

Forest Cover

A Global Forest Coalition Newsletter on International Forest Policy

Issue no. 3: October 2001

About Forest Cover

Welcome to the third issue of Forest Cover, the newsletter of the Global Forest Coalition (GFC). This coalition was established by a group of NGOs and Indigenous Peoples Organizations (IPOs) to facilitate the informed participation of NGOs and IPOs in intergovernmental meetings related to forests. Forest Cover is published four times a year. It features reports on important intergovernmental meetings by different NGOs and IPOs and a calendar of future meetings. The views expressed in this newsletter do not necessarily reflect the views of the Global Forest Coalition, its founding members or the editors.

Contents of this Issue:

- **About Forest Cover**
- **SUNK, by Miguel Lovera, Coordinator, Global Forest Coalition**
- **From Bonn to Marrakech, by Chowdury, M.F., IEDS/Friends of the Earth-Bangladesh**
- **Definition of "Forests" a Threat to Biodiversity? By Simone Lovera, Sobrevivencia/ Friends of the Earth-Paraguay**
- **The UN Forum on Forests: Beating around the Bush, by Ricardo Carrere, World Rainforest Movement, Uruguay**
- **No Follow-up to CBD Decisions on Indigenous Peoples, by Marcial Arias, International Alliance of Tribal-Indigenous Peoples of the Tropical Forests, Panama**
- **Monitoring CBD Implementation, by Berenice Muraille, FERN, Belgium**

- **Reports on other Forest-related Meetings**
- **Calendar of Forest-related Meetings**

SUNK

By Miguel Lovera, Coordinator, Global Forest Coalition

How can you get the effects of a nuclear explosion without a bomb? At the international level, this can be done perfectly legally -- through, for example, the Kyoto Protocol. Many of the most potentially destructive aspects of this treaty were agreed last July 23rd in Bonn at the resumed 6th Conference of the Parties of the Framework Convention on Climate Change (COP 6 *bis*). The agreement allows industrialised countries to evade most of their responsibility to curb carbon dioxide and other greenhouse gas (GHG) emissions. Instead, it encourages them to resort to "forests" to absorb or "sink" those emissions. For negotiators at COP-6 *bis*, these "forests" are any collection of trees or other vegetation, no matter what their ability to absorb or store carbon might be. Tree plantation companies are already licking their lips at the possible commercial benefits.

This "sinking" will be done mainly at home, but also, given ludicrously cheap prices for carbon in developing countries, abroad. The point is to permit developed countries to continue disseminating the byproducts of their development model -- CO₂ and other greenhouse gases -- throughout the world. Emissions trading and other provisions will also enhance the chances of industrialized

countries to minimize domestic action to reduce GHG emissions. Japan, the tiny country that emits at least as much GHGs as the whole of South America, was one of the harshest negotiators. It demanded not only that it be allowed to continue spewing out high levels of the gases, but also that no mechanisms be put in place to check and enforce whether nations were abiding by the Kyoto Protocol's minimal requirements.

It is a good thing that nuclear energy is not part of the deal. But, we have to remember that while the nuclear bomb dropped on Hiroshima devastated 30,000 ha in its ominous blast, a single tree-planting company in Brazil has already ravaged more than 200,000 ha in a single operation.

The Protocol will only enter into force after it has been ratified by at least 55 Parties to the Convention, representing at least 55% of the total 1990 carbon dioxide emissions. So far, only 36 countries have ratified, including one industrialized country (Romania). This is a pretty slow pace, anyhow. Let's hope negotiators are faster in setting up criteria to avoid the rampant effects of plantations exploding around the Third World.

From Bonn to Marrakech

By Chowdury, M.F., IEDS/ Friends of the Earth-Bangladesh

What were the achievements of the resumed Sixth Conference of the Parties of the Climate Convention that took place in Bonn in July? Political unification of the rest of the world against the US? Movement toward achieving real climatic objectives? Or a mere division of spoils among various interests groups? The acclaim for the Bonn agreement even among environmental groups who originally pushed hard for a meaningful treaty belies the fact that the agreement is hardly worth the paper it is printed on. Industrialised nations have shown that their concern for the world amounts to less than a six per cent cut in their emissions from 1990 levels.

