Costa Rica-Canada initiative
January 2000

FINAL REPORT

The final results of the 10 international meetings in support of the Programme of Work of the Intergovernmental Forum on Forests

This document is also availabe in French and Spanish.

For brevity, this final report assembles only the main report for each of the meetings organized under the auspices of the initiative. The section of the meeting held in Fiji dealing with the Costa Rica-Canada Initiative is also included.

The text presented in this final report conforms to the documents produced at each meeting. Formatting, without editing, has been carried out to provide a uniform page layout. All original documents, including meeting reports, appendices, annexes, bibliographies and background studies pertaining to the initiative, are available on the accompanying CD-ROM that can be found on the back cover and at the following Internet site: www.nrcan.gc.ca/cfs/crc

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PREFACE

The Costa Rica-Canada Initiative was launched to facilitate deliberations on future international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests, in support of the Intergovernmental Forum on Forests' (IFF) program of work. As mandated by the Special Session of the United Nations (UN) General Assembly in June 1997, the IFF was tasked to identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.

However, in many instances, the debate on future international arrangements and mechanisms for forests lacked substantive discussion and technical analysis by the wide range of interested parties, many who did not have an opportunity to participate in international fora.

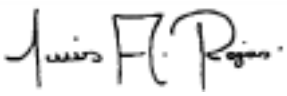
Costa Rica and Canada felt that if the international community was to arrive at an informed decision on future international arrangements and mechanisms, it was important that all interested parties have the opportunity to reflect on the wide variety of issues before them.

On behalf of all the partners in the Costa Rica-Canada Initiative, we are pleased to provide you with the final report of the initiative. It incorporates the results of the meeting of experts in San José, Costa Rica, the eight regional meetings and, the final meeting in Ottawa, Canada. The conclusions formulated during the last session will be tabled at the fourth session of the IFF in New York City, January 31 to February 11, 2000.

Finally, we take this opportunity to thank all the experts, around the world, who devoted time and energy in advancing the international dialogue on the management of the world's forests.

Over and above the increased knowledge and understanding that the participants gained, the key success of the Costa Rica-Canada Initiative lies in the spirit of collaboration and co-operation that developed among those involved.

One of the main tenets of the Costa Rica-Canada Initiative was that global co-operation is required to solve the problems affecting the world's forests. The initiative clearly demonstrated that a strong will for such collaboration exists today, more than ever, thanks to all involved.



Luis Rojas Bolaños
Co-Chair
Government of Costa Rica

Jacques Carette
Co-Chair
Government of Canada

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EDITORIAL

Costa Rica and Canada, recognizing and sharing the views, expressed by many around the world, about the need for a neutral and transparent process to support the discussions in the Intergovernmental Forum on Forests (IFF) on future arrangements and mechanisms for the world's forests, launched the Costa Rica-Canada Initiative in August 1998.

The initiative was designed in support of Category III of the IFF's program of work. Its mandate was to identify possible elements, and work toward a consensus on international arrangements and mechanisms, for example, a legally binding instrument (LBI) on all types of forests. Within this context, the initiative provided neutral, transparent, participatory and representative fora to facilitate technical discussion on the range of future options for all types of forests and consider possible elements of LBIs. The spirit of the initiative called for regional meetings that would allow forest experts to discuss national and regional concerns, while making the necessary linkages with international issues.

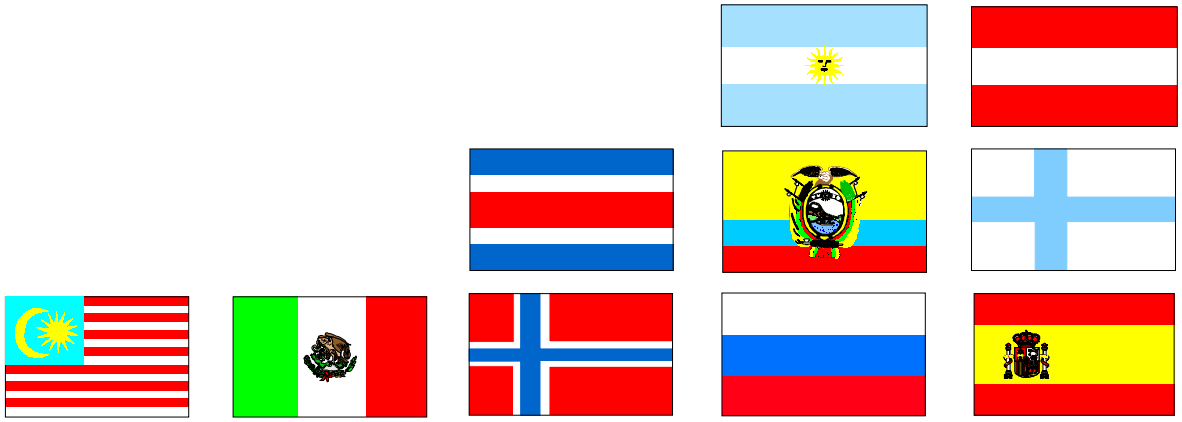
The Costa Rica-Canada Initiative allowed more than 600 experts to share information and better understand the range of views on national, regional and international forest issues. In that respect, the Costa Rica-Canada Initiative stands as one of the most comprehensive undertakings related to the IFF process.

Deliberations facilitated through the initiative will, hopefully, provide the basis for the IFF to make an informed decision on future arrangements and mechanisms for forests worldwide, one that is permanent, action-oriented and has the necessary legal authority and highest level of commitment.

The key messages emanating from the final meeting of the Costa Rica-Canada Initiative, for consideration by the IFF, can be found in this report (see page 179).

Copies of this report may be obtained from:

www.nrcan.gc.ca/cfs/crc



ACKNOWLEDGEMENTS

The Costa Rica-Canada Initiative was established to allow participants, from all regions of the world, to exchange views and share information on the complexities of future arrangements and mechanisms for the sustainable management of forests. From the early stages the notions of transparency, flexibility, and participation were the driving principles.

The challenge facing the Secretariat was a daunting one: plan, develop and implement an initiative that would meet the expectations of experts from around the world, while providing those who required it, logistical, technical and financial assistance. Countless hours were spent by the team in San José and Ottawa in designing and facilitating the process.

Without the wise advice of the Steering Committee and its careful analysis and open minded approach, it would have been impossible to provide participants with the comprehensive analytical framework used at every stage of the initiative.

Planning and hosting eight regional meetings and two international meetings, for more than 600 experts from almost every country around the globe, constituted an important challenge. Thanks to every member of each organizing committee, participants were provided with top quality logistical and technical support, allowing them to focus on substantive matters.

Obviously, the magnitude of an undertaking, such as this one, was beyond the means of any one country. It called for a team of partners who shared the objectives. The response to Costa Rica's and Canada's call for countries and organizations to join the initiative was overwhelming. Nineteen formal partners volunteered countless human, financial, technical and intellectual resources so that this project could successfully take place.

It would not be practical to list every person who devoted time and energy to the initiative. Countless people worked in the background, providing critical support. To each and everyone of you, we offer our sincere appreciation.

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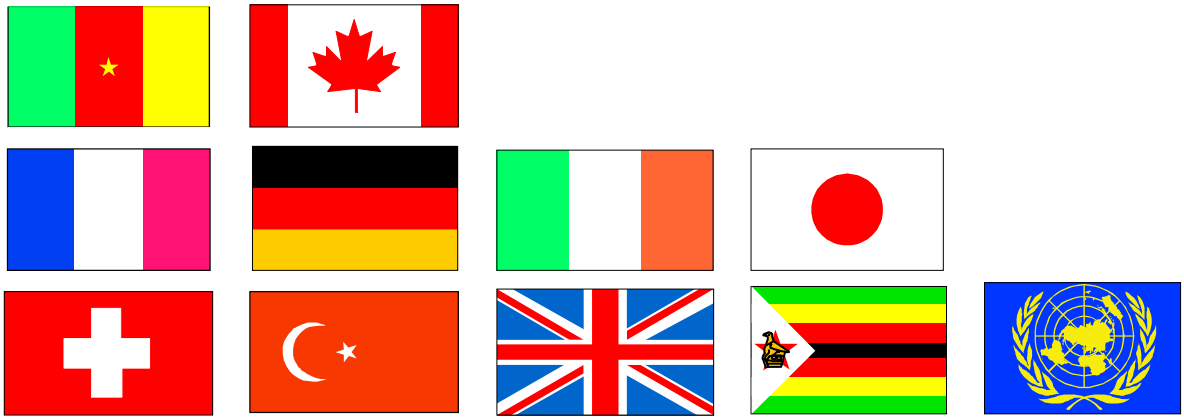

The following organizations formally provided support to the Costa Rica-Canada Initiative:

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Federal Ministry for Agriculture and Forestry, Austria
Ministry of Environment and Forestry, Republic of Cameroon
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Forestry Commission, Zimbabwe
Food and Agriculture Organization of the United Nations (FAO)
United Nations Development Program, PROFOR (UNDP)

Natural Resources Canada - Canadian Forest Service
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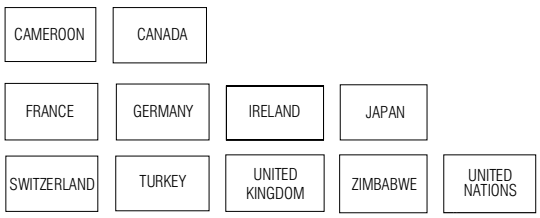
Ministerio del Ambiente y Energía, Costa Rica
Sistema Nacional de Áreas de Conservación, Costa Rica
Ministerio de la Relaciones Exteriores y Culto, Costa Rica



Officers

Mr. Luis Rojas Bolaños
Co-chairperson
Ministry of the Environment
San Jose, Costa Rica
Tel: (506) 283-7654
Fax: (506) 283-7118

Mr. Jacques Carette
Co-chairperson
Canadian Forest Service
Natural Resources Canada
Ottawa, Canada
Tel: (613) 947-9100
Fax: (613) 947-9033

Secretariat

Mr. Ricardo Ulate
Co-manager
Costa Rica-Canada Initiative
Tel: (506) 257-1417/257-6239
Fax: (506) 257-0697
San José, Costa Rica
E-mail: rulate@ns.minae.go.cr

Ms. France Bergeron
Co-manager
Costa Rica-Canada Initiative
Ottawa, Canada
Tel: (613) 943-5258
Fax: (613) 947-9033
E-mail: fbergero@nrcan.gc.ca

Mr. Guido Chaves
Ministry of the Environment
San Jose, Costa Rica
Tel: (506) 283-8004
Fax: (506) 283-7343/283-7118
E-mail: guidocha@ns.minae.go.cr

Mr. Mike Fullerton
Canadian Forest Service
Natural Resources Canada
Ottawa, Canada
Tel: (613) 947-9082
Fax: (613) 943-9033
E-mail: mfullert@nrcan.gc.ca

Ms. Katy de la Garza
Ministry of Foreign Affairs and Culture
San José, Costa Rica
Tel: (506) 223-1186/256-6498/221-8966
Fax: (506) 256-9983

Ms. Denyse Rousseau
Department of Foreign Affairs
and International Trade
Ottawa, Canada
Tel: (613) 996-2919
Fax: (613) 995-9525
E-mail: denyse.rousseau@dfait-maeci.gc.ca

STEERING COMMITTEE MEMBERS

Markku	Aho	International Forestry Advisors Group	Helsinki	Finland
Lourdes	Barragan	Ministerio del Ambiente, Ministerio de Medio Ambiente	Quito	Ecuador
Amha	Bin Buang	International Tropical Timber Organization	Yokohama	Japan
Jacques	Carette	Natural Resources Canada – Canadian Forest Service Co-chair Canada-Costa Rica Initiative	Ottawa	Canada
Victor Sosa	Cedillo	Secretaria de Medio Ambiente, Recursos Naturales Y Pescas (SEMARNAP)	Coyoacan	Mexico
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Lu	De	People's Republic of China National Forestry Administration	Beijing	People's Republic of China
Andre Giacini	De Freitas	Federacion Internacional De Trabajadores De La Construccion y La Madera (IFBWW)	Panama	Panama
Onyango	Gershom	Ministry of Water, Lands and Environment, Forest Department	Kampala	Uganda
Antonio	Gonzales	International Indian Treaty Council (IITC)	San Francisco	United States of America (U.S.A.)
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Birgitta	Stenius-Mladenov	Ministry for Foreign Affairs	Helsinki	Finland
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NOTE: The guidance and support of the Intergovernmental Forum on Forests Secretariat, including Ambassador Bagher Asadi, Ambassador Ilkka Ristimaki and Dr. Jagmohan Maini, were welcomed and appreciated throughout the initiative.

Costa Rica-Canada Initiative

INTERNATIONAL EXPERTS MEETING

San José, Costa Rica
February 22 to 26, 1999

INTRODUCTION

The first meeting of experts of the Costa Rica-Canada Initiative (CRCI), in support of the program of work of the Intergovernmental Forum on Forests (IFF) on Category III, was held in San José, Costa Rica from February 22 to 26, 1999.

As directed by the nineteenth Special Session of the United Nations (UN) General Assembly on implementation of Agenda 21, the IFF decided to focus its work on three interlinked categories, of which Category III deals with the international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. The IFF agreed that the discussions to be held under Category III "*should identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests*."

Building consensus on any subject requires a process of clarifying issues and identifying commonalties in our understanding of it. Costa Rica and Canada share a common desire to contribute to the program of work of the IFF, by facilitating exchanges of views, engaging a holistic and comprehensive discussion, and opening the dialogue to enhance the consideration and identification of elements necessary to build a global consensus on the issue of international arrangements and mechanisms.

The objective of the CRCI is to initiate a process to identify possible elements[1] and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative for substantive discussion and technical analysis of this issue by a wide range of interested parties. In addition, another goal is that at the end of the initiative, whatever recommendations countries make at the IFF, these recommendations will be drawn from the initiative and be considered as a basis for discussion by the IFF.

This initiative consists of three stages. The first stage of this initiative is the expert meeting held in San José, Costa Rica. The second stage will consist of a series of regional and sub-regional meetings, to take place following the meeting in Costa Rica, in which the benefits and possible elements of international instruments, arrangements and mechanisms on forests will be analyzed from the regional perspective. The third stage will be a final meeting in Canada at the end of 1999, to consolidate the results of the expert meeting in Costa Rica and the contributions of the regional and sub-regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the IFF.

The CRCI receives substantive direction and guidance from a Steering Committee (SC) on various aspects including the development of a framework for regional and international meetings and a common approach and documentation for use at regional meetings. At its meeting immediately prior to the San José experts meeting, the SC reiterated the importance of a common approach as a means to facilitate the consolidation of the findings of regional meetings. The SC also reiterated that both legally and non-legally binding instruments would be considered in Steps 1 to 4 of the approach, but that Step 5 focus only on legally binding options. At the October 1998 meeting of the Interim Steering Committee held in San José, it was agreed there would be a "dry run" of the first-three steps of the approach in the San José meeting (Annex 3) and that regional meetings would conduct all steps.

