

## **ASEAN:**

### **ASEAN Input Paper: Indicative Elements and Proposals for the Non-Legally Binding Instrument on All Types of Forests**

#### **I. Background**

1. The Association of Southeast Asian Nations (ASEAN) proposes that the indicative elements and proposals for the non-legally binding instrument on all types of forests should be premised on the Rio Declaration on Environment and Development (Rio Declaration), the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles), Chapter 11 – Combating Deforestation under Agenda 21, the decisions of the Intergovernmental Panel on Forests (IPF), the Intergovernmental Forum on Forests (IFF), and the United Nations Forum on Forests (UNFF), as well as the Monterrey Consensus and forest and forest-related matters deliberated by other multilateral environmental agreements.
2. More specifically, the non-legally binding instrument on all types of forests should ‘promote international cooperation on forest management, conservation and sustainable development of all types of forests, including afforestation, reforestation and rehabilitation’ as reflected in paragraph 11.12 (e) of Chapter 11 - Combating Deforestation under Agenda 21.
3. The non-legally binding instrument on all types of forests should also incorporate the four global objectives as negotiated and agreed during the Sixth Session of the UNFF held in New York, U.S.A. from 13 to 24 February, 2006, while taking into account relevant progress indicators of the MDGs, namely:
  - i. ‘Global Objective 1: Reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation’;
  - ii. ‘Global Objective 2: Enhance forest-based economic, social and environmental benefits including by improving the livelihood of forest dependent people’;
  - iii. ‘Global Objective 3: Increase significantly the area of protected forests worldwide and other areas of sustainably managed forests, and increase the proportion of forest products from sustainably managed forests’; and
  - iv. ‘Global Objective 4: Reverse the decline in official development assistance for sustainable forest management and mobilize significantly increased new and additional financial resources from all sources for the implementation of sustainable forest management’.

4. Furthermore, ASEAN envisages that the non-legally binding instrument on all types of forests would:
  - a. provide an over-arching strategy to fully integrate forest conservation, development and sustainable management into policy-making at the local, national, regional and international levels;
  - b. allow forest issues that are so distinct and varied to be addressed in a holistic, integrated and comprehensive manner that would transcend the confines of existing instruments and would integrate the conservation of forests and their biological diversity, the socio-economic importance of forests to nations, the effects of international trade and the cultural and spiritual values of forests;
  - c. create synergy among existing multilateral environmental agreements dealing with forest and forest-related matters, such as the Convention on Biological Diversity (CBD), United Nations Framework Convention on Climate Change (UNFCCC), United Nations Convention to Combat Desertification (UNCCD), International Tropical Timber Agreement (ITTA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and increase in efficiency of efforts and resource used;
  - d. provide a balanced environment in which mutually supportive environmental and economic interests co-exist and a platform to address more effectively the underlying causes of global deforestation and forest degradation, especially those relating to transboundary causes, such as consumption patterns and investment;
  - e. provide a more predictable environment that will attract the much needed private sector investment for sustainable forest management;
  - f. bring about new and additional financial resources through a dedicated global forest fund, and the transfer of environmentally sound technology to enable countries, especially developing countries, to achieve sustainable forest management;
  - g. increase the level of exchange of scientific, economic and social information and provide a strategic framework for global forest research and networking;
  - h. promote a mutually supportive relationship between trade and environment that further facilitates international trade of forest products from sustainably managed and legally harvested forests;
  - i. encourage integrated and holistic policy-making at the national level, involving all actors, so as to achieve forest conservation, and sustainable forest management and development; and

- j. intensify and further raise the political and public profile of forests at both the national and international levels, as well as accord higher priority and support to conserve, protect and sustainably manage the world's forests.

## **II. INDICATIVE ELEMENTS**

5. The list of indicative elements proposed by ASEAN for inclusion in the non-legally binding instrument on all types of forests should be categorized into seven broad classes which are similar to the 16 elements in the UNFF's Plan of Action that were suggested to be used to cluster the 270 IPF/IFF Proposals for Action for implementation by countries, and should include the following (not in order of priority):
  - a. Forest Management and Development
    - i. security of natural forests and forest plantations, including forest management and forest land use plan, in relation to national goals and targets which is based on land use planning;
    - ii. national forest programmes based on a holistic and inter-sectoral approach in formulation and which is consistent with the country's sustainable development strategies and involving all major groups;
    - iii. forest plantations establishment and development to supplement global wood supply and relieve pressure to natural forests;
    - iv. forest cover and forest productivity is increased in ecologically, economically and socially sound ways through rehabilitation, reforestation and afforestation, including on unproductive, degraded and deforested lands;
    - v. fuelwood for cooking, heating and other sources of energy is sourced from sustainably managed forest, including through reforestation and afforestation activities; and
    - vi. perennial agriculture crops as sustainable and environmentally sound sources of renewable lignocellulosic materials, and food and energy, including the practice of agro-forestry.
  - b. Forest Conservation and Protection
    - i. protected areas of ecologically viable representatives of unique forest types of national and global importance;
    - ii. forest diversity at genetic, species, ecosystem and landscape levels is conserved and enhanced;

- iii. endangered, rare and threatened forest species are protected;
- iv. health and vitality of forest resources, including the ecological, hydrological and carbon cycles at national, regional and global levels;
- v. soil productivity and watershed protection;
- vi. soil acidification and forest loss due to airborne pollutants, especially transboundary pollutants;
- vii. measures in management and contingency plans developed to address threats of serious harm to forests, such as fires, pest and diseases, natural disasters, etc.;
- viii. equitable sharing of financial burden in the conservation and protection of forest biological diversity that is of global importance, including financial compensation to offset opportunity cost foregone in forest conservation, and to countries which allocate more than their fair share in forest land for the benefit of the world's community; and
- ix. forest law enforcement and governance.