Why have mainstream environmental groups celebrated the agreement given that it is

substantially worse than the one they dismissed as "junk" and "a very bad deal" at the November 2000 climate change conference in The Hague? The justification that the agreement provides an "essential 'ladder' needed to build further global action to reduce greenhouse gas emissions" is quite inadequate. True enough, the Kyoto Protocol, at least for the time being, has been rescued. But what exactly is the use of rescuing a putrescent protocol?

As freelance correspondent on climate change Mark Lynas wrote from Bonn: "It was an emotional moment. And that makes it even more difficult to step back and admit that everyone has been fooled. At the end of the conference no one, including the world's media, wanted to poop the party by asking awkward questions. The fact is that the so-called Climate Change Treaty is now more riddled with loopholes than a piece of Swiss cheese."

The US flouted the protocol and her allies Japan, Canada, Australia came on board only on condition that they be helped to meet their Kyoto Protocol targets by carbon sequestration, including by tree plantations set up in other countries. Under the Bonn agreement, even an area of only 0.05 ha can be counted as a "carbon sink". Bushlands are included, since even areas with 10 to 30 per cent tree cover are defined as eligible "forests". And even areas currently without trees can be counted, as long as tree cover is expected in the future. Countries can also now count any management measures taken to improve productivity of forests, agricultural and grazing lands as a contribution toward cutting greenhouse gas emissions. For instance, application of fertilizer to cropland or timberland, under certain circumstances, can be counted as "reducing" a country's emissions. Japan, for example, might be able to meet well over 50 per cent of its reduction commitment by "improving" its forests, grazing lands, and agricultural management practices. Similar advantages have been gained by other polluters capable of "fixing" carbon either on

their own lands or on developing country forest, agricultural or grazing lands.

As the New Delhi-based Centre for Science and Environment wrote: "The enormous scientific uncertainties in measuring the effective reductions in emissions, makes the Kyoto compromise done in Bonn nothing less than a grand and shameless fudge account."

Why should we be surprised by any of this? The climate negotiations are about not the environment, but the economy. Every nation is working overtime to protect its right to pollute. Throughout the recent negotiations, industrialized nations have used the need to conciliate Japan as a convenient excuse for getting concessions. And the European Union (EU), although it makes much of its green commitment, has a history of caving in to other industrialized blocs at the very last moment. In the same week when the EU was busy making euphoric proclamations about how it had saved the world by getting an agreement in Bonn, it decided to postpone by a further 10 years its program to remove subsidies for coal, the filthiest and most carbon-intensive fuel. Yet before the "historic" Kyoto agreement of 1997, the EU had been going to phase out these subsidies from July 2002. The EU has also decided to postpone its plan for domestic emissions trading. Why? Because its own "green" companies complained that they would lose competitive advantage.

What will happen at COP 7 in Marrakech in November? According to Kate Hampton of Friends of the Earth-England, Wales and Northern Ireland: "At COP7, the international community will have to translate the political deal struck in Bonn into technical and legal language to be adopted as a series of Decisions. Parallel processes to agree detailed rules on sinks and mechanisms will continue... As part of the ratification process, governments will be considering the introduction of implementation measures. A priority for NGOs will be in ensuring that governments do not exploit the sinks provisions, international flexibility and other

treaty loopholes in order to avoid taking domestic action to cut emissions."

Recent scientific work tells us that climatic change will result not only in sea level rise but also greater climatic variation and extreme events like floods, droughts and cyclones, leaving poor people living at the very margins of survival even more vulnerable. It is in the interest of Asian developing countries in particular to demand that the industrialized North take effective and measurable action to reduce its emissions. At Marrakech, Bangladesh and other Asian vulnerable countries should make a well thought-out push for very short-term additional funding for adaptation, capacity-building, and so on. In the longer term, they should develop their own capacity both to cope with climate change impacts and to engage in the ongoing negotiations on climate change in a way which better ensures that their interests are looked after adequately in future.

Definition of "Forests" a Threat to Biodiversity?

By Simone Lovera, Sobrevivencia/FoE-Paraguay

For many years, people considered it a teasing question if you asked them what a "forest" was. However, the question has become highly relevant from an economic point of view since the resumed Sixth Conference of the Parties (COP 6bis) of the Framework Convention on Climate Change (FCCC) decided in July to grant so-called carbon credits to "reforestation" and "afforestation" projects. The decision defines reforestation and afforestation as putting a forest where there is no forest. Regrettably, it classifies any kind of land with a certain amount of tree cover as "forests", including monoculture tree plantations, orchards and gardens. One big tree can qualify. An entire city can qualify. Even "temporarily unstocked", that is, clearcut, areas, are still classified as "forest", provided there is an "expectation" that there will be trees on that

piece of land again in the near or even faraway future.

The industry that will benefit most from this flawed forest definition is the plantation industry. This industry is already benefiting generously from “reforestation” subsidies put in place for nature conservation reasons, even though the “forests” they plant have as little to do with nature conservation as poultry batteries have to do with wildlife preservation. Worse, developing monoculture tree plantations almost always implies serious degradation of biodiversity, as the plantation often replaces a natural ecosystem like a grassland or wetland. Even when they are developed on so-called “degraded” land they often imply a loss of biodiversity, as many foresters classify any land without trees as “degraded”. What are classed as “degraded lands” often include important ecosystems like grasslands and traditional agro-ecosystems that are of utmost importance for economic, social, cultural and environmental reasons.

Happily, there is a growing awareness among climate negotiators and others that something might be wrong with the forest definition that was provisionally accepted by the FCCC’s COP 6. For that reason the Intergovernmental Panel on Climate Change has been requested to study the possibility of “biome-based” forest definitions. The FAO, which was the original “inventor” of the flawed definition that will be provisionally used by the FCCC negotiators, has offered to organise a workshop on the definition question in December 2001 or January 2002. It is hoped that the new definitions will be not only biome-based, but also based on existing international law. A small hint: Article 2 of the Biodiversity Convention (CBD) includes a pretty straightforward definition of “ecosystem” -- one which was taken as the basis for a forest definition proposed by the Group of Latin American countries in their comments upon the background documentation for the FCCC’s COP 6. This proposal got lost on the COP 6 battlefield, but

perhaps someone can revive it and put it on the table at the FAO in Rome...

NGOs are waiting for biodiversity negotiators to wake up and realise that there will be little to talk about at the Sixth Conference of the Parties of the Biodiversity Convention in April 2002, the so-called Forest Summit, if there is no international consensus on what a forest is. Biodiversity itself is the great loser if the term “forests” is not understood to refer to the biologically diverse, tree-dominated ecosystems that the wider public sees as “forests”. For that reason, the seventh meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the CBD that will be convened from 12 to 16 November 2001 to prepare the decisions for the Forest Summit should provide clear guidance to the FAO workshop. After all, forests represent 60 per cent of the earth’s biodiversity. Real forests, that is.

The UN Forum on Forests: Beating around the Bush

By Ricardo Carrere, World Rainforest Movement, Uruguay

If the United Nations Forum on Forests' (UNFF) capacity to take the lead in solving the world's forest crisis were to be judged by its first session, the message would have to be that there is not much hope. Most government delegates present at the body's first session – held between 11 and 22 June 2001 in New York -- appeared to be confused over what was expected of them and unwilling to commit their governments to action. In this they resembled delegates to the UNFF’s predecessor, the Intergovernmental Forum on Forests (IFF).

One of the issues which dominated the first week of the UNFF’s two-week session was the role of so-called “Major Groups” -- including non-government organizations (NGOs) and Indigenous Peoples Organizations (IPOs) -- in providing input to the body's sessions. Some delegates suggested applying strict ECOSOC rules for limiting NGO/IPO participation.

This move was ironic in view of the big role NGOs and IPOs have played throughout the UN's forest-related discussions. Take, for example, NGOs' and IPOs' role in implementing Proposal 28 (c) of the Intergovernmental Panel on Forests (IPF). This proposal called for support for "the convening, as soon as possible, of a global workshop on the international underlying causes of deforestation and forest degradation, and their relationship to national underlying causes of deforestation and forest degradation." In a collaborative effort with the IPF Secretariat, UNEP, the Costa Rican government and a few governments, NGOs and IPOs organized and implemented a much more wide-ranging effort, including case studies and the organization of seven regional and one Indigenous Peoples workshops as a preparation for a global workshop which was finally held in Costa Rica in January 1999. The whole process not only provided the IFF with extremely valuable information, analysis and recommendations on the crucial issue of the underlying causes of deforestation, but also provided broad political support to the IPF's proposals for action and to the IFF itself.

In view of this background, the attempt on the part of some governments to curtail NGO/IPO participation under the guise of applying "strict ECOSOC rules" appears to be -- to say the least -- politically blind. At the same time it raises suspicions about those governments' commitment to forest protection.

The second week's session of the UNFF proved to be equally lacking in action-oriented discussions. Northern governments tried to push in one direction -- toward addressing constraints to implementing agreements within nations -- and Southern governments in another -- toward addressing external constraints linked to trade and finance. Political will was lacking to address both sets of issues at the same time, since both groupings appeared unwilling to tackle the problems lying within their own areas of responsibility.

Beating around the bush is not a good way of seeing forests -- or of saving them. After all the years of talk since the 1992 Earth Summit, the UNFF now needs to prove it can make a difference. If it doesn't, it will lose the little credibility it still has and forest protection will need to be addressed by other international fora more willing to find and implement solutions to the problem. The application of "strict ECOSOC rules" is certainly not the way out of this dilemma, nor is it to shift responsibilities from one's own to other countries.

The second meeting in Costa Rica next March will therefore be decisive in assessing the UNFF's capacity to deal with its mandate and to provide leadership in implementing agreed commitments. A good start would be to take from the drawer the final document of the NGO/IPO-led Underlying Causes Initiative and to open up as many spaces as possible for working collaboratively with all Major Groups willing to address all causes -- national and international, direct and underlying -- leading to forest destruction. Which is what the UNFF is supposed to be all about.

No Follow-up to CBD Decisions on Indigenous Peoples

By Marcial Arias, International Alliance of Tribal-Indigenous Peoples of the Tropical Forests, Panama

The participation of Indigenous Peoples (IPs) remains a problem in the implementation of the Convention on Biological Diversity (CBD). Up to now, governments have demonstrated little interest in the full and effective participation of Indigenous Peoples in decision-making on the implementation of the CBD. To mention just one example, the 5th Conference of the Parties (COP 5) took several decisions about IP participation. But who bothers to follow up and implement these decisions? There is no mechanism for tackling these tasks.

Many of the CBD's decisions mention IP participation: decisions V/4 on forests, V/5 on

agriculture, V/16 on article 8j, V/17 on education and public awareness, V/24 on sustainable use, V/25 on biodiversity and tourism and V/26 on access to genetic resources. Yet no government has taken IP participation seriously enough to take measures for full IP participation in the implementation of these decisions at the national and regional level. Many of our governments understand participation as mere indigenous presence in deliberations, and fail to respect the traditional decision-making structures of each Indigenous People.

Some of these gaps could conceivably be addressed through independent monitoring and/or the Permanent Forum for Indigenous Affairs of the United Nations. But up to now, IP organizations have tended to concentrate themselves on Article 8j on traditional knowledge. For this reason I would like to touch on a general manner upon a number of points important for IPs.

Traditional Knowledge

The documents that have been agreed upon by COP5 acknowledge that our indigenous knowledge can help biodiversity prospectors in creating new goods and services that can be patented and sold. This prospecting has to be done with the prior and informed agreement of those who possess this knowledge. The decision COP5 took regarding traditional knowledge flags that “this idea is not so alien to many”. However, these “many” are those who aspire to exploit our knowledge and benefit from it. In many international fora, IPs have called for a “moratorium on bioprospecting in indigenous communities” and urged other IPs not to cooperate in bioprospecting activities until adequate mechanisms are in place. As the Declaration of the International Alliance of Tribal Indigenous Peoples states: “We, Indigenous Peoples, are prepared to share our knowledge with humanity whenever we determine when, where and how it is used. Currently, the international system does not recognize or respect our past, present and future contribution”.

We are not interested in the commercial importance of our knowledge for multinational enterprises, but in the welfare of humankind. We have the right to decide how we should deal with companies, and the report of COP5 notes rightly that our consent is a prerequisite for any access or commercial contract. Authorization to use our knowledge and forests can only be given if our rights are totally respected. Forest resources are communal and we are the Peoples that can give access to the resources in our territories. No individual person has the right to give access -- it has to be done in a collective manner, due to our inalienable rights over our ancestral territories. For that reason, our collective rights to our territories as peoples have to be recognized before we can begin to discuss access and commercial agreements.

Access to Resources

Several points in the CBD have given rise to concerns among the Alliance about access to our resources. By promoting conservation “*ex situ*” in the country of origin, the CBD helps make it possible for national institutions to take away the genetic resources of IPs in the “interest of the nation” and develop them on the basis of the claims that they are threatened and that compensation is not necessary.

The same concerns arise from the support for biotechnology promised in Article 16. As part of the deal between North and South, the North has been granted access to resources in exchange for a recognition of the rights of the South over those resources. IPs, in whose territories many of these resources are found, are thus excluded from the program and as a consequence fear that they will be put at the mercy of gene hunters and bioprospectors, who will get access on basis of national-level agreements, rather than IP consent.

The reference to intellectual property rights, in Article 8j and later on in the CBD, is made in the context of state sovereignty (Article 16.2). This opens the possibility that if a state has no objection, the TRIPS agreements (Trade Related Intellectual Property Rights) will operate as an intellectual property rights

regime, even though, under Article 12 of TRIPS, if a “*sui generis*” alternative system at the national level is promoted, this will be recognized by the CBD.

Shamefully, there is no clause in the CBD to deal with the possibility that both the TRIPS regime and “*sui generis*” intellectual property rights do not support the interests of IPs. In this context, Article 17.2, which promotes the “... exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialised knowledge, indigenous and traditional knowledge ...” can be interpreted as providing for free access to Indigenous knowledge, which does not receive the same protection as the knowledge of states or large enterprises.

Monitoring CBD Implementation

By Berenice Muraille, FERN, Belgium

The Global Forest Coalition is launching a major project aiming at monitoring the implementation of the Convention on Biological Diversity (CBD). This initiative intends to assess the progress made by the Parties in implementing their forest-related CBD commitments and to develop a tested methodology for the independent monitoring of international environmental agreements.

About 20 countries from both North and South will be selected and their implementation of the Convention assessed against a questionnaire carefully prepared to target forest-related issues. National reports will be produced in local languages and English. A summary report presenting country experiences, lessons learned and recommendations for future implementation will be prepared and presented at the Sixth Conference of the Parties of the Biodiversity Convention (COP 6) in April 2002.

Fern, GFC focal point for Europe, is coordinating the project. For further information, contact Berenice Muraille, fern.belgium@wanadoo.be

Report on Other Forest-Related Meetings

Intergovernmental Panel on Climate Change adopts sinks workplan

The 18th session of the Intergovernmental Panel on Climate Change took place on 24 – 28 September in the UK. It adopted the Third Assessment Report on climate change. The meeting also agreed on a workplan to elaborate guidelines and practical methodologies to separate direct human-induced changes in carbon stocks from other changes, removals and emissions and to develop definitions for degradation and devegetation. The IPCC is also expected to be called upon to assist climate negotiators in the development of biome-specific forest definitions and issues relating to sinks and the Clean Development Mechanism.

Lastly, the IPCC agreed to contribute to the preparation of a technical paper on climate change and biodiversity as requested by the Convention on Biodiversity. This technical paper will be drafted by an expert group, in which both IPCC members and individuals from the roster of experts of the Biodiversity Convention will participate.

Conference of the Parties of Desertification Convention discusses Poverty

The Fifth meeting of the Conference of the Parties of the Convention to Combat Desertification took place from 1 to 13 October, 2001, in Geneva, Switzerland. The Conference featured preparatory discussions for the World Summit on Sustainable Development on Poverty and the Environment by Ministers, Parliamentarians, Eminent Personalities and NGOs.

The meeting also decided upon the modalities of work of the Conference of the Parties, as there will be a two-year interval between the Conferences of the Parties from this year on. For more information please visit: www.unccd.ch

Calendar of Forest-Related Meetings

For more information please visit:

<http://www.iisd.ca/linkages>

- 1st Session of the Ad Hoc Open-ended Working Group on Access and Benefit Sharing of the Biodiversity Convention, 22 – 26 October, Bonn, Germany. See also the article by Marcial Arias. For more information please visit: <http://www.biodiv.org>
- **7th Conference of the Parties to the UN Framework Convention on Climate Change, 29 October - 9 November 2001, Marrakech, Morocco. This meeting will resolve the outstanding details concerning implementation of the Kyoto Protocol that were agreed upon at the 6th Conference of the Parties in Bonn. See also the reports of Chowdury, M.F., Simone Lovera and the commentary by Miguel Lovera For more information please visit: <http://www.unfccc.int/>
- 31st Session on the International Tropical Timber Council, 29 October – 3 November 2001, Yokohama, Japan. For more information please visit: <http://www.itto.or.jp>
- **7th Meeting of the Subsidiary Body for Scientific, Technical and Technological Advice of the Convention on Biological Diversity, 12 - 16 November, 2001, Montreal, Canada. Forest biodiversity will be the main theme of this meeting (See also the articles by Simone Lovera, Marcial Arias and Berenice Muraille). For more information please visit: <http://www.biodiv.org>
- 2nd Prepcom for the WSSD, 28 January - 8 February 2002, New York.
- 3rd Prepcom for the WSSD, 25 March - 5 April 2002, New York
- 4th Prepcom for the WSSD, 27 May - 7 June 2002, Indonesia
- ** World Summit on Sustainable Development, 2 - 11 September 2002,

Johannesburg, South Africa. The main agenda items for the WSSD will be based on the outcomes of the regional preparatory meetings, but they will undoubtedly include international environmental governance, the impacts of globalization, and poverty reduction. For more information, please visit: <http://www.un.org/rio+10/>

- ** 2nd Session on the UN Forum on Forests, 4 – 15 March 2002, San Jose, Costa Rica. Forest conservation will be one of the main themes of this meeting. See also the report by Ricardo Carrere. For more information please visit: <http://www.un.org/esa/sustdev/forests.htm>
- 6th Conference of the Parties of the Convention on Biological Diversity, 8 – 26 April 2002, The Hague, The Netherlands. One of the main agenda items for this meeting is the development of a medium-term work program on forest biodiversity. See also the articles by Simone Lovera, Marcial Arias and Berenice Muraille. For more information please visit: <http://www.biodiv.org>

(** meetings at which GFC can facilitate Southern NGO/IPO participation)

Editorial Team:

- Simone Lovera, *Sobrevivencia/ Friends of the Earth-Paraguay*
- Larry Lohmann, *Cornerhouse, UK*
- Ricardo Carrere, *World Rainforest Movement, Uruguay*
- Hendro Sangkoyo, *Consortium for Community Forest Systems, Indonesia*
- Berenice Muraille, *FERN, Belgium*
- Andrei Laletin, *Friends of the Siberian Forests, Russia*

This publication was made possible through a financial contribution of the UK Department for International Development and the Netherlands Development Assistance.