The San José experts meeting was attended by 87 experts coming from governments, intergovernmental institutions, non-governmental organizations, indigenous people, women´s groups, as well as invited speakers (Annex 1), reflecting a wide range of interests and views with regard to Category III of the IFF´s mandate.

AGENDA

[1] Issues from the core-set identified as having potential to be addressed in an international instrument, mechanism or arrangement

The San José meeting considered the following agenda items:

- the agreed mandate concerning Category III of the IFF program of work;
- the experience of Central America with regard to its regional convention on forests;
- lessons learned from the implementation of other existing instruments;
- general concepts and terms of legal instruments;
- possible elements of international instruments on forests;
- guidance for regional and sub-regional consultations;
- further action required for building consensus over the period of March 1999 to February 2000.

Following the recommendation made by the SC of the initiative in October 1998, an approach was proposed to facilitate the compatibility and the consolidation of findings from regional meetings concerning the identification of possible elements of international instruments on forests. The objective of the proposed approach is to serve as a guideline for the regional and international meetings to be held. Each step has its own objective, as follows:

Step 1: identify a core-set of international forest issues;

Step 2: analyze the level of treatment of the issues of the core-set identified in Step 1, in the existing instruments;

Step 3: identify issues of the core-set that could potentially be advanced as elements through international instruments and those that likely would not;

Step 4: identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in Step 3;

Step 5: improve understanding of the pros and cons of the legally binding options identified in Step 4.

Steps 1, 2 and 3 were applied in the San José meeting with the purpose of identifying possible elements of international instruments, reviewing the proposed approach and providing guidance for the regional and sub-regional meeting, which will also consider Steps 4 and 5. Some experts expressed concerned that the methodology employed prevented a broader debate on the substantive issues of Category III.

In order to facilitate full participation of experts and enhance discussions, four working groups were organized. Distribution of experts, among working groups, was made with a view to ensure balance, geographically equitable representation from countries, reflecting a wide range of interests and views from all interested parties. Facilitators assisted the working groups in the use of the proposed approach.

One rapporteur was appointed, for each working group, in order to present the results of each session in plenary, and be part of the drafting committee responsible for the preparation of the meeting's report (See Annex 2 for lists of rapporteurs and facilitators). The Secretariat of the initiative assisted the rapporteurs in the drafting of the meeting's report.
The proceedings of the meeting were covered by the Earth Negotiations Bulletin. The report is available on their web site at: www.iisd.ca

PRESENTATIONS

The meeting included presentations on the following topics:

1. General concepts and terms of international instruments by Mrs. Barbara Ruis, international law specialist;

2. Central American experience with the regional convention on forests by Mr. Jorge Rodríguez, expert in Central American forestry policy;
3. Lessons learned from the implementation of other existing instruments: implementation of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Costa Rica by Mr. Juan Rodríguez; implementation of the Convention on Biological Diversity in Costa Rica by Mrs. Vilma Obando; implementation of the Framework Convention on Climate Change in Finland by Mr. Heikki Granholm; and implementation of CITES in Thailand by Mr. Apiwat Sretarugsa; and
4. Mr. Markku Aho, Chairman of the Forestry Advisor Group (FAG) presented his paper: "*Towards Sector Support to National Forest Programmes.*"

The presentations were followed by discussion periods in order to assist experts in improving their understanding of general concepts and terms of international instruments and of implementation of existing instruments.

CORE-SET OF INTERNATIONAL FOREST ISSUES

As a first step, the Secretariat presented to the experts' meeting a preliminary list of 53 international issues related to forests, as provided in the approach document. The experts considered these issues, reviewed them and identified a core-set of international forest issues.

Among their findings, most experts established that all issues, on the given list, were relevant as issues at all levels (national, regional and global).

The four working groups identified several other issues that were of significance to forests, inter alia, renewable energy, governance, transparency, low forest cover, environmental impact assessments monitoring and assessment, extent of national forest cover, and illegal logging and illegal trade of forest product. These issues were added to the initial list provided in Annex A of the approach and the updated list included in Annex 4a of this report.

Some experts indicated that the list was too broad, some issues were irrelevant to an international perspective and some others could be dealt with on a bilateral basis.

The question of "categorization" or "clustering" of issues was frequently raised and possible solutions were suggested as follows:

Clustering criteria
- issues needing international action at the multilateral level;
- issues needing guidance to governments;
- issues needing clarification; and
- issues not needing action at the international level.

Experts discussed and proposed to use the core-set of issues and the classification set-out in the United Nations (UN) Secretary General's report (E/CN.17/IFF/1998-1999), entitled *Management, Conservation, Sustainable Development and Institutions and Policy Instruments*. However, neither this classification nor a core-set of issues was retained.

The experts expressed wide opinions on the working methodology and its perceived value. All working groups experienced varying degrees of difficulty in reaching an outcome on Step 1, in particular the criteria to be applied in the process of identifying those issues requiring international action. As a basis for international consensus, experts referred to the International Panel on Forests (IPF) proposals for action and the various regional processes, such as the Helsinki Process on Criteria and Indicators.

Prioritizing the list of issues was not favoured in the absence of a set of criteria fully shared by all. Some participants suggested using the following main categories:

- National Forest Programs;
- Institutional and Policy Arrangements;
- Trade and Environment;
- Governance and Participation;
- Socio-economics (local and international); and
- Global Functions, Regional and International Co-operation.

Outcome

The experts supported the list in Annex 4a as a basis for working group discussions, and based on the groups' discussion, identified a number of changes to the list, which could then guide regional meetings. The revised list is presented in Annex 4b.

TREATMENT OF ISSUES IN EXISTING INTERNATIONAL INSTRUMENTS

The objective of this step was to consider the level of treatment of the issues in the core-set identified in Step 1 in the existing instruments.

The experts were asked to assess the coverage of the core-set of issues identified in existing instruments. Each working group was assigned a subset of the core-set of issues (Annex 4a). Working groups concentrated on the following two questions:

Is the issue considered? If so, is the level of treatment sufficient or insufficient?

Some groups looked at the issues across the five suggested groups of existing international instruments and related processes: International conventions (Convention on Biological Diversity, UN Framework Convention on Climate Change, Convention to Combat Desertification, Convention on the International Trade in Endangered Species of Wild Flora and Fauna, Convention on Wetlands of International Importance, especially of Waterfowl Habitat, International Tropical Timber Agreement, 1994), Agenda 21, Forest Principles, IPF Proposals for Action, and various regional processes on criteria and indicators for sustainable forest management.

The Working groups' results are set out in Annex 5. These results are derived from the working groups and do not necessarily reflect the views of all experts.

General conclusions

It was generally understood that most issues contained in the core-set, were considered in some way or another in various international instruments, but that there was insufficient treatment depending on the context of the issues.

It was also recognized that differences in the level of treatment were inevitable when defining the threshold of insufficiency according to the specific instrument considered. For instance, experts stated that the Agenda 21 and the Forest Principles considered more or less all the issues sufficiently, the IPF Proposals for Action considered some issues sufficiently and some insufficiently. The experts also agreed that criteria and indicators processes covered relevant issues sufficiently, but the question of global consistency and application at the national level remained subject to further elaboration.

During this step, potential difficulties were highlighted, that may need to be addressed, for example, overlaps in definitions, including diverse aspects for consideration in the format, and others needed clarification.

Experts expressed concern over how "sufficiency and insufficiency" would be defined, and concluded that there was need for further guidance on the exact meaning of these terms (i.e., is the topic covered by the instrument itself, or in practice/reality?).

For the exercise's purposes, the experts limited their assessment to how these issues were treated at the international level. Due to time constraints, further reflection of treatment of these issues, at the national and regional levels, would be addressed at the regional meetings.

Because of time constraints and limitation imposed by the matrix, there was limited opportunity for experts to explain their opinions on the degree of treatment, and the particular instruments to which they were referring to.

Some issues, such as forest assessment, were addressed by international institutions (e.g. FAO), but it was not possible to record this in the matrix. A possible solution would be to include "international institutions" within "international instruments" or as a separate heading.

Regarding criterion nine, some experts were confused on what the criterion meant, others found the criterion helpful. In one working group, experts felt the criterion was potentially misleading and applied it with the understanding that it referred to new or existing instruments, not necessarily an international forest convention.

POTENTIAL TO ADVANCE ISSUES THROUGH INTERNATIONAL INSTRUMENTS

The objective of this step was to identify issues of the core-set that could potentially be advanced as elements through international instruments and those that likely would not.

Using the core-set of issues identified in Step 1, the aim of this stage in the methodology was to seek guidance from the experts and to propose a list of possible elements that might be included in new or existing international instruments in the short and medium term. Working Groups used the same subset of issues used in the previous step.

The criteria proposed for this step are in Annex B of the approach document.

The results of the Working Groups are set out in Annex 6. These results are derived from Working Groups and do not necessarily reflect the views of all the experts.

General conclusions

As in the first two previous steps, all working groups faced difficulties in understanding the work required, notably the linkages between the criteria and the issues. Again, many experts reiterated the cross-cutting complexities of issues. A number of questions were raised, for example, were experts intended to address the "*desirability*" of advancing issues through international instruments or just the "*potential*" to advance issues by these means?

Experts limited their assessment and recommendations to the "*potential*" without considering either "desirability" or specific mechanisms.

It was also re that because issues would vary between regions, there was no stagnant time frame in dealing with the issues comprehensively. Most experts agreed that all time frames, i.e. short- and medium-term, had merits for all issues to be advanced in an instrument, but it was difficult to narrow down the time frame without detailed analysis. Experts did not discuss the type of instrument in this context.

GUIDANCE FOR REGIONAL AND SUB-REGIONAL MEETINGS: REVIEW OF THE PROPOSED APPROACH

Based on the results of the discussions of the working groups, while using the approach, an opportunity was provided to the experts to review the approach and provide guidance for the regional meetings as the second stage of the initiative.

Many experts felt that the proposed approach should be flexible and allow participants to reflect the needs and particularities of each region or sub-region. However, it was also stressed that there is a need for a common and systematic approach that would facilitate the achievement of the objective of the initiative. Through such an approach, the political debate will be better informed.

It was also stated that guidance should draw from the existing consensus documents, in particular the Forest Principles, Agenda 21, IPF proposals for action and the IFF program of work.

Many experts mentioned that there is a need for a clear understanding of terminology used in all steps of the approach.

A number of people indicated that there is scope to simplify the approach, for example, through consolidating the steps of the approach. The questions should be simplified. A specific proposal was made along the following lines: (i) What are the reasons for non-sustainable forest management?; (ii) find if any issue can be tackled by any form of international arrangement; (iii) what form of arrangement could be used? It was felt that whatever the final form of the approach, it should be formatted so that for each step, an objective and a product are identified.

It was also stated that regional meetings should seek balance and participation of the technical view and political view. Some people expressed concern that the regional and sub-regional consultations provide sufficient time to apply a common approach, and that regional meetings should consider lessons learned from the implementation of existing instruments, in particular identifying what has been successful in terms of significant changes at the ground level.

Experts felt that it was important that in the planning of regional meetings, care be taken to ensure that experts are adequately briefed, notably with respect to the international forest policy dialogue and on existing forest related instruments. Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

Some experts emphasized the importance that all regional meetings take fully into account the results of IFF-3 with regard to Category III, in accordance with the process of the Costa Rica-Canada Initiative. It was also mentioned that regional meetings should help to identify the functions of the international regime and forest issues that are not currently adequately addressed at the global level.

Concerning participation, it was mentioned that regional meetings should include a broad array of expertise, notably in the area of implementation of forest policies and programs. It was also mentioned that indigenous people and local communities should be represented at all regional meetings. The point was made that indigenous rights should be part of any future international forest related instrument.

The experts from the Environmental Investigation Agency, the Institute of Cultural Affairs-Ghana, the International Alliance of Indigenous and Tribal Peoples of Tropical Forests, the International Indian Treaty Council, the Global Forest Policy Project, Greenpeace International, Mexico's Women non-governmental organization, and Sobrevivencia of Paraguay, perceived a lack of opportunities to discuss comprehensively the world's most critical forest problems. In their view, the methodology used was problematic, and they trusted that the organizers would

take full account of the methodology's shortfalls in their preparation of subsequent regional and international meetings. These, and other views, were expressed in the written joint statement, which is available on the following Internet site: http://www.greenpeace.org/~forests/newsflash.html

It was suggested that the approach be revised to include the recommendations of the experts present at the San José meeting and that guidance will be provided by the SC.

The following suggestions were made regarding Step 1:

- some issues in the proposed set of issues should be separated;
- some issues should be clustered, in order to obtain a shorter list without endangering the scope of the analysis;
- the approach should not contain a proposed core-set of issues;
- organizers of regional meetings should propose core-sets of issues;
- issues should be drawn from known issues lists (e.g., IPF and IFF) as a point of departure for regional meetings; and
- the final reports of IFF related initiatives should be made available to regional meetings, including the report of the global workshop on underlying causes of deforestation.

The following suggestions were made regarding Step 2:

- make distinction between global and regional levels when assessing the level of treatment of issues in existing international instruments;
- the method for this Step should allow all views to be captured;
- regarding the level of treatment of issues in existing international instruments, the meaning of "sufficient" and "insufficient" should be clearly defined;
- the reasons why and the extent to which existing international commitments have not been implemented so far, should be considered.

The following suggestions were made regarding Step 3:

- Steps 2 and 3 should be combined.
- the reordering of Steps 1, 3, and then 2 would perhaps make more progress at regional meetings; and
- it is important to keep Step 2.

FURTHER ACTION REQUIRED FOR BUILDING CONSENSUS OVER THE PERIOD OF MARCH 1999 TO FEBRUARY 2000.

Experts addressed the issue of following up to the San José meeting in order to examine mechanisms to build consensus and suggestions for further actions for the period between March 1999 and February 2000.

It was felt important that partners in the initiative utilize the opportunity, given by future scheduled international meetings, in particular the IFF III, to assess the progress of and exchange views on the initiative. Some experts mentioned the importance of taking advantage of other specific international and sub-regional meetings related to forests, like COFO and the meeting of the Andean area to be held in Lima, Perú, to maintain a constant flow of information about the initiative, and to forward the results of the San José meeting as a contribution to their deliberations? Additionally, it was suggested that the results of the above mentioned international meetings could serve as inputs to regional and sub-regional meetings within the Costa Rica-Canada Initiative.

Information was given to the experts in regard to numbers, dates, and location of the regional meetings. The significant number of countries interested in hosting and providing financial support for regional meetings is an indication of the strong support for the Costa Rica-Canada Initiative. It is envisioned that in the coming months, the

initiative has the potential to involve, through regional meetings, virtually all countries and a wide range of representatives from governments, international institutions, NGOs, indigenous people, women's groups and the private sector. Information, as it becomes available, will be distributed through the Secretariat of the initiative and on the initiative's web site at: http://www.nrcan.gc.ca/cfs/crc

Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

The results of the San José meeting will be forwarded to the regional meetings, which will comprise the second stage of the initiative, and to the third session of the IFF in 1999. The results will also be referred to the final meeting in Canada, at the end of 1999, which will consolidate the results of the meeting in Costa Rica and the suggestions of the regional meetings to produce general conclusions, to be submitted to the fourth session of the IFF in the year 2000.

Costa Rica-Canada Initiative Experts' Meeting
San José, Costa Rica

Participants

1.	AGYEMAN, Fredua	Ghana
2.	AHO, Markku	Forest Advisory Group
3.	ASADI, Bgher H.E.	Co-chairman, IFF
4.	BARSK-RUNDQUIST, Elisabeth	Secretary of IFF
5.	BOBKO, Igor	Belarus
6.	AMHA BIN, Buang	International Tropical Timber Organization
7.	CASTRO, Estebancio	IITC
8.	CUCO, Arlito	Mozambique
9.	CHAN, Lai Har	Malaysia
10.	CHAVES, Guido	Costa Rica
11.	DE, Lu	The Peoples Republic of China
12.	DELANEY, Adam	Papua New Guinea
13.	DÍAZ, Elias	Sobrevivencia and Friends of the Earth - Paraguay
14.	DOUGLAS, Jim	World Bank
15.	DUNN, Darryl	New Zealand
16.	FULLETON, Mike	Canada
17.	GIACINI DE FREITAS, Andre	IFBWW
18.	GRANHOLM, Heikki	Finland
19.	HALL, Andrew Clayton	Guyanna
20.	HEADLEY, Marilyn	Jamaica
21.	HOENISCH, Ulrich	Germany
22.	JIMBIQUITI Z, Jose Luis	COICA
23.	JONES, Libby	United Kingdom
24.	KOMATSU, Kiyoshi	IGES
25.	KORNIENKO, Alexey	Russia
26.	KUZMICHEV, Evgeny	Vice-chairman IFF
27.	LAROUSSINIE, Olivier	France
28.	LINARES LANDA, Elias	Cuba
29.	LJUNGMAN, Lennart	Food and Agriculture Organization
30.	MAINI, Jag	Secretary of IFF
31.	MALVAS, Jose JR	Philippines
32.	MANKIN, William	Global Forest Policy Project
33.	MCALPINE, Jan	United States of America
34.	MERSMANN, Christian	Germany
35.	MHIRIT, Omar	Morocco
36.	MORAIS, Carlos	Portugal
37.	MUEHLEMANN, Pierre	Switzerland
38.	MUSALEM LOPEZ, Francisco	Mexico
39.	NAGAME, Ichiro	Japan
40.	NORDANSTIG, Gunnar	Sweden
41.	OISTAD, Knut	Norway
42.	OKRAH, Lambert	Institute for Cultural Affairs, Ghana
43.	ONYANGO, Gershom	Uganda
44.	OTODO, Kede	Cameroon
45.	PARMENTIER, Remi	Greenpeace International
46.	RAWAT, A.S.	India

47. RESICO, Christina	Argentina
48. RODRIGUEZ, Gisele	Brazil
49. ROY, Régine	European Commission
50. RUALES, Mario	Ecuador
51. RUIS, Barbara	Free University Amsterdam
52. PAUL, Scott	Greenpeace
53. SCHMIDT, Ralph	United Nations Development Program
54. SHAW, Sabrina	World Trade Organization
55. SHEREIF, Mohamed	Egypt
56. SIEGEL, Gunter	Austria
57. SIMELANE, Themba L.	Rep. South Africa
58. SOLANO, Jose	Spain
59. SOLLO, Jean-Williams	Cameroon
60. SORMIN, Benni	Indonesia
61. APIWAT, Sretarugsa	Thailand
62. SAINT-LAURENT, Carole	World Wide Fund for Nature – Europe and International Union for the Conservation of Nature
63. TAKAHASHI, Keisuke	Japan
64. TAAL, Bai-Mass	United Nations Environmental Program
65. TARSOFSKY, Richard	International Union for the Conservation of Nature
66. TEMUR, Kayihan	Turkey
67. TONISSON, Kristjan	Estonia
68. TRENT, Steve	Environmental Impact Assessment
69. URZUA, Miriam	Womens group, Mexico
70. VON DER ASSEN, Ferdinand	The Netherlands
71. WILLIAMS, Juliette	Environmental Impact Assessment
72. DOLMAN, Gary	Australia
73. NESTOR, Foster	Brazil
74. ARIAS, Marcial	Alianza Mundial de Pueblos Indígenas

CRCI Initiative

CARETTE, Jacques	CRCI Co-chairman
ROJAS BOLANOS, Luis	CRCI Co-chairman
CHAVES, Patricia	Secretary of CRCI
BERGERON, France	Secretary of CRCI
DE LA GARZA, Katy	Costa Rica, Consultant
MENESES, Ricardo	Costa Rica, Consultant
RICHER, Alain	Canada, Consultant
RIVERO, Isabel	Costa Rica, Consultant
ROBERTS, Ralph	Canada, Consultant
SALAS, Jose Luis	Costa Rica, Consultant
TREJOS, Eduardo	Costa Rica, Consultant
LEWCHUCK, Shirley	Secretary of CRCI
ROUSSEAU, Denyse	Secretary of CRCI

Costa Rica-Canada Initiative

REGIONAL MEETING

East and Southeast Asia
August 2 to 5, 1999
Kuala Lumpur, Malaysia

Experts from the following countries participated:

Brunei Darussalam
Cambodia
China
Indonesia
Japan
Lao PDR
Malaysia
Mongolia
Myanmar
The Philippines
Thailand
Vietnam

INTRODUCTION

1. The international community has been discussing a wide range of elements, related to management, conservation and sustainable development of all types of forests. It has been difficult to reach an agreement regarding the instrument that might best address these elements. Therefore, Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of the Intergovernmental Forum on Forests (IFF), to identify possible elements and work towards a consensus on the usefulness of having international arrangements and mechanisms, such as a legally binding instrument (LBI) on all types of forests. Within this context, the initiative will seek to provide neutral, transparent, participatory and representative fora to facilitate technical discussion on LBIs on all types of forests and consider possible elements of such instruments.

2. The Costa Rica-Canada Initiative (CRCI) consists of three stages. The first stage was an experts' meeting held in San José, Costa Rica, from February 22 to 26, 1999. The second stage will consist of a series of regional meetings, in which the benefits and possible elements of international instruments, arrangements and mechanisms on forests will be analyzed from the regional perspective. The third stage will be a final meeting in Canada at the end of 1999, to consolidate the results of the experts meeting in Costa Rica and the contributions of the regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the IFF in early 2000.

3. The East and Southeast Asia Regional Meeting (ESEARM) on the Arrangements and Mechanisms to Promote the Management, Conservation and Sustainable Development of All Types of Forests is a regional meeting hosted by the Government of Malaysia held under the CRCI to initiate a process to identify possible elements and work towards a consensus in the region regarding the usefulness of having international arrangements and mechanisms, such as a legally binding instrument on all types of forests.

4. The ESEARM is one of the many regional level consultations to be held under the CRCI. Other countries hosting regional meetings include Turkey, Cameroon, Zimbabwe, Ecuador, Argentina, Mexico and Spain.

5. Participants invited to the ESEARMs included representatives of governments, intergovernmental institutions, Non-government Organization (NGOs), social groups (indigenous peoples, rural organizations, women's groups, labor, etc.) private sector and other special invitees. The list of participants is annexed as Appendix I.

OPENING CEREMONY

6. The Honourable Datuk Haron Siraj, the Secretary General of the Ministry of Primary Industries Malaysia in his introductory remarks, welcomed the participants to the meeting. The meeting was then declared open by the Honourable Datuk Hishamuddin Tun Hussein the Deputy Minister of Primary Industries Malaysia, The welcoming remarks of the Secretary General and the opening speech of the Deputy Minister appear in Appendices II and III.

7. The agenda for the meeting is annexed as Appendix IV. The meeting was held both in plenary and working groups. The participants were divided into three working groups and each group was assigned a facilitator and rapporteurs to record the discussions. The list of participants in the working groups is annexed as Appendix V.

BRIEFINGS

8. The meeting invited three guest speakers to brief the participants on the following topics:

i. Dr. Mahendra Joshi, IFF Secretariat on the United Nations (UN) Commission on Sustainable Development related to the work of the Intergovernmental Panel on Forests (IPF) and the (IFF);

ii. Mr. Amha Buang, International Tropical Timber Organisation (ITTO), on the International Tropical Timber Agreement (ITTA); and

iii. Dr. Raman Letchumanan, Ministry of Science, Technology and Environment, Malaysia, on the provisions of the Convention on Biodiversity and the UN Framework Convention Climate Change related to forestry issues.

9. Mr. Michael Fullerton, CRCI Steering Committee, also briefed the meeting on the consultation process. His remarks appear as Appendix VI.

CRCI APPROACH

10. For the purpose of the meeting, the CRCI Steering Committee has prepared a common approach called the CRCI Approach, which will be used in all the regional meetings. This is to facilitate the consolidation of findings from various regional meetings into a single final report. The CRCI Approach is annexed as Appendix VII and consists of four steps as follows:

Step 1: identify a working list of possible elements;

Step 2: identify options for addressing elements;

Step 3: assessment of the relative pros and cons of the legally binding options for advancing each element; and

Step 4: evaluation on actions to facilitate the building of international consensus on matters relating to Category III of the IFF's Program of Work.

11. Using the CRCI Approach, the Malaysian Secretariat prepared a guide to facilitate discussions along the four steps outlined in the Approach. The guide appears as Appendix VIII. A proposed list of possible elements for an international arrangement on forestry was prepared by the Malaysian Secretariat and appears in Appendix VIII - Table 1A of the guide.

Step 1: Identify a Working List of Possible Elements

12. Using the guide prepared by the Secretariat under Step 1 of the CRCI Approach, participants who were divided into three working groups, developed a working list of possible elements for international arrangements and mechanisms. The list of such possible elements appears in Appendix IX. The possible elements are divided into nine categories as follows:

i. General Elements;
ii. Forest Management Elements;
iii. Environmental Elements;
iv. Economic Elements;
v. Social Elements;
vi. Capacity Building and Awareness Elements;
vii. Financial Resources Elements;
viii. International Co-operation and Transfer of Technology Elements; and
ix. International Trade Elements.

Step 2: Identify Options for Addressing Elements

13. Three options were adopted to address the elements developed under Step 1. These are:

Option 1: existing legally binding international instruments;
Option 2: new legally binding international instruments; and
Option 3: non-legally binding instruments and initiatives (new and existing).

14. A preliminary guide was provided by the Secretariat. It included several categories/themes and each with possible elements and existing legally binding instruments. These were reviewed and discussed at length by the three working groups. Several changes resulted as a consequence in both the categories and the possible elements within them. Revisions included rewriting the suggested elements and the introduction of new elements, as well as elimination of some proposed by the Secretariat.

Option 1: Existing Legally Binding Instruments

15. The working groups reviewed each of the elements and identified the appropriate existing LBIs, which covered them. The main legally binding instruments considered are Convention on Biological Diversity (CBD), Framework Convention on Climate Change (FCCC), Convention on Control of Disertification (CCD), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (RAMSAR), and International Tropical Timber Agreement (ITTA). Several minor instruments were collectively categorized under OTHERS. Wherever possible specific provisions, which dealt with these elements, were identified as well. In some cases, the provisions, which could not be specifically identified, but were generally mentioned, were also taken into consideration. One major difficulty all the working groups expressed was that the elements identified by the Secretariat lacked sufficient explanation, were ambiguous and could be interpreted differently. As a consequence, the three working groups came up with slightly differing opinions in numerous instances. Likewise, certain phrases such as "no consensus" connoted specific meaning at international meetings, and such terms were therefore avoided. Further, it was felt that many of the terms required definitions for accurate interpretation, and these were in general not available. All these were redressed during the meeting. The three working groups amalgamated the findings and reviewed the results at the plenary session. The results are reflected under Table 2A enclosed as Appendix X.

16. The review provided the participants with a better understanding of the status of the elements in connection with the existing LBIs. It also clearly revealed that while several elements were adequately addressed, the majority were not so well represented in the existing LBIs. These elements were mentioned in these legal instruments, but were not addressed in context with specific forestry issues. Generally, the environmental, social and international co-operation elements were well addressed. However, there were glaring omissions in the case of forest management, international trade and economic elements. The omissions particularly with regard to forest management were highlighted, such as the need to cover plantation forest, agroforestry, conversion forest and natural forest management. The working groups expressed the hope that more attention will be given to these considerations in future deliberations. In the event a forest convention is to eventuate these deliberations should be accorded high consideration.

17. Beside the issues covering forest management, other issues that were further highlighted included such elements as, equal partnership among developed and developing countries, new and additional financial resources, capacity building and transfer of technology including the creation of an international forest fund. It was also expressed that while there is a wide diversity of LBIs that touched on forestry issues, their implementation was generally considered to be ineffective.

Option 2: New International LBIs

18. The same procedures as in Option 1 were taken for Option 2. All the possible elements identified in Step 1 were considered for new LBIs, where warranted. The following considerations were used:

i. elements that were strongly addressed in other instruments were considered important candidates to be covered under international forestry instruments;

ii. every element that was not adequately covered by existing LBIs, but considered critical for forestry particularly in regard to sustainable forest management, were included; and
iii. elements that were believed yet to be covered by any of the existing legally binding instruments, but which were considered critical for forestry, were also included.

19. The working groups found that although the majority of the elements were covered under existing LBIS, the elements were not adequately addressed to include all aspects of forestry and all forest types. As a consequence, it was concluded that the majority of the elements might require further consideration for possible new LBIs. The outcome of Option 2 is reflected in Table 2B, as enclosed in Appendix XI.

20. Exceptions included, inter-alia the following elements:

i. special needs of small island states - a special commission established by the UN already deals with these issues;
ii. microclimate change - the effects are only felt in localized areas and thus should be dealt with at the local level;
iii. promote lesser used forest species - this is adequately covered under ITTA for tropical timbers;
iv. infrastructure development - this should be country driven and included in a non-LBI;
v promotion of small diameter timber - relevant to operational aspects of a non-LBI; and
vi. land tenure system - should be country driven.

21. In addition, there were differences of opinions on certain elements, such as:

i. certification and labeling - the contention was that the additional cost involved in certification and labeling may be a burden to producing/developing countries;
ii.- recognition and added incentives given to products coming from sustainably managed forest - this was deemed unfair to developing countries that have not achieved sustainable forest management; and
iii. role of co-operatives - it is more relevant at the local and national levels.

Option 3: Non-LBIs and Initiatives (new and existing)

22. As with Options 1 and 2, the same set of elements was considered for non-LBIs and initiatives (new and existing) where warranted.

23. The working groups considered the adequacy of the existing non-LBIs and initiatives that dealt with each of the elements. Some of the instruments/initiatives were identified by the Secretariat. These were examined and new instruments were further identified to strengthen this option. The working groups observed that there was a wide range of possible non-LBIs and initiatives that could be linked with these elements. In some cases, the linkage was tenuous. Therefore, it was considered necessary to further identify the major instruments and initiatives relevant to forestry. As a result, it was found that the majority of the elements could be covered by one or more non-LBIs and initiatives. The outcome of Option 3 is reflected in Table 2C, as enclosed in Appendix XII.

24. The major instruments that covered forestry aspects, which were identified by the Secretariat, were the Forest Principles and Agenda 21. The working groups pointed out that the Rio Declaration and the IPF are central to forestry issues and should be accorded similar importance, and were taken up.

25. It was also pointed out that initiatives such, as Association of South East Asian Nations(ASEAN) Senior Officials on Forestry (ASOF), CRCI and IFF, are on-going processes, and have no established documents for reference, and therefore, not tenable as instruments for the current exercise. Following further deliberations ASOF and IFF were retained. Under ASEAN, there are several declarations including the Hanoi Plan of Action that covers ASOF's initiatives, while the IFF process is well established.

26. Finally, it was further pointed out that the present list of elements, as contained in Appendix VIII (Table 2C), may not be exhaustive. While additional instruments and initiatives were identified, they could not be incorporated in the referred to document.

Step 3: Pros and Cons of New Legally Binding International Instruments

27. In this step, the meeting considered the pros and cons of both the new legally binding and non-legally binding instruments and initiatives. However, only the former could be undertaken due to time constraints.

28. For this purpose, the participants deliberated on the pros and cons of the instruments for each of the identified elements systematically. The participants indicated that the advantages of having a new LBI outweighed the disadvantages for the majority of the elements. Such a situation points to the fact that the majority of elements have not been covered adequately in existing legally binding international instruments, although they may have been alluded to. Another point of concern was that the existing instruments did not cover all the forest types. Therefore, they require further consideration for a new LBI, specifically under the framework of forestry. The pros and cons are reflected in Table 2B (Appendix XI).

29. It may also be pointed out, that for various reasons, the negative aspects were not thoroughly investigated. An additional point of view was that the possible elements could be phrased in such a manner that they need not be mandatory under a new LBI. Under such circumstances most of them can be adopted without undue constraints. It was also noted, that the few cases concerning issues of local and national coverage were not found inappropriate to be covered by legally binding international instruments.

Step 4: Evaluation - Views on Further Actions to Facilitate the Building of International Consensus on Matters Relating to Category III of the IFF's Program of Work

30. In this step, each participant was requested to complete an evaluation form. The completed forms were evaluated and the some of the observations and opinions are as follows:

Question 1: Has the meeting furthered your understanding of matters related to Category III of the IFF's program of work?

i. the concept is well understood by the participants;
ii. it provides better understanding of the complexities of Category III issues among some participants but not others; and
iii. the IFF process is laborious and time consuming.

Question 2: Did you find whether the "approach" helped to facilitate an open and participative discussion?

i. the "approach" is useful but rigid and too structured. As a result, it constrained the discussions/deliberations;
ii. the four steps need simplification to arrive at the same conclusions;
iii. guidance provided is good and useful;
iv. the approach adopted tends to lead towards a forest convention rather than to options to be considered;
v. the participative and openness aspect of the approach is good. However, the participants felt that it is "targeted" towards a "forest convention;"
vi. the time for discussion is inadequate; and
vii. there should be greater representation in terms of sectoral interest and countries.

Question 3: Are more/different background documents needed to help build international consensus on matters relating to Category III of the IFF's program of work?

i. the group does not have the relevant resource persons to ensure a balanced discussion;
ii. more relevant documents in a concise and summarized form, should be provided rather than compiling the full version of the various instruments;
iii. the background documents for non-LBIs are not complete; and
iv. more dialogues are needed.

Question 4: Other suggestions or comments

i. all countries should respond to the request of the organiser (e.g. sending in the list of elements);
ii. there is doubt (concern) if one single instrument (whatever the outcome of this exercise) can address the core issues of Category III;
iii. a greater diversity of participants would be preferred in order to have more active and comprehensive discussion;
iv. there should be an overview presentation of all existing relevant legally binding and non-legally binding instruments, especially in relation to specific themes;
v. approach is not clear and should be reviewed. Steps 1 and three cannot contribute much;
vi. participants should discuss their areas of expertise; and
vii. format should be made more user friendly with the legally binding and non-legally binding instruments side-by-side.

CONCLUSION

31. The proposed process for identifying options and creating international instruments under the CRCI is illustrated in Chart 1. The chart indicates the following sequence of actions:

i. upon identification of possible elements under Step 1, the First Option is to scrutinize existing legally binding documents;
ii. the Second Option is to look for new legally binding international instruments. This is followed by the Third Option which looks into the non-LBIs and initiatives;
iii. thereafter, in Step 3, the pros and cons of the new legally binding international instruments are examined;
iv. the final step involves an evaluation of the whole process. This sequence is not obligatory; and
v. it is also possible to undertake Step 3 of examining the pros and cons of the new legally binding international instruments, immediately following their identification in Option 2.

32. The overall review has been so structured that it appears to support the proposal for a LBI on all types of forests. However, this is by no means the intention of the meeting. The lack of time, representation of expertise, and other factors could have lead to such a result.

33. Hence, the main focus at this meeting was to identify and examine the various elements that could be used as a basis for the development of a LBI on all types of forests, if that is desired. This should remain the main statement of this meeting. Therefore, they require further consideration for a new LBI, specifically under the framework of forestry.

34. At the regional basis and taking into consideration the vast area of tropical forests here, the following points have been emphasized, and should be reflected accordingly, in any arrangements, to ensure a more holistic and integrated approach to sustainable forest management:

i. the principle of equal partnership between developed and developing countries in decision making;

ii. right to socio-economic development;
iii. an integrated and holistic approach to Sustainable Forest Management (SFM);
iv. role of conversion forests, whereby the conversion of forests outside the permanent forest reserve should be regarded as sustainable, if undertaken within the context of an integrated land use management plan, such as the role of agroforestry;
v. local/traditional forest related knowledge (TFRK) protection (Intellectual Property Rights) and compensation for TFRK;
vi. equitable sharing of benefits;
vii. poverty and SFM;
viii. financial resources and mechanisms including an international forestry fund and technical assistance;
ix. technology transfer; and
x. international trade in forest products, including market access transparency, non-discriminatory practices, removal of tariff and non-tariff barriers, and fair pricing; and
xi. importance of co-operation in combating transboundary pollution, including airborne pollutants.

ACKNOWLEDGEMENTS

35. The representatives from Japan, Mr. Ichiro Nagame, Mr. Ricardo Ulate from the CRCI Steering Committee and Dr. Mahendra Joshi from the IFF Secretariat expressed their appreciation to the Government of Malaysia for their warm hospitality and the excellent arrangements made for the meeting. The chairman of the organizing committee thanked the Government of Japan for co-sponsoring the meeting and all participants for their contribution in making the meeting a success.

Kuala Lumpur, Malaysia
August 5, 1999

LIST OF PARTICIPANTS

Chairman:Datuk Haron Siraj,
Secretary General,
Ministry of Primary Industries,
Malaysia.

Vice Chairman: Dato' Abdul Hamid Sawal,
Deputy Secretary General II,
Ministry of Primary Industries,
Malaysia.

I. COUNTRIES

BRUNEI DARUSSALAM

Haji Abdul Rahman Haji Chuchu,
Director of Forestry,
Forestry Department,
Ministry of Industry and Primary Resources,
Bandar Seri Begawan 2067,
Brunei Darussalam.
Tel: (673)02-382884
Fax: (673)02-381012
E-mail: jphq@brunet.bn.

CAMBODIA
Mr. Ty Sokhun,
Director General,
Department of Forestry & Wildlife,
No.40, Norodom Blvd,
Phnom Penh,
Kingdom of Cambodia.
Tel: (855) 11853166
Fax: (855) 23214996
E-mail: tyfcmp@forum.org.kh

Mr.Vong Sarun,
Deputy Director of Forest & Wildlife Research Institute,
Department of Forest & Wildlife,
Ministry of Agriculture, Forestry & Fisheries,
#40, Norodom Blvd,
Phnom Penh,
Kingdom of Cambodia.
Tel: (855) 23213612
Fax: (855) 23213612
E-mail: dfw.syphan@bigpond.com.kh.

CHINA

Mr. Li Lukang,
Advisor,
Chinese Academy of Forestry,
Block 32# Yuzhong Dongli,
North Sanhuan Road,
Beijing, China.
Tel: (8610)62034039
Fax: (8610) 62077900
E-mail: li.lk@263.net & lilk@163.net

INDONESIA
Dr. Untung Iskandar,
Director of International Cooperation,
Ministry of Forestry and Estate Crops,
Lantai 4, Blok VII Manggala Wanabakti,
Jl Gatot Subroto, Jakarta 10270,
Indonesia.
Tel: (6221) 5701114 / 5730159
Fax: (6221) 5720210 / 5700226
E-mail: u-iskandar@hotmail.com.

Mr.Dadang S.Djajaredja,
Head of Multilateral Division,
Bureau of International Cooperation,
Ministry of Forestry and Estate Crops,
Lantai 4, Blok VII Manggala Wanabakti,
Jl Gatot Subroto, Jakarta 10270,
Indonesia.
Tel: (6221) 5701114 / 5730159
Fax: (6221) 5720210 / 57002265

Dr.Burhanuddin Sarbini,
Head of Bilateral and Regional Division,
Bureau of International Cooperation,
Ministry of Forestry and Estate Crops,
Lantai 4, Blok VII Manggala Wanabakti,
Jl Gatot Subroto, Jakarta 10270,
Indonesia.
Tel: (6221) 5701114 / 5730159
Fax: (6221) 5720210 / 5700226
E-mail: burhan.s@maileity.com.

JAPAN
Mr. Ichiro Nagame,
Deputy Director,
International Forestry Cooperation Office,
Ministry of Agriculture, Forestry and Fisheries,
Forestry Agency,
1-2-1 Kasumigaseki Chiyoda-ku,
Tokyo 100-8952, Japan.
Tel: 81-3-3591-8449
Fax: 81-3-3593-9565
E-mail: -ichiro-nagame@nm.maff.go.jp

Mr.Kenji Fujita,
Assistant Director,
Environment Agency,
1-2-2 Kasumigaseki Chiyoda-ku,
Tokyo 100-8975,
Japan.
Tel: 81-3-3581-3351
Fax: 81-3-3581-3348
E-mail : -kenji-fujita@eanet.go.jp

Mr. Hidenobu Katsuki,
Second Secretary,
Japanese Embassy,
No. 11, Persiaran Stoner,
Off Jalan Tun Razak,
50450 Kuala Lumpur.
Tel: 03-2426570

LAO PDR
Mr. Thongsoune Bounphasaisol,
Cabinet of Ministry of Agriculture and Forestry,
Ministry of Agriculture and Forestry,
P.O. Box 811, Vientiane,
Lao PDR.
Tel: 856-21-415358/74
Fax: 856-21-412343/44

Mr.Sangthong Southammakoth,
Deputy Director,
Center for Protected Areas and Watershed
Management (CPAWM),
Department of Forestry,
P.O.Box. 2932, Vientiane,
Lao PDR.
Tel: 856-21-216921
Fax: 856-21-217161

Mr.Inpanh Sounthanousinh,
Technician,
Ministry of Agriculture and Forestry, Cabinet Office,
P.O.Box. 811, Vientiane, Lao PDR.
Tel: 856-21-412340
Fax: 856-21-412344

Mr.Bouahong Phanthanousy,
Project Director,
Ministry of Agriculture and Forestry,
Department of Forestry,
P.O.Box 6238, Vientiane,
Lao PDR.
Tel: 856-21-219561
Fax: 856-21-217483
E-mail: FAMACOP@Pan.Loas.net.la

MALAYSIA
Ms.Chan Lai Har,
Under Secretary,
Forestry Division,
Ministry of Primary Industries,
Menara Dayabumi, Jalan Sultan Hishamuddin,
50654 Kuala Lumpur.
Malaysia.
Tel: 03-22756150
Fax: 03-22745014
E-mail: chanlh@kpu.gov.my.

Mr.Tan Seng Sung,
Under Secretary, Economic Division,
(Global Economic Development and Environment),
Ministry of Foreign Affairs,
Wisma Putra, Jalan Wisma Putra,
50652 Kuala Lumpur, Malaysia.
Tel: 03-2481037
Fax: 03-2424551
E-Mail; sengsung@kln.gov.my
Dr. Raman Letchumanan,
Ministry of Science, Technology
And Environment,
14th. Floor, Wisma Sime Darby,
Jalan Raja Laut,
50662 Kuala Lumpur, Malaysia.
Tel: 03-2938955
Fax: 03-2914345
E-mail: ppas@mustic.gov.my.

Dato' Zul Mukhshar Dato' Md. Shaari,
Director General,
Forestry Department Peninsular Malaysia,
Jalan Sultan Salahuddin,
50660 Kuala Lumpur, Malaysia.
Tel: 03-2941233
Fax: 03-2925657
E-mail: zul@forestry.gov.my

Mr.Thang Hooi Chiew,
Deputy Director General,
Forestry Department Peninsular Malaysia,
Jalan Sultan Salahuddin,
50660 Kuala Lumpur,
Malaysia.
Tel: 03-2928644
Fax: 03-2925657
E-mail: hcthang@forestry.gov.my

Mr.Lee Hua Seng,
Deputy Director,
Forestry Department Sarawak,
Wisma Sumber Alam,
Jalan Stadium, Petra Jaya,
93660 Kuching,
Sarawak,
Malaysia.
Tel: 082-442377
Fax: 082-441377
E-mail: hauseng@po.jaring.my.

Mr.Frederick Kugan,
Head of Planning Division,
Sabah Forestry Department,
Beg Berkunci No. 68,
90009 Sandakan,
Sabah,
Malaysia.
Tel: 089-660626
Fax: 089-673440
E-mail: fhutan@tm.net.my

MONGOLIA
Mr. Dorjtseden Lamjav,
Deputy Director of Department of Policy Coordination,
Ministry of Nature and Environment,
Government Building No.3,
Bugatoiruu-44, Ulaanbaatar II,
Mongolia.
Tel: (976-1) 312257
Fax: (976-1) 321401
E-mail: Baigyam@magicnet.mn

MYANMAR
Dr. Kyaw Tint,
Director General,
Forest Department,
Bayint Naung Road,
West Gyogone, Insein Township,
Yangon, Myanmar.
Tel: 095-681754
Fax: 095-01-664336/095-01-665592

THE PHILIPPINES
Mr. Al-Rashid H. Ishmael al Hadj,
Director,
Forest Management Bureau,
Department of Environment and Natural Resources,
Visayas Avenue, Q.C. Philippines.
Tel: 927-47-88/925-21-38

THAILAND
Mr. Supparat Samran,
Chief International Cooperation Section,
Royal Forest Department,
61, Paholyothin Road, Chatuchak,
Bangkok 10990 Thailand.
Tel: 66-2-5614823
Fax: 66-2-5614823
E-mail: ssamran@hotmail.com

VIETNAM
Dr. Pham Hoai Duc,
Department for Forestry Development,
Ministry of Agriculture and Rural Development,
2 Ngoc Ha, Hanoi,
Vietnam.
Tel: 8448439185
Fax: 8448438793

II. INTERNATIONAL ORGANISATIONS

ASEAN SECRETARIAT
Dr. Azmi Mat Akhir,
Assistant Director of Economic Cooperation,
(Food, Agriculture and Forestry),
Bureau of Economic Cooperation,
ASEAN Secretariat,
70A, Jalan Sisingamangaraja,
Jakarta 12110, Indonesia.
Tel: (6621) 726-2991 ext. 319
Fax: (6221) – 739-8234
E-mail: azmi@asean.or.id

FAO REGIONAL OFFICE IN BANGKOK
Mr. Patrick Durst,
Regional Forestry Officer For Asia Pacific,
FAO/RAP,
Maliwan Mansion, 39 Phra Atit Road,
Bangkok 10200, Thailand.
Tel: (66-2) 281-7844
Fax: (66-2) 280-0445
E-mail: Patrick.Durst@fao.org

IFF SECRETARIAT

Dr. Mahendra Joshi,
Forestry Advisor,
IFF Secretariat,
Two UN Plaza, DC 2 – 1268,
Department for Economic and Social Affairs (DESA),
United Nations,
New York, 10017 USA.
Tel: (212) 963-1972
Fax: (212) 963-3463
E-mail: joshi@un.org.

INTERNATIONAL TROPICAL TIMBER ORGANISATION (ITTO)

Mr. Amha Buang,
International Tropical Timber Organisation,
International Organisations Centre,
5th. Floor, Pacifico-Yokohama 1-1-1,
Minato-Mirai,
Nishi-ku, Yokohama 220, Japan.
Tel: 011(8145) 223-1111
Fax: 011(8145)223-1110
E-mail: itto@mail.itto_unet.ocn.ne.jp

UNITED NATION DEVELOPMENT PROGRAMME (UNDP)
Dr.Ramachandran Selva,
Asst. Resident Representative, UNDP,
Wisma UN, Blok C,
Kompleks Pejabat Damansara,
Jalan Dungun, Damansara Heights,
50490 Kuala Lumpur,
Malaysia.
Tel: 03-2559122
Fax: 03-2552870
E-mail: selva.ramachandran@undp.org.

Ms. Andrea Lockwood,
Short-term Project Staff,
Wisma UN, Blok C,
Kompleks Pejabat Damansara,
Jalan Dungun, Damansara Heights,
50490 Kuala Lumpur,
Malaysia.
Tel: 03-255-9122
Fax: 03-255-2870
E-mail: andrea.lockwood@undp.org

WETLANDS INTERNATIONAL (ASIA PACIFIC REGIONAL OFFICE IN KUALA LUMPUR)

Dr. Arthur Mitchell,
Executive Director, Wetlands International (Asia Pacific Regional Office in Kuala Lumpur),
3A39, Block A, Kelana Centre Point, Jalan SS 7/19,
Petaling Jaya,
47301 Selangor, Malaysia.
Tel: 03-704-6770, Fax: (03) 7046772
E-mail: mitchell@wiap.nasionet.net.

Ms. Amaravathy Sivalingam,
Program Officer,
Wetlands International (Asia Pacific Regional Office in Kuala Lumpur),
3A39, Block A, Kelana Centre Point,
Jalan SS 7/19, Petaling Jaya, 47301 Selangor,
Malaysia.
Tel: (03) 7046772
Fax: (03) 7046772
E-mail: amara@wiap.nasionet.net

III. NON-GOVERNMENTAL ORGANISATIONS
ASIA PACIFIC ASSOCIATION OF FORESTRY

RESEARCH INSTITUTIONS (APAFRI)
Mr. Ed Sutherland,
APAFRI, Secretariat,
Faculty of Forestry,
University Putra Malaysia,
43400 UPM Serdang,
Selangor, Malaysia.
Tel: 03-9160267
Fax: 03-9160266
E-mail: treelk@relay102.jaring.my

CENTER FOR NATURAL RESOURCES AND DEVELOPMENT STUDIES (HANOI UNIVERSITY)
Mr.Tran Ninth,
Center for Natural Resources and Development Studies,
Hanoi National University,
19 Le Thanh Tong Street, Hanoi
Tel: 8582178
Fax: 8582069
E-mail: tranninh@bdvn.vmmail.vnd.net

CENTER FOR ENVIRONMENT, TECHNOLOGY AND DEVELOPMENT, MALAYSIA (CETDEM)
Mr.Gurmit Singh,
Executive Director,
CETDEM,
P.O.Box 382,
46740 Petaling Jaya,
Selangor, Malaysia.
Tel: 603-7754039
Fax: 603-7754039
E-mail: cetdem@po.jaring.my

GLOBAL ENVIRONMENT NETWORK
Mr. Faizal Parish,
Director,
Global Environment Network,
7A, Jalan 19/29,
46300 Petaling Jaya,
Selangor,
Malaysia.
Tel: 603-7572007
Fax: 603-7577003
E-Mail : fparish@genet.po.my.

Mr.Looi Chee Choong,
Technical Officer,
Global Environment Network,
7A, Jalan 19/29,
46300 Petaling Jaya,
Selangor,
Malaysia.
Tel: 603-7572007
Fax: 603-7577003
E-Mail : cclooi@genet.po.my.

INSTITUTE FOR GLOBAL ENVIRONMENT STRATEGIES (IGES)
Mr. Komatsu Kiyoshi,
Research Associate,
The Institute for Global Environment Strategies,
1560-39 Kamiyamaguchi Hayama Kanagawa,
240-0198 Japan.
Tel: 81-468-55-3837
Fax: 81-468-55-3809
E-mail: komatsu@iges.or.jp

INSTITUTE OF BIOLOGICAL SCIENCES
Prof. Madya Dr. Noorma Wati Haron,
Institute of Biological Sciences,
University Malaya,
50603 Kuala Lumpur,
Malaysia.
Tel: 03-7594352
Fax: 03-7594178
E-mail: noorma@botany.um.edu.my.

JAPAN WILDLIFE RESEARCH CENTRE
Mr. Yoji Natori,
Japan Wildlife Research Centre,
2-29-3, Yushima,, Bunkyo-ku,
Tokyo 113-0034,, Japan.
Tel: 81-3-3813-8897
Fax: 81-3-3813-8898
E-mail: ynatori@jwrc.or.jp.

Mr. Sanei Ichikawa,
Japan Wildlife Research Centre,
2-29-3, Yushima,
Bunkyo-ku,
Tokyo 113-0034, Japan.
Tel: 81-3-3813-8897
Fax: 81-3-3813-8898
E-mail: sichikawa@jwrc.or.jp

Mr. Keiichi Kawase,
Research Scientist, Japan Wildlife Research Centre,
2-29-3, Yushima, Bunkyo-ku
Tokyo 113-0034,Japan.
Tel: 81-3-3813-8897, Fax: 81-3-3813-8898
E-mail: kkawase@jwrc.or.jp

MALAYSIAN NATURE SOCIETY
Ms. Melissa Renganathan,
Malaysian Nature Society,
JKR 641, Jalan Kelantan,
Bukit Persekutuan,
50480 Kuala Lumpur, Malaysia.
Tel: 03-2873304
Fax: 03-2878773
E-mail: natsoc@po.jaring.my

NATIONAL COUNCIL OF WOMEN'S ORGANISATIONS
Ms. Ramani Gurusamy,
Hon. Secretary General,
National Council For Women's Organisations,
157, Jalan Tun Razak,
50400 Kuala Lumpur, Malaysia.
Tel: 03-2928696
Fax: 03-2989251

Dr. Thilla Chelliah,
Secretary General,
National Council For Women's Organisations,
157, Jalan Tun Razak,
50400 Kuala Lumpur,
Malaysia.
Tel: 03-2928696
Fax: 03-2989251

PERSATUAN ORANG ASLI SEMENANJUNG MALAYSIA (Assoc. of Aborigines Peninsular Malaysia)
Ms. Melati Jamil,
Persatuan Orang Asli Semenanjung Malaysia,
Pusat Kebudayaan Orang Asli,
Kilometer 24, Jalan Pahang,
53100 Gombak, Selangor,
Malaysia.
Tel: 03-016-2778161
Fax: 03-6851887

SARAWAK TIMBER ASSOCIATION (STA)
Mr. Barney Chan,
P.O.Box 171,
Sarawak Timber Association,
10th. Floor, Wisma Sumber Alam,
Petra Jaya,
93050 Kuching,
Sarawak,
Malaysia.
Tel: 082-442935/442936
Fax: 082-441477/442408
E-mail: sta@pop.jaring.my.

TRAFFIC SOUTHEAST ASIA

Mr. Chen Hin Keong,
TRAFFIC Southeast Asia,
M19B, 2nd. Floor, Jln. Pasar (1/21),
Petaling Jaya Old Town,
46000 Petaling Jaya,
Selangor, Malaysia.
Tel: 03-7944097
Fax: 03-7947220
E-mail: tsea@po.jaring.my

IV. OBSERVERS

COSTA RICA-CANADA INITIATIVE (CRCI)
Mr. Mike Fullerton,
Senior Policy Advisor,
Canadian Forest Service,
Natural Resources Canada,
580 Booth Street, 8th. Floor, Ottawa, Ontario, Canada.
Tel: 613-9479082
Fax: 613-9479033
E-mail: fullert@nrcan.gc.ca.

Mr. Ricardo Ulate,
Ministry of Environment,
P.O.Box. 10104-1000,
San Jose, Costa Rica.
Tel: (506)257-1417/257-6239
Fax: (506)257-0697
E-Mail: rulate@ns.minae.go.cr

MINISTRY OF PRIMARY INDUSTRIES, MALAYSIA

Mr. Abdul Hanan Alang Endut,
Under Secretary,
Timber Industry Division,
Ministry of Primary Industries,
Menara Dayabumi,
Jalan Sultan Hishamuddin,
50654 Kuala Lumpur, Malaysia.
Tel: 03-22747511
Fax: 03-22745014

Mr. Abdul Hamid Ismail,
Under Secretary,
International Division,
Ministry of Primary Industries.

Mr. Abdul Aziz Mohamed,
Principal Assistant Secretary,
International Division,
Ministry of Primary Industries.

Mr. Nik Adnan Nik Abdullah,
Principal Assistant Secretary,
Forestry Industry Division,
Ministry of Primary Industries.
E-Mail: nikadnan@kpu.gov.com.my

MINISTRY OF FOREIGN AFFAIRS

Mr. Dzulkefly Abdullah,
Global Economic Development and
Environment Division,
Ministry of Foreign Affairs,
Wisma Putra,
Kuala Lumpur, Malaysia.
Tel: 03-2488088
Fax: 03-2424551

FOREST RESEARCH INSTITUTE MALAYSIA (FRIM)
Dato' Dr. Abdul Razak Mohd. Ali,
Director General,
Forest Research Institute Malaysia,
Jalan FRI, Kepong,
52109 Kuala Lumpur,
Malaysia.
Tel: 03-6342633
Fax: 03-6367753
E-mail: razak@frim.gov.my

Dr. Abdul Rahim Nik,
Director,
Special Unit (IUFRO),
Forest Research Institute Malaysia.
E-mail: rahimnik@frim.gov.my

DEPARTMENT OF ORANG ASLI AFFAIRS
Mr.Husni Redza b. Hj.Daud,
Department of Orang Asli Affairs,
Tingkat 20 & 20M, West Block,
Wisma Selangor Dredging,
142-C, Jalan Ampang,
50450 Kuala Lumpur, Malaysia.
Tel: 03-2610577/2610994
Fax: 03-2621470

MALAYSIAN TIMBER INDUSTRY BOARD (MTIB)

Dato' Haji Abdul Rashid Mat Amin,
Director General, Malaysian Timber Industry Board,
Tkt.13-17 Menara PGRM,
No. 8, Jalan Pudu Ulu, Cheras,
56100 Kuala Lumpur, Malaysia.
Tel: 03-9822235
Fax: 03-9851477
E-mail: mtib@po.jaring.my

MALAYSIAN TIMBER COUNCIL (MTC)
Dato' Ismail Awang,
Chief Executive Officer,
Malaysian Timber Council,
Tingkat 18, Menara PGRM,
No.8, Jalan Pudu Ulu, Cheras,
56100 Kuala Lumpur, Malaysia.
Tel: 03-9811999
Fax: 03-9828999
E-mail: ceo@mtc.com.my

Ms.Aimi Lee Abdullah,
Deputy Director,
Public & Corporate Affairs,
Malaysian Timber Council.
E-mail: aimi@mtc.com.my

NATIONAL TIMBER CERTIFICATION COUNCIL (NTCC)

Dato' Dr. B.C.Y Freezailah,
Chairman,
National Timber Certification Council,
15th. Floor, Menara PGRM,
No.8 Jalan Pudu Ulu,
Cheras, 56100 Kuala Lumpur, Malaysia.
Tel: 03-92005008
Fax: 03-92006008
E-mail: ntcc@tm.net.my.

Mr. Chew Lye Teng,
Chief Executive Officer,
National Timber Certification Council.
E-mail: ntcc@tm.net.my.

UNIVERSITY PUTRA MALAYSIA

Prof. Dr.Rusli Mohd.
Dean, Forestry Faculty,
University Putra Malaysia,
43400 Serdang, Selangor, Malaysia.
Tel: 03-9486101ext 2410
Fax: 03-9432514
E-mail: rusli@forr.upm.edu.my

V. FACILITATORS

Mr. Amha Buang,
International Tropical Timber Organisation.

Dr.Wan Razali Wan Mohd.
Deputy Director General,
Forest Research Institute Malaysia,
Jalan FRI, Kepong,
52109 Kuala Lumpur, Malaysia.
Tel: 03-6352534, Fax: 03-6367753
E-mail: razali@frim.gov.my.

Dr. Roslan Ismail,
Director,
Regional Centre For Forest Management,
c/o Forest Research Institute Malaysia,
Jalan FRI, Kepong,
52109 Kuala Lumpur,
Malaysia.
Tel: 03-6342633
Fax: 03-6367753

VI. RAPPORTEURS

Dr. S.Appanah,
Director,
Natural Forests Division,
Forest Research Institute Malaysia,
Jalan FRI, Kepong,
52109 Kuala Lumpur, Malaysia.
Tel: 03-6342152
Fax: 03-6367753
E-Mail: appanah@frim.gov.my

Ms. Amaravathy Sivalingam,
Wetlands International (Asia Pacific Regional Office in Kuala Lumpur).

Mr. Patrick Durst,
Regional Forestry Officer For Asia Pacific,
FAO/RAP.

VII. ASSISTANT RAPPORTEURS

Mr. Chin Yue Mun,
Forestry Department Peninsular Malaysia,
Jalan Sultan Salahuddin,
50660 Kuala Lumpur, Malaysia.
Tel: 03-2988244
Fax: 03-2925667
E-Mail: chinym@forestry.gov.my.

Mr. Yong Teng Koon,
Forestry Department Peninsular Malaysia.
E-Mail: tkyong@forestry.gov.my.

Mr. Ahmad Zainal Mat Isa,
Forestry Department Peninsular Malaysia.
E-mail: azainal@forestry.gov.my.

Mr.Samsudin Musa,
Forest Research Institute Malaysia.
E-Mail: shams@frim.gov.my

Raja Badrulnizam Raja Kamarzaman,
Malaysian Timber Council.
E-Mail: badnl@mtc.com.my

Mr. Kamaruzaman Othman,
Malaysian Timber Industry Board.
E-Mail: mtib@po.jaring.my.

Ms. Aziyah Mohamed,
Ministry of Primary Industries.
E-Mail: aziyah@kpu.gov.my

VIII. SECRETARIAT

Mr.Jusoh Saleh,
Ministry of Primary Industries.
E-Mail: jusoh@kpu.gov.my

Mr. Sulaiman Harmain Shah,
Ministry of Primary Industries.
E-Mail: sulaiman@kpu.gov.my

Mr. Abdul Wahid Abu Salim,
Ministry of Primary Industries.

Mr. Hasnan Zahedi Ahmad Zakaria,
Forestry Department Peninsular Malaysia.
E-Mail: hasnan@forestry.gov.my

Ms. Norsham Abdul Latip,
Ministry of Primary Industries.

Mr. Tg. Abdullah Tg Ismail,
Forestry Department Peninsular Malaysia.

Mr. Mohd. Nizum Mohd. Noor,
Forestry Department Peninsular Malaysia.

Costa Rica-Canada Initiative

REGIONAL MEETING

East and Southeast Africa
September 6 to 10, 1999
Mutare, Zimbabwe

Experts from the following countries participated:

Angola	Ghana	Seychelles	Tanzania
Botswana	Kenya	South Africa	Uganda
Congo, D.R. of	Malawi	Namibia	Zambia
Ethiopia	Mauritius	Swaziland	Zimbabwe

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The Timber Producers' Federation and Timber Council of Zimbabwe kindly provided a dinner on the fourth day of the meeting.

The organizing committee of the regional meeting, facilitators, plenary chairmen and rapporteurs deserve most grateful acknowledgement for their efforts. Thanks are due to the Government of Zimbabwe for hosting the meeting.

EXECUTIVE SUMMARY

Introduction

The international community has been discussing a wide range of elements, related to the management, conservation and sustainable development of all types of forest. It has been difficult to reach an agreement regarding the instruments that might best address these elements. Therefore, Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of the Intergovernmental Forum on Forest (IFF) to identify possible elements and work towards a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument (LBI) on all types of forests. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative forum to facilitate technical discussion on legally binding instruments on all types of forests and consider possible elements of such instruments (LBIs).

The Costa Rica-Canada Initiative (CRCI) consists of three stages. The first stage was an expert meeting held in San Jose, Costa Rica, from February 22 to 26, 1999. The second stage consists of a series of regional meetings, in which the benefits and possible elements of international arrangements and mechanisms on forests will be analysed from the regional perspective. The first regional meeting was held in Kuala Lumpur, Malaysia. The East and Southern Africa regional meeting is the second meeting, held between September 6 to 10, 1999, in Mutare, Zimbabwe. The other meetings will be held in Turkey, Cameroon, Spain, Argentina, Ecuador and Mexico. The third stage will be the final meeting in Canada at the end of 1999, to consolidate the results of the experts' meeting in Costa Rica, and the contributions of the regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the Intergouvernemental Forum and Forests in early 2000.

Objectives and structure of the regional meeting

The objectives of the meeting were to:

- analyse the elements identified from the experts' meeting in San José, Costa Rica, and add new elements considered important to the region; and
- analyse from a regional perspective, the usefulness of having international arrangements and mechanisms, for example, an LBI on all types of forests.

The meeting was structured such that the participants were first appraised of the issues related to the conventions. Four keynote papers were presented in plenary to give participants a common understanding of existing international instruments and their implementation at the regional level. A detailed analysis of the elements was given in plenary

so that participants could acquaint themselves with the 80 elements. Detailed analyses of the elements and options was done in group work and the results of these analysis were presented in plenary. The pros and cons of those elements, which have a potential to be considered in LBIs, were also discussed so as to advance the elements for further consideration. An evaluation of the meeting was done by filling out forms and through discussions in groups. The forms were sent to the CRCI Secretariat for analysis, but the results of the group discussions are reported in these proceedings.

Participation

The meeting was attended by 85 participants and 13 observers from 15 Southern and Eastern African countries from government, intergovernmental institutions, non-governmental organizations (NGOs) the private sector, indigenous peoples and local authorities. Representatives from the CRCI, Cameroon and Turkey were also present at the meeting. The representatives from the later two countries were invited so that they could learn from the experiences of the meeting and use the what they learned when their countries host their own respective regional meetings.

Welcoming Addresses

Mr. P. Kariwo, Chairman of the regional meeting welcomed the delegates. The meeting was opened by Mr. E. Chindori-Chininga, Deputy Minister, Ministry of Mines Environment and Tourism, who suggested that the participants take a holistic approach to Sustainable Forest Management (SFM) and let Africa's voice be heard in all international deliberations.

Ms. F. Bergeron, a Co-manager of the CRCI, in her introductory remarks, thanked the Government of Zimbabwe for agreeing to host the regional conference and the Governments of Finland, the United Kingdom and Germany for their financial support of the meeting. She urged the participants to take every opportunity to express their views at the meeting.

Keynote Presentations

It was necessary to give the regional participants a wider and better understanding of the complex issues involving on the CRCI. Four key speakers deliberated on these complex issues and covered the following:

- the background of the initiative (an overview of inter-governmental deliberations on forest Policy);
- overview of international conventions affecting the management, conservation and sustainable development of all types of forests;
- overview of legally non-binding instruments;
- overview of the regional experience with international instruments.

Brief summaries of each of the papers are highlighted below:

An overview of Intergovernmental Deliberations on Forest Policy

This paper was presented by Dr. J. Maini. The paper touched on the principles that have guided the forest policy deliberations as:

- the sovereign rights of states to use their resources to meet their national policy objectives and priorities;
- that states have a right to economic development in the context of their social, economic, environmental and political conditions; and
- that states have the responsibility to ensure that activities, within their jurisdiction, do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

The expanding scope of forest concerns has led to international dialogues/agreements and co-operation in areas of forest and environmental management. Some of these concerns have been outlined as:

- global deforestation, which is at the rate of 15 million hectares per annum;
- 300 to 400 million, people live in and around forests and depend on them for their sustenance;
- international trade; and
- transnational environmental problems.

Overview of International Conventions Affecting the Management, Conservation and Sustainable Development of All Types of Forests

This paper was presented by Mr. D. Marongwe. The paper listed the major environmental conventions that address forest related issues as the:

- Convention on Biological Diversity (CBD);
- United Nations (UN) Convention to Combat Desertification (UNCCD);
- UN Framework Convention on Climate Change (UNFCCC);
- (RAMSAR) Convention on Wetlands of International Importance especially as Waterfowl Habitat;
- Conventional on the International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- World Heritage Convention (WHC);
- International Tropical Timber Agreement (ITTA); and
- Indigenous Peoples' Convention of the International Labour Organization.

The paper points out the shortcomings of the convention as:

- their limitation in effectively dealing with forest issues; and
- their failure to define any concrete arrangements or regulations that can be applied or enforced.

An Overview of Legally Non-binding International Instruments and Initiatives for the Enhancement of the Conservation and Sustainable Management of Forest Resources

This paper was presented by Dr. D. Gwaze and highlights the legally non-binding instruments and initiatives as:

- the Forest Principles;
- Agenda 21, Chapter 11;
- Intergovernmental Panel on Forests (IPF) Proposals for Action;
- Forestry Sector Planning Initiatives;
- Forestry Partnership Agreements (FPAs);
- International and Regional Processes on Criteria and Indicators for Sustainable Forest Management; and
- Certification.

The paper identifies the strengths, weaknesses and major gaps in the implementation of some of these instruments and initiatives. Their strengths lay in their ability to allow for innovation, as well as being less costly to negotiate compared to LBIs. The major gaps have been mainly the lack of priorities and political commitment, limited financial resources, lack of financial mechanism for SFM, the inability of the Globel Environmental Facility (GEF) to support forestry management and the absence of a clear definition of SFM.

Overview of Regional Experiences, with International Instruments

This paper was presented by Mr. P. Gondo and relates to the conventions already discussed. It recognizes the participation, by the region, in various committees. Poor in-country consultations and the inconsistency of delegates at these committee meetings have rendered the involvement ineffective. Progress in implementing the different conventions is noted with CBD and UNFCCC. Little progress has been recorded with Convention on Control of Desertification (CCD). Significant progress is evident with CITES and ITTA because of the strong trade link.

Domestic finance has by far been the major source of funding. The GEF has been the only significant multilateral financing mechanism for project support. However, GEF does not support sustainable forest management.

The paper recommends a thorough analysis of the extent to which the lack of capacity has impacted on the region's failure to take advantage of some of the provisions. Concerns have been raised regarding the following:-

- weak participation by the region in the decision-making process that result in domination by northern countries;
- additional obligation's on the region's already limited financial and human resources;
- violation of the principles of sovereignty on the grounds of globalization;
- issues of financing are complicated by unclear terms, such as incremental costs, new and additional financing mechanisms and enabling activities;
- poor private sector investment in the region; and
- lack of any significant difference in investment between volatile and stable regions, where good governance has been a yardstick.

Approach to Analysing the Elements and Options

The standard approach of the CRCI was applied in the meeting with a few modifications.

Prior to the meeting, the Zimbabwean organizing committee sent the list of elements to all the countries and requested that the countries submit additional elements pertaining to situations that obtain in their respective countries. Five countries, namely Botswana, Kenya, Malawi, the Seychelles and Zimbabwe, submitted additional elements. National workshops were held in South Africa and Zimbabwe. All the elements were then reviewed and 80 elements were presented for analysis at the meeting. Dr. S. Chigwerewe presented a list of all the elements, giving full explanations and the context of the discussion.

For the purpose of analysing the elements, the participants were divided into four groups and each group was tasked to analyse 20 elements. A facilitator and a rapporteur were assigned to each group. The analyses identified the options under which each element could be addressed. The options included:

- existing LBIs;
- new legally binding international instruments; and
- legally non-binding instruments and initiatives.

After deliberating on the various options, the pros and cons of using either legally binding and non-binding instruments were discussed. Emphasis was placed on the pros and cons of the legally binding option. This provided a better understanding of the key elements. An evaluation of the meeting was done by filling in evaluation forms. Group evaluations were also done to identify and document the range and diversity of views on further actions that would facilitate the building of international consensus on matters relating to Category III of the IFF's program of work.

Results of the Group Discussions

The meeting provided a neutral, transparent and participatory forum for discussing the key elements. All the elements were analysed and all the views and options suggested by the groups were recorded. These are presented in detail in the results sections. The views are recorded in tabular form for easy reference. The elements that were identified as being crucial and warranting further consideration in an LBI were:

- criteria and indicators for SFM; traditional forest related knowledge; ecosystem management; protected area management; soil and water management; forest practices; rights of indigenous people and local communities; equitable benefit sharing; resource tenure and biotechnology.

The pros and cons for addressing these issues under an LBI were also discussed. The potential to reach some form of consensus, on the elements, was also considered and for the above elements chances of reaching a regional consensus was high. This formed the basis of advancing the elements to be considered under a legally binding option.

An evaluation of the meeting was done as the last step, and the results are also presented in these proceedings. The main feedback from the evaluation was that there was need for an indepth country consultation to come up with national elements that could be advanced to the regional level. However, most participants appreciated that the meeting was very informative on the elements, conventions and possible options, and will greatly help the region's deliberations in future meetings on the initiative. The meeting was cited as the first-ever meeting involving a number of African countries with such broad stakeholder participation on international conventions, and as such was highly valued and appreciated.

LIST OF PARTICIPANTS

Ms. H. Bailey
Environment 2000
Box A 639
Avondale
ZIMBABWE
Telephone: 04-302886/302276
Fax: 04-339691
E-mail: e2000kb@samara.co.zw

Mrs. S. Baker
Forestry Commission
P. O. Box H.G. 139
Highlands, Harare
ZIMBABWE
Telephone: 04-498078
Fax: 04-497066
E-mail: frchigh@harare.iafrica.com

Mr. L.M. Barradas
ANGOLA
Telephone: 244-2-323934
Fax: 244-2-323934

Ms. L. Bethlehem
DWAF, SOUTH AFRICA
Telephone: 27-12-3367734
Fax: 27-12-3286041

Mr. F. Bojang
OAU, P.O. Box 3243
Addis Ababa, ETHIOPIA
Telephone: 251-1-517700
Fax: 251-1-517844

Ms. E. Boyd
CIFOR Regional Office
UZ, Harare
ZIMBABWE
Telephone: 04-334834/5
Fax: 04-334834
E-mail: emilygboyd@hotmail.com

Mr. G.K. Bruce
Environ Forest
37 Bunting Street
Greenside, Mutare
ZIMBABWE
Telephone: 020-67158
Fax: 02067158

France Bergeron
CRCI Secretariat
580 Booth St/8th Fl
Ottawa, Ontario K1A 0E4
CANADA
Telephone: 613-943-5258
Fax: 631-947-9033
E-mail: fbergero@nrcan.gc.ca

Mr. M. Chambwera
WWF Box CY1409
Causeway, Harare
ZIMBABWE
Telephone: 723870/703902
Fax: 723870/703902
E-mail: mchabwera@wwf.org.zw

Mrs. K. Chatora
Forestry Commission
Mutare
ZIMBABWE
Telephone: 020-64515
Fax: 020-62446
E-mail: prm@fczim.com

Dr. S. Chigwerewe
Forestry Commission
Ngamo, Bulawayo
ZIMBABWE
Telephone: 09-77224
Fax: 09-74825

Mr. M. Chihambakwe
ENCON Associates
Box BW 1061
Harare
ZIMBABWE
Telephone: 885208
Fax: 885208
E-mail: mchihambakwe@hotmail.com

Mr. F. Claude
ONADEF/MINEF
CAMEROON
Telephone: 237-214187
Fax: 237-215350
E-mail: onad@Comment.cm

Mr. P.M.R. Dlamini
Forestry Division
SAPPI USUTU
SWAZILAND
Telephone: 268-4046361
Fax: 268-4041547

Mr. D. Donkor
Institute of Cultural Affairs
Box 02060
OSU
Accra
GHANA

Mr. D. Duwa
Forestry Commission
P.O. Box 322
Mutare
ZIMBABWE
Telephone: 020-64515
Fax: 020-62378

Mrs. E. Dzathor
Institute of Cultural Affairs
Box 02060, OSU
Accra
GHANA

Mr. G. Gambiza-Moyo
ZBC
Box 9048
Mbare, Harare
ZIMBABWE
Telephone: 04-735405
Fax: 04-791003

Mr. S.T. Gamedze
Ministry of Agriculture
Box 162
Mbabane
SWAZILAND
Telephone: 268-4042731
Fax: 268-4044700

Mrs. J. Gombe
Forestry Commission
P.O. Box 322
Mutare
ZIMBABWE
Telephone: 020-64515
Fax: 020-62378

Mr. P.C. Gondo
SAFIRE
P.O. Box BE398
Harare
ZIMBABWE
Telephone: 04-795461
Fax: 04-795461

Dr. D.P. Gwaze
Forestry Commission
Harare
ZIMBABWE
Telephone: 04-496878/9
Fax: 04-497070
E-mail: frchigh@harare.iafrica.com

Mr. J. Henmer
Pulpwood Company
ZIMBABWE

Mr. B. Johnstone
Timber Producers Federation
P.O. Box 1736
Mutare
ZIMBABWE
Telephone: 020-60959
Fax: 020-60959

Mr. Kalume Sefu
DRC NGO
"Faune Et Vie"
Kinshasa
Telephone: 243-8802334
Fax: 2438802392

Mr. K.M. Kambeu
Forestry Department
P.O. 110006
Solwezi
ZAMBIA
Telephone: 260-8-821201
Fax: 260-8-821650

Mr. J. Kamugisha
EC Forest Project
P.O. Box 5244
Kampala
UGANDA
Telephone: 256-41-236016
Fax: 256-41-234880
E-mail: ecforest@starcom.co.ag

Dr. Mujinga Kankolongo
Min of Env Forests & Fishing
15 Khama Avenue
Papaillou
Karitiye, Gumi
DRC
Telephone: 243-8802093
Fax: 243-8802392

Mr. P. Kariwo
Forestry Commission
P.O. Box HG 139
Highlands, Harare
ZIMBABWE
Telephone: 04-498078
Fax: 04-497066

Mr. S. Kasere
Campfire Association
P.O. Box 661
Harare
ZIMBABWE
Telephone: 04-747462
Fax: 04-747470

Dr. Y. Katerere
IUCN Regional Office for Southern Africa
Box 745
Harare
ZIMBABWE
Telephone: 04-728266/7
Fax: 04-720738

Mr. L. Katsvairo
Biomass Users Network
Postal Bag 776
Causeway
Harare
ZIMBABWE
Telephone: 04-773395
Fax: 04-793313
E-mail: mmapako@internet.co.zw

Dr. H.O. Kojwang
Directorate of Forestry
Postal Bag 13346
Windhoek
NAMIBIA
Telephone: 264-61-222830
Fax: 264-61-221478
E-mail: Kojwang@forestry.met.gov.na

Mr. M. Kokwe
IUCN Regional Office for Southern Africa
Box 745
Harare
ZIMBABWE
Telephone: 04-728266/7
Fax: 04-720738

Dr. P. Konuche
Kenya Forestry Reseach
P.O. Box 20412
Nairobi
KENYA
Telephone: 254-154-32841
Fax: 254-154-32844

Dr. G. Kowero
CIFOR Regional Office
IES
Box MP167

Mr. F.A. Kulapani
District Forestry Office
Box 84
Dedza
MALAWI
Telephone: 265-220217
Fax: 265-781812

Mr. R. Kwerepe
Ministry of Agriculture
Postal Bag 003
Gaborone
BOTSWANA
Telephone: 267-580334/
Fax: 267-307057
E-mail: Brimp@infor.bw

Mr. Paul Louis Marie
Ministry of Environment – Forest Section
P.O. Box 445
Victoria
Mahe Islands
SEYCHELLES
Telephone: 248-224644
Fax: 248-224500
E-mail: doe@sychelles.net

Ms. E. Lusepani
No. 6 Parsons Street
NAMIBIA

Mr. Luvuyo Ndimeni
Department of Foreign Affairs
SOUTH AFRICA
Telephone: 27-12-3511474
Fax: 27-12-351165
E-mail: envconserve@foreign.gov.za

Dr. J. Maini
Secretariat Intergovernmental Forum on Forests
Room DC2-1270
Two United Nations Plaza, New York City
New York 10017
U.S.A.
Telephone: 1-212-963-3160
Fax: 1-212-963-3463
E-mail: maini,un.org

Mr. S. Manso
Institute of Cultural Affairs
Box 02060
OSU
Accra
GHANA

Mr. E. Mapfunde
Forestry Commission
F.I.T.C.
Box 977
Mutare
ZIMBABWE
Telephone: 020-63484
Fax: 020-61566

Mr. D. Marongwe
Ministry of Mines
14th Floor
Karigamombe Centre
53 S Machel
Harare
ZIMBABWE
Telephone: 04-748541/757881
Fax: 04-748541

Mr. C. Marunda
Forestry Commission
R & D c/o ZCF
Mutare
ZIMBABWE

Mr. G.P.L. Mbonde
Ministry of Natural Resources and Tourism
Box 426
Dar-es Salaam
TANZANIA
Telephone: 255-51-861657
Fax: 255-51-866162
E-mail: sapu@wilken-dsm.com

Mr. S. Mccartney
Forest Owners Association
Box 1556
Rivonia 2128
SOUTH AFRICA
Telephone: 27-11-803 3403
Fax: 27-11-808 8708
E-mail: forest@global.co.zw

Mr. Menang Evouna
ONADE/MINEF
CAMEROON
Telephone: 237-214 187
Fax: 237-215350
E-mail: ONADEF@CAMNET.CAM

Mr. J.A. Mhungu
Forestry Commission
P.O. Box 322
Mutare
ZIMBABWE
Telephone: 020-64515

Mr. S. Moyo
Forestry Commission
P.O. Box HG 139
Highlands, Harare
ZIMBABWE
Telephone: 04-498436
Fax: 04-497066

Mr. L. Mubaiwa
Forestry Commission
Box 660
Mutare
ZIMBABWE
Telephone: 020-62748
Fax: 020-61566

Ms. L. Mujakachi
Africa Resources Trust
P.O. Box A860
Harare
ZIMBABWE
Telephone: 263-4-732254
Fax: 263-4-731719
E-mail: mujakachi@art.org.zw

Mr. R. Mukombero
Forestry Commission
P.O. Box 40
Chimanimani
ZIMBABWE
Telephone: 026-2440/1
Fax: 026-2966

Mr. M.D. Munemo
Natural Resources
Box CY 385
Causeway, Harare
ZIMBABWE
Telephone: 04-729136
Fax: 04-793123
E-mail: dnrnatr@cst.co.zw

L. Munjoma
Daily News
ZIMBABWE

Mr. E. Mutamba
P.O. Box 30395
ZNFU Stand
Show Grounds
Lusaka
ZAMBIA
Telephone: 260-1-252649
Fax: 260-1-252648
E-mail: znfu@zamnet.zm

Mr. C.R. Mutsiwegota
Forestry Commission
Bulawayo
ZIMBABWE
Telephone: 263-9-77224
Fax: 263-9-74825

Mrs. E.M. Edith Muza
Department of Information
Linquenda House
7th Floor
N Mandela Avenue
Harare
ZIMBABWE
Telephone: 04-705914
Fax: 04-736910

Mr. P.E.S. Mwale
Forestry Department
P.O. Box 30048
Lilongwe 3
MALAWI
Telephone: 265-781000
Fax: 265-781812
E-mail: sadcfstcu@malawi.net

Mr. B.K. Mwamba
Forestry Department of Zambia
P.O. Box 630116
Choma
ZAMBIA
Telephone: 260-032-20491
Fax: 260-032-21601

Mr. Veloso Nazare
ANGOLA
Telephone: 244-2-323934
Fax: 244-2-323934

Mr. A.D. Ncube
Forestry Commission
P.O. Box HG 139
Highlands, Harare
ZIMBABWE
Telephone: 011-206151

Mr. L. Okrah
Institute of Cultural Affairs
Box 02060
OSU
Accra
GHANA
Telephone: 2333-21-2241 67
Fax: 2333-21-221343
E-mail: icag@ghana.com

Mr. S.A. Paupiah
Forest Service
Botanical Garden
MAURITIUS
Telephone: 230-675 4966
Fax: 230-6743449
E-mail: forest@intnet,mu

Mr. N. Payne
Border Timbers Ltd.
P.O. Box 458
Mutare
ZIMBABWE
Telephone: 020-63821
Fax: 020-64564

Dr. R. Prabhu
CIFOR Regional Office
IES, UZ
Box MP 167
Harare
ZIMBABWE
Telephone: 263-4-334835
Fax: 263-4-334834
E-mail: rrabhu@cgiar.org

Mr. K. Ramachela
Forestry Commission
P.O. Box HG 139
Highlands
Harare
ZIMBABWE
Telephone: 263-4-498436-9
Fax: 263-4-497066

Mr. S. Roussety
Forest Service
Botanical Garden
MAURITIUS
Telephone: 230-6754966
Fax: 230-6743449
E-mail: forest@intenet.mu

Mr. J. Rudzuna
Forestry Commission
Bulawayo
ZIMBABWE
Telephone: 263-9-77224/5
Fax: 263-9-74825

Dr. A.M. Rukobo
ID, UZ
Box 880
Harare
ZIMBABWE
Telephone: 333341-3
Fax: 333345

Mrs. M. Sangarwe
Ministry of Mines, Environment and Tourism
Postal Bag 7753
Causeway, Harare
ZIMBABWE
Telephone: 04-757881/5
Fax: 04-755006

Dr. E.M. Shumba
Forestry Commission
Harare
ZIMBABWE
Telephone: 04-498921
Fax: 04-497070

Dr. P. Sibanda
Zinatha
Room No. 302
3rd Floor Reliance House
Speke Av/L Takawira
Harare
ZIMBABWE
Telephone: 04-698504
Fax: 04-698504

Dr. T. Simelane
DWAF
SOUTH AFRICA
Telephone: 27-123367734
Fax: 27-12-3286041
E-mail: ial@dwaf.pvw.gov.za

Mr. D. Sithole
ENDA Zimbabwe
1 Waterfield Road
Mount Pleasant
Box 1492
Harare
ZIMBABWE
Telephone: 263-4-301024
Fax: 263-4301024/69
E-mail: enda-zw@harare-iafrica.co

Mr. D.S. Sithole
Forestry Commission
P.O. Box 322
Mutare
ZIMBABWE
Telephone: 020-64515
Fax: 020-62378

Mr. L. Tawonezvi
Forestry Commission
P.O. Box 322
Mutare
ZIMBABWE
Telephone: 020-64515
Fax: 020-62378

Dr. Temba
SOUTH AFRICA
Telephone: 22-12-336 7740

Mr. Kayihan Temur
Ministry of Forestry
TURKEY
Telephone: 90-312- 4177724
Fax: 90-312- 4179160
E-mail: obdi-f@tr-net.net.tr

Mr. Ricardo Ulate
Costa Rica-Canada Initiative (CRCI) Secretariat
MINAE-SINAC
San José
COSTA RICA
Telephone: 506.257.6239
Fax: 506.257.0697
E-mail: rulate@ns.minae.go.cr

Mr. S. Valentine
Border Timbers Ltd.
P.O. Box 458
Mutare
ZIMBABWE
Telephone: 020-63821
Fax: 020-64564

Mr. S. Van Der Lingen
Border Timber Ltd.
P.O. Box 458
Mutare
ZIMBABWE
Telephone: 020-63821
Fax: 020-64564

Mr. M. Vielle
Ministry of Environment, Forest Section
P.O. Box 445
Victoria, Mahe Islands
SEYCHELLES
Telephone: 248-224644
Fax: 248-224500
E-mail: doe@sychelles.net

Costa Rica-Canada Initiative

REGIONAL MEETING

Europe
September 21 to 23, 1999
Madrid, Spain

Countries and organisations participating from:

Albania	Finland	Lithuania	Romania
Austria	France	Luxemburg	Russian Federation
Belgium	Germany	Malta	Slovak Republic
Belorussia	Greece	Moldavia	Slovenia
Bosnia and Herzegovina	Holy See	Monaco	Spain
Bulgaria	Hungary	Macedonia, F.Y.R. of	Sweden
Croatia	Iceland	Netherlands	Switzerland
Czech Republic	Italy	Norway	Turkey
Denmark	Latvia	Poland	United Kingdom
Estonia	Liechtenstein	Portugal	Ukraine

CHAPTER 1

Introduction

Background

In 1995, the United Nations (UN) Commission on Sustainable Development (CSD), at its third session, established the open-ended ad hoc Intergovernmental Panel on Forests (IPF) to pursue consensus and co-ordinated Proposals for Action to support the management, conservation and sustainable development of all types of forests. The IPF focused on 12 program elements on implementation of United Commission Sustainable Development (UNCED) forest-related decisions. The panel met four times from 1995 to 1997 and submitted its final report to CSD-5 in April 1997. The report contains approximately 140 proposals for action.

However, IPF delegates could not agree whether to begin negotiations on a global forest convention, or to continue the intergovernmental forest policy dialogue in some other form. CSD-5 adopted the IPF's report, and forwarded a set of recommendations to the UN General Assembly Special Session (UNGASS) in June 1997, to conduct an overall review and appraisal of progress in implementing the UNCED agreements. At UNGASS, the General Assembly decided to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended IFF under the aegis of the CSD. In addition, it decided that "the Forum should also identify the possible elements of and work toward consensus on international arrangements and mechanisms, for example, a legally binding instrument." The Economic and Social Council resolution 1997/65 established the IFF, with a mandate to report to CSD-8 in the year 2000.

The IFF held its organizational session (IFF-1) from October 1 to 3, 1997, in New York City. IFF-2 took place from August 24 to September 4, 1998, in Geneva, where delegates conducted background discussion on, inter alia, international arrangements and mechanisms. So did in IFF-3, held in Geneva from May 3 to 14, 1999, which not negotiated report included the notion of the functions as one of the main basis as to the determination of the added value of a legally binding instrument (LBI).

As the task of the UN Ad-Hoc IFF under Category III of its program of work is “to identify the possible elements of and work towards a consensus on international arrangements and mechanisms” for the implementation of the UNCED decisions, the point of departure for the entire IPF/IFF process, since 1995, was the agreement of the international community laid down in the forest-related decisions of UNCED (Agenda 21, Chapter 11 and Forest Principles). These decisions aim at a holistic and comprehensive approach to sustainable forest management and places the forest sector with all its components within the framework of the overall sustainable development efforts.

The discussion within IPF on future “international arrangements and mechanisms” had focused on possible gaps, overlaps and linkages in the existing international forest regime, and the immediate objective of IFF-4 is to embark on deliberations in an open and transparent manner as to arrive at an informed decision at IFF-4 in February 2000 and in CSD-8 in April-May 2000.

During discussions at IFF-2, the governments of Costa Rica and Canada announced their intention to collaborate to initiate a process to identify possible elements, and work towards a consensus on the usefulness of having international arrangements and mechanisms, for example, an LBI on all types of forests. Several delegates at IFF-2, the Spanish among others, supported the initiative and expressed interest in participating. The Costa Rica-Canada Initiative (CRCI) was based on the understanding that building consensus requires a process of clarifying issues and identifying commonalties. The initiative thus aims to facilitate exchanges of views through holistic and comprehensive discussions and open dialogue to enhance the consideration and identification of elements necessary to build a global consensus on the issue of international arrangements and mechanisms.

The initiative consists of three stages: the experts' meeting in San José; a series of regional and sub-regional meetings to follow San José; and a final meeting in Canada in December 1999.

The regional meetings built on the findings of the experts' meeting, analyzing the benefits and possible elements of both legal and non-legal instruments from the perspective of each of the major regions. The final meeting in Canada will consolidate the results of the San José meeting and the suggestions obtained from the regional meetings and produce general conclusions, that will be submitted to IFF-4.

Learning from the report of the first meeting of the CRCI, held at San José in February 1999, the approach attached in Annex 1 shows four steps in the study of the composition and objectives of the future forest dialogue:

- Step 1: identify a working list of possible elements;
- Step 2: identify options for addressing elements;
- Step 3: pros and cons; and
- Step 4: evaluation.

The main idea of utilization of the approach in Europe is to go through the process, first, at the national level, making a common revision and leaving the general conclusions for the regional meeting in September. This will have additional advantages like the possibility of involving more experts from each country, as well as representatives from non-governmental organizations (NGOs), research institutions, forest owners, regional governments and any other stakeholders, making the process as transparent and participatory as possible, with respect to each nations participation structures, and to save resources at the same time, as this method does not waste them when moving large delegations from each country to Spain.

Also, as the "Approach" has been developed before IFF-3 and does not consider the role of the so called "Functions", an actualization to the new conditions was needed. Due to these two ideas, a concept document has been developed for the preparations of the European regional meeting. This concept document is attached as Annex 2.

The European process

From the time of IFF-3, a steering committee, for the process in Europe, was established. It consisted of a balanced representation of all the sub-regions of Europe, formed with Spain as the host country with Germany, Finland and Portugal as the current and next Presidencies of the European Union (EU), Austria would host a preliminary meeting, Hungary and Latvia would represent countries in transition, and the Liaisson Unit of the Ministerial Conference of Protection of Forests in Europe, collaborated with the infrastructure.

The European meeting of the CRCI represents 41 countries, and the European Commission, as listed below:

ALBANIA	FINLAND	LITHUANIA	ROMANIA
AUSTRIA	FRANCE	LUXEMBURG	RUSSIAN FEDERATION
BELGIUM	GERMANY	MALTA	SLOVAK REPUBLIC
BELORUSSIA	GREECE	MOLDAVIA	SLOVENIA
BOSNIA AND HERZEGOVINA	HOLY SEE	MONACO	SPAIN
BULGARIA	HUNGARY	MACEDONIA, F.Y.R. OF	SWEDEN
CROATIA	IRELAND	NETHERLANDS	SWITZERLAND
CZECH REPUBLIC	ICELAND	NORWAY	TURKEY
DENMARK	ITALY	POLAND	UNITED KINGDOM
ESTONIA	LATVIA	PORTUGAL	UKRAINE
EUROPEAN COMMISSION	LIECHTENSTEIN		

Additional invitations were sent to the Co-presidents of the initiative, the Co-presidents of the IFF, and some other observers.

The steering committee decided also to include the various European level NGOs in the meeting, and responding to this decision, the following organisations were invited to participate in the process:

Council of Europe

Europe Forest Owners Confederation	CEPF
Europe Pulp and Paper Industries Confederation	CEPI
Europe Timber Industries Confederation	CEI Bois
European Council of Agriculture	ECA
European Forest Institute	EFI
European Foresters' Union	UEF
European Landowners' Organization	ELO
European Observatory of Mountain Forests	EOMF
European Organization of Community Forests	FECOF
European Union Agricultural Organizations Committee	COPA
Fern	
Food and Agriculture Organization	UN/FAO
Global Forest Policy	IISD
Greenpeace International-Europe	
IFF Secretariat	
International Union for Conservation of Nature	IUCN
International Union of Forest Research Organisms	IUFRO
International Tropical Timber Organization	ITTO
UN Development Program	UNDP
UN Economic Commission for Europe	UN/ECE
UN Environmental Program	UNEP
Union of Silviculteres of Southern Europe	USSE
World Wide Fund for Nature-Europe	WWF

The steering committee decided that it would be also very useful to have a preparatory meeting with countries in transition and the meeting took place, due to the kind offer of the Austrian government, in the city of Gmunden. In this one day meeting, there were presentations on the UN/CSD processes (Mr. Günther Siegel), the IPF/IFF process (Mr. Mike Dudley), the IPF proposals for action (Mr. Christian Mersmann and Ms. Astrid Skala-Kuhman), the CRCI (Mr. Jacques Carette), and the European meeting (Mr. José M. Solano), and was useful to bring to the attention of a number of countries.

CHAPTER 2

The National Consultation Processes

As a starting point for the European exercise, it has been noted that management, conservation and sustainable development of all types of forests has been discussed for the last ten years within the framework of the the Pan-European Process and its three Ministerial Conferences on the Protection of Forests in Europe (Strasbourg 1990; Helsinki 1993 and Lisbon 1998).

European countries and organizations were asked to handle the first two steps of the exercise before hand, and forward the results of them to Spain, where the synthesis was going to be discussed.

In Step 1, countries and organizations were asked to identify a working list of possible elements for future arrangements. They were asked to use the list of issues as the outcome from IFF-3 discussions for the national processes.

In Step 2, countries and organizations were asked to identify options for addressing these elements. In doing so, they would consider at a national level, each of the issues coming from Step 1, three possible options. The first option covers existing LBIs including working within existing provisions, negotiating new provisions and developing protocols. If there is an issue partially covered by one of the instruments considered, the experts would address, including in the existing instrument, the part of the issue not covered yet. The second option about a new legally binding international instrument, where elements warrant a legally binding commitment and no existing instrument is believed to provide for such a commitment. The third option, of non-legally binding instruments and initiatives, includes new or existing soft law processes, civil society and voluntary instruments and initiatives.

More than one option could be addressed for each issue, and the criteria to be used for each issue and option was the consultation of the documentation to know if the issue is already covered or not by any instrument. The product of this step is a matrix of issues by one side and options by the other, with a signal in the square of the option to be considered for each issue.

Synthesis of National Reports

14 reports were received from different countries and one from an organization. The task of obtaining general conclusions has not been easy, as many of reports are the outcome of an ongoing consultation process within that country, and not all the reports keep to the format given by the organization of the meeting, but the proper of these national processes.

Nevertheless, most of the concerns, opinions and understandings can in general terms, be included in a general report about issues, functions and options, which are the general basis of the processes, although the format was different. So, it is to note that any national approach could be used as a framework for the synthesis report, as every national approach is equally valid.

The general concept has chosen, as a framework, to express the results of all the national processes, as this is the easiest way to translate different points of view, and this framework was understandable by most of people that attended the meeting.

Issues not Adequately Tackled by Existing International Forest Regime

The results of the national processes show that there are a number of issues that are not adequately tackled by existing International Forest Regime such as:

- national forest programs have a vague definition, lack a harmonized framework and resources, and lack commitments, as there is no political will to have them;

- forest conservation and protected areas issues are partially covered by the Convention on Biological Diversity (CBD) and by others, but not yet in an operational way, especially the issue of biodiversity conservation in production forests and the different interests of stakeholders (and the lack of criteria and indicators to establish priorities for the instauration). Another point is that in Europe, the additional value of strict forest protection is under debate, as every forest has to be sustainably managed;

- deforestation and forest degradation is not covered in a holistic way, and there are gaps in coverage, as well as a lack of synergies between instruments. Furthermore, the undervaluation of forests and their non-wood goods and services subsists as the main gap;

- restoration of degraded lands is partially covered, but there is no existing coverage in a holistic way, nor considering the specific conditions of low forest covered countries. The lack of resources for this restoration is the most generalised opinion;

- monitoring was the problem most widely found, as was the lack of co-ordination between different information sources and the need of continuous data to all institutions and instruments. There were opinions about different aspects like the lack of resources, common definitions, priorities, harmonized frameworks and commitments;

- taking into account the lack of transfer of technology and capacity build resources, the reports noted that structures exist, but are not integrated in other sectors of the forest sector, and due to different interests of stakeholders, actually there is no follow-up of the current instruments;

- in this issue, lack of financial resources was found, but lack of integrated programs to attract new resources was mentioned too. There was agreement about the existence of gaps in the existing international forest regime (e.g., private investments), but different interests of stakeholders make it difficult to find a final solution. As a basis, sustainable forest management should be seen as a profitable and viable sector;

- the valuation of goods and services has a technical problem, based on the difficulties in development and application of approaches, but the existing approaches are not used because of a lack of political will to apply them, due to the risk of market disturbances for example;

- trade and sustainable forest management is a very important issue for every country, there is no common understanding of connections between trade and sustainable forest management, although there is a risk of not considering social and cultural aspects in future free trade agreements;

- traditional forest related knowledge is a very controversial issue, which is partially covered by the CBD, but not yet operational because there is no common understanding on some aspects;

- work of institutions and instruments There were gaps and overlaps found and so, the lack of an instrument that tackle with it in a holistic and balanced way;

- international policy development is not covered at all yet. There is a strong need of co-operation in this issue, taking into account the holistic and comprehensive approach of United Commission Sustainable Development (UNCED).

In some national reports two new issues of global concern appeared that were not covered at all:

- concepts, terms and definitions; and
- the vital role of all types of forests and its transboundary dimensions

General conclusions about these issues from the national report show that:
1. all issues presented in the IFF document are important for most of the countries;
2. most of the issues reported can be somehow adapted to the proposed framework; and
3. the existing international forest regime shows:
    - gaps and overlaps;
    - lack of synergies;
    - uncertainity in focus;
    - limitations in effective implementation and compliance.

Functions of any Future International Forest Regime

Each country was asked to look at key functions of the future global forest policy dialogue. The discussion on functions included a short analysis of the deficiencies, of the international forest regime, to fulfil the mandate of UNCED and also included a short analysis of the experiences made so far with the IPF-IFF process.

The country documentation included the paper produced by (IFAG) about the topic.

The analysis of the national consultation processes, made by the chair, resulted in the formulation of all different comments in five main headlines, or main functions. These five functions, as expressed in a general way, included some different interpretations or ways of expression in the reports from the countries, such as:

1. common global objectives;
    - establishing global goals, objectives and adapting forest principles;
    - adapt forest programs objectives to a global framework;
2. co-ordination and synergies;
    - co-ordination within the international forest regime; building synergies for effective implementation;
    - co-ordination within global forest policy dialog;
    - review and strengthen an umbrella for international mandates;
    - provision of a comprehensive institutional and legal framework;
    - co-ordination of the assistance to (D.C.) and (CiTs);
    - support of national measures taken by other instruments;
3. implementation and commitments;
    - implementing the international forest regime; national reform processes and compliance with international obligations;
    - support national reform processes;
    - securing political commitment at the highest political level;
    - translate political commitment into action;
    - assess and review progress;
4. international forum;
    - provision of an international permanent forum for consensus building to address issues of global concern;
    - promote a better global understanding of sustainable forest management (SFM);
    - provide a comprehensive framework for all instruments;
5. participation and equity;
    - promote equality and equity between countries; and
    - ensure transparency and participation of all relevant stakeholders.

The general conclusions about the functions the were derived from the national reports were:

- most of the reports demonstrate the need and usefulness of determining functions and a good understanding of the functions concept;
- most of reports present the same idea, but sometimes are expressed in different ways; and
- a new function about equity and transparency appears.

Relationship between issues and options

The national processes were asked to analyse issues against different options for possible future international forest regimes. The synthesis of this analysis is summarized in the following tables.

The ciriteria used to cover this matrix were the answers given by the countries to the following questions:

- how would each option fulfil the different functions of the forest dialog beyond 2000 for the implementation of UNCED, IPF and IFF decisions;
- which are the added values of each of these options for the forest sector of my own country;
- which are the added values of each of these options for the international community forestry sector;
- which are the added values of each of these options for developing countries;

	Covered by Existing Global LBIs	Covered by Existing Regional LBIs	To be covered by New Global LBI	To be covered by New Regional LBI	To be covered by New Global Non-LBI	To be covered by New Regional Non-LBI
National forest programs			✓			
Forest conservation, unique types of forests and protected areas			✓	✓	✓	✓
Combatting deforestation and forest degradation			✓	✓		
Rehabilitation and restoration of degraded forest lands, and the role of planted forests			✓	✓		
Monitoring, assessment and reporting			✓	✓		
International co-operation in capacity building and access to and transfer of environmentally sound technologies to support sustainable forest management			✓	✓		

Matrix 1a: Analytical work made to address relationship between issues and options

	Covered by Existing Global LBIs	Covered by Existing Regional LBIs	To be covered by New Global LBI	To be covered by New Regional LBI	To be covered by New Global Non-LBI	To be covered by New Regional Non-LBI
Financial resources			✓	✓		
International trade and sustainable forest management			✓			
Forest related scientific research					✓	✓
Traditional forest-related