the Ramsar Convention on Wetlands, CITES, the Convention Placing the International Poplar Commission within the Framework of the Food and Agriculture Organization of the United Nations, and the International Plant Protection Convention all consider conservation as a means toward an alternate end of preserving a natural habitat or ecosystem. Organizations indirectly concerned with the implementation of forest principles (management, conservation and sustainable development of all types of forests) are also placing increased emphasis on restoration, management and rehabilitation of degraded and secondary forests. While most instruments kept to this narrow scope in the early years of their adoption, many have since expanded their mandate of negotiations to include issues related to access and benefit sharing and stakeholder participation. Many also now include discussions of socio-economic aspects of forests as critical to conservation efforts, very often duplicating discussions in other fora, such as the UNFF. Most of the resolutions adopted by these bodies on these tangential elements remain voluntary.

Regional instruments and processes that have a direct mandate for conservation include the Antigua Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, the European Landscape Convention, the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, the Latin American Regional Convention for the management and conservation of natural forest ecosystems and the development of forest plantations, the Convention concerning the Protection of the Alps and its various protocols, the ASEAN Agreement on the Conservation of Nature and Natural resources, and the Treaty for Amazonian Cooperation. All act independently of each other and often also independently of international legally binding instruments. Like the international instruments, socio-economic concerns are also being included in discussions in c -0.15ir Tw (thegas 0 Tw 143.0 \*

forests, while several of the others treat forests in a more holistic manner than many of the global instruments. In this regard, it should be noted that the United Nations Forum on Forests is the only one intergovernmental body that is addressing, in a comprehensive manner, all policy and management aspects of all types of forests.

## ANNEX I: Forest-related Legally Binding Instruments

<b>Forest-related Legally Binding Instruments</b>			
<b>Instrument</b>	<b>Forest-related focus</b>	<b>Date adopted</b>	<b>Secretariat</b>
<u>Global:</u>			
1. Stockholm Convention on Persistent Organic Pollutants	Protects human health and the environment from persistent organic pollutants (POPs). Two of 12 POPs are relevant to wood products: Heptachlor and Chlordane are used extensively to control termites. A third, Mirex, is also a termiticide and can be relevant for protection of trees and plantations against ants.	2001	UNEP
2. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	Promotes shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export. Heptachlor and Chlordane are listed in Annex III.	1998	UNEP and FAO jointly
3. International Tropical Timber Agreement	Promote international trade in tropical timber, the sustainable management of tropical forests and the development of forest industries through international consultation and cooperation, policy work and project activities.	1994	ITTO
4. World Trade Organization (WTO) agreements consisting of approximately 60 agreements, annexes, decisions and understandings	Rules of trade covering goods, services and intellectual property, including timber and non-timber forest products.	1994 post-1994	WTO
5. Convention on Biological Diversity	Conservation and sustainable use of forest biological diversity and the fair and	1992	UNEP



<b>Forest-related Legally Binding Instruments</b>			
<b>Instrument</b>	<b>Forest-related focus</b>	<b>Date adopted</b>	<b>Secretariat</b>
	threatened species of animals and plants and areas with scientific, conservation or aesthetic value, several of which include forests.		
14. Convention on Migratory Species (CMS)	Protected forest habitats for endangered migratory species.	1979	UNEP
15. <i>Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)<sup>2</sup> under CMS</i>	<i>Protected forest habitats for endangered migratory waterbirds.</i>	1995	UNEP
16. Convention on International Trade in Endangered Species	Endangered forest species subject to international trade.	1973	UNEP
17. Ramsar Convention on Wetlands	Protection of wetlands of international importance especially as waterfowl habitat, including mangrove forests; guidelines for river basin management taking into account the role of forests.	1971	IUCN
18. Convention Placing the International Poplar Commission within the Framework of the Food and Agriculture Organization of the United Nations	Promotes the cultivation, conservation and utilization of members of the family Salicaceae, which includes poplars and willows that are native to temperate and subtropical areas.	1959	FAO
19. International Plant Protection Convention (text revised in 1979 and 1997)	Protection against pests affecting plants and plant products, including forest products; phytosanitary measures.	1951	FAO
<b>Regional:</b>			
20. Treaty of the Southern African Development Community	Regional cooperation agreement for coordinating development. One of its objectives is to achieve the sustainable utilization of natural resources and effective protection of the environment.	1992	SADC Secretariat
21. <i>SADC Protocol on Forestry<sup>1</sup></i>	<i>Comprehensive agreement on forests signed by the 10 Member States of SADC.</i>	2002	SADC Secretariat
22. Antigua Convention for the Protection and Sustainable Development of the Marine and Coastal	The Convention provides the legal framework for the Action Plan that has prioritized the Regional Strategy for the Conservation and Sustainable Management	2002	COCATR AM