c. Traditional Forest-related Knowledge

- i. access to forest genetic resources is based on prior informed consent and on equitable and mutually agreed terms, as well as protection from illegal transfer of such resources;
- ii. regime for protecting traditional forest-related knowledge and the application of intellectual property rights, including giving due recognition to the use of traditional forest-related knowledge in patent applications for technologies;
- iii. access to traditional forest-related knowledge and the fair and equitable sharing of its benefits, including payment of compensation to local and indigenous communities for the use of traditional forest related knowledge and technologies developed by them; and
- iv. involvement of relevant stakeholders, including indigenous people, forest-dwellers and local communities, in decision-making and management of forests.

d. Monitoring, Assessment and Reporting

- i. harmonized procedures to monitor, assess, and report on the implementation
  - ii. of national forest programmes and other activities related to the management, conservation and sustainable development of forest resources;
  - iii. (b) criteria and indicators agreed regionally or internationally through multilateral processes for monitoring, assessing and reporting progress towards the achievement of sustainable forest management. It includes the seven thematic areas of sustainable forest management agreed at the “International Conference on the Contribution of Criteria and Indicators for Sustainable Forest Management: the Way Forward (CICI-2003)” held in Guatemala City, Guatemala in 2003, and later endorsed as criteria of sustainable forest management at the follow-up “Experts Consultation on Criteria and Indicators for Sustainable Forest Management” held in Cebu City, the Philippines
  - iv. in 2004;
  - v. procedures and networks for the exchange of information among countries, especially on the management, conservation and sustainable development of all types of forests;
  - vi. national mechanisms to monitor forest cover, forest degradation and efforts of conservation, as well as the sustainable use of forest resources, including timber and non-timber forest products in the context of sustainable forest management;
  - vii. definitions of pertinent terms, guided by the Chair of the Collaborative Partnership on Forests (CPF), such as ‘forests’, ‘sustainable forest management’, ‘deforestation’, ‘protected areas’, ‘forest degradation’, ‘environmental services’, ‘legally harvested timber and nontimber forest products’, etc; and
  - viii. review mechanism on the effectiveness of implementation of the indicative elements of the non-legally binding instruments on all types of forests.
- e. Means of Implementation
- i. new and additional financial resources, through a global forest fund, are provided by developed to developing countries to support the costs required for the attainment of sustainable forest management, especially the incremental costs incurred during the period of transition towards sustainable forest management;

- ii. private sector investment, including investment guidelines, in sustainable management of natural forests and the establishment and development of planted forests, as well as the utilization of forest products derived from sustainably managed forests;
  - iii. environmentally sound technology, including biotechnologies and value-added products development, as well as corresponding knowhow are transferred from developed to developing countries on preferential and favourable terms;
  - iv. clearing house mechanism where inventories of forest-related technologies and the most effective methods of transfer of such technologies are stored which will enable countries, especially developing countries, to readily source for the technologies required by them for achieving sustainable forest management;
  - v. national and local capacity building for the adaptation of technologies to national and local conditions;
  - vi. institutional strengthening and endogenous and absorptive capacity building of developing countries, including human resource development and training of forest professionals, in pursuit of management, conservation and sustainable development of their forest resources;
  - vii. programmes for public education, taking into account gender-related sensitive issues, and public awareness raising on forest and forest-related matters;
  - viii. mechanisms to enhance technical and scientific cooperation in research and development to further the management, conservation and sustainable development of forest resources; and
  - ix. remunerative returns on timber and non-timber forest products sourced from sustainably-managed forests to enable developing countries to finance sustainable forest management.
- f. International Trade in Forest Products
- i. enhanced trade in forest products through further development of open, predictable, and non-discriminatory international trading rules and practices, including financial systems;
  - ii. trade barriers and impediments, including emerging trade restrictions, to better market access and prices for higher value-added forest products are removed;

- iii. unilateral measures inconsistent with international obligations and agreements to restrict trade and/or ban international trade in timber and other forest products, including those imposed by sub-national jurisdiction, are removed;
  - iv. trade in forest products is sourced from sustainably managed and legally harvested forests;
  - v. voluntary certification and labelling schemes are operated in accordance with relevant national legislation to ensure that such schemes are not used as a form of disguised protectionism; and
  - vi. valuation, accounting and pricing systems that internalize the full environmental and social costs of forest products sourced from sustainably managed forests.
- g. International Cooperation
- i. provision of sufficient means of implementation (refer to item v) to developing countries to enable them to implement the IPF/IFF Proposals for Action within the framework of national forest programmes;
  - ii. national mechanisms, arrangements and coordination are further enhanced and strengthened to enable countries, especially developing countries, to provide guidance to the work of multilateral forest-related organizations;
  - iii. strengthened linkages of the work of CPF's members to further enhance synergies in meeting internationally agreed objectives for the management, conservation and sustainable development of all types of forests;
  - iv. roles of regional organizations is further enhanced in the implementation of the outcomes of international forestry dialogues in the management, conservation and sustainable development of forests; and
  - v. public awareness of the direct and indirect benefits from forests at the local, national, regional and global levels is further enhanced.

### **III. PROPOSALS**

6. The non-legally binding instrument on all types of forests should respect the following guiding principles:
- a. States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance with their development needs and level of socio-

economic development, including the conversion of forests for other uses based on rational land use policies and plans;

- b. States have the right to economic development in accordance with their social, economic, environmental and political conditions;
- c. States have common but differentiated responsibilities with respect to collective global interests and concerns on forests; and
- d. States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas beyond the limits of their national jurisdiction.