<b>Forest-related Legally Binding Instruments</b>			
<b>Instrument</b>	<b>Forest-related focus</b>	<b>Date adopted</b>	<b>Secretariat</b>
Environment of the Northeast Pacific	of Mangrove Forests.		
23. European Landscape Convention	Applies to natural, rural, urban and periurban areas, including land, inland water and marine areas. Actions address forests, lands, protected areas, natural resources and nature conservation.	2000	Council of Europe Secretariat
24. Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	Like CITES, addresses illegal trade in species of flora and fauna in Africa, including those related to forests.	1994	Kenya Wildlife Service
25. North American Free Trade Agreement (NAFTA)	Trade agreement involving U.S., Canada and Mexico, which will soon include 8 more countries in the Americas. Forest products are one of the commodities covered by the Agreement. It has provisions on sustainable development and environmental regulations.	1993	NAFTA Secretariat
26. North American Agreement on Environmental Cooperation (NAAEC)	The Agreement complements the environmental provisions of NAFTA and establishes the Commission for Environmental Cooperation. The CEC, comprised of the U.S., Canada and Mexico, addresses regional environmental concerns, helps prevent potential trade and environmental conflicts and promotes the effective enforcement of environmental law.		



<b>Forest-related Legally Binding Instruments</b>			
<b>Instrument</b>	<b>Forest-related focus</b>	<b>Date adopted</b>	<b>Secretariat</b>
	covering a wide variety of issues including environment, agriculture, drought, desertification and deforestation.		and ACP Secretariat
36. ASEAN Agreement on the Conservation of Nature and Natural resources	Addresses several subjects including soil, water, sea, air, flora, forests, fauna, lands, protected areas, natural resources and nature conservation.	1985	ASEAN Secretariat
37. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena)	The Convention provides the legal framework for its project on Integrated Watershed and Coastal Area Management (IWCAM) in SIDs project that addresses deforestation of river fringes and coastal areas and the resultant impact of pollution by suspended solids on the marine environment.	1983	UNEP
38. Treaty for Amazonian Cooperation	Joint cooperation by member countries in their respective Amazonian territories, including on the preservation of the environment and the conservation and rationale use of natural resources. Working on the development of 15 prioritized indicators for Amazonian forest sustainability.	1978	Pro Tempore Secretariat
39. Plant Protection Agreement for Asia and the Pacific Region (amended 1967, 1969, 1979, 1983, 1983 and 1990)	Regional supplementary agreement under the International Plant Protection Convention.	1956	FAO
40. Agreement Establishing the South Pacific Commission	Covers a wide range of related issues including forests, fishing, conservation of natural resources and nature, and		

## ANNEX II: Forest-related Non-legally Binding Agreements and Processes

<b>Forest-related Non-legally Binding Agreements and Processes</b>			
<b>Agreement or process</b>	<b>Forest-related focus</b>	<b>Date adopted/established</b>	<b>Secretariat/responsible body</b>
<u>Global non-legally binding instruments:</u>			
1. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities	Two of 9 land-based sources of pollution are relevant to forests: sedimentation and physical alteration and destruction of coastal ecosystems, including mangrove and other coastal forests.	1995	UNEP
<u>Global intergovernmental processes:</u>			
2. Johannesburg Plan of Implementation of the World Summit on Sustainable Development	The achievement of sustainable forest management through partnerships involving Governments and stakeholders, including all major groups, is an essential goal of sustainable development. To this end, several key actions were adopted.	2002	UN
3. The United Nations Forum on Forests	Intergovernmental policy forum to promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end.	2000	UNFF Secretariat
4. G8 Action Programme on Forests (Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States)	Focuses on 5 elements: monitoring and assessment of forests, national forest programmes, protected areas, the private sector and illegal logging. Actions are directed both nationally and internationally through bilateral assistance programmes and support to international processes.	1998	
5. Commission on Sustainable Development	Monitoring and assessment of the implementation of <i>Agenda 21</i> , including Chapter 11 on Combating Deforestation, and the Johannesburg Plan of Implementation, including paragraph 45 on sustainable forest management.	1992	Division for Sustainable Development,



			Tempore Secretariat
17. Dry-Zone Africa Process	Sub-Saharan Africa	1995	UNEP/F AO
18. Pan-European Process	European boreal and temperate forests, including the portion of Russia's forests in Asia	1994	MCPFE
19. Sustainable management of natural tropical forests	Tropics	1992	ITTO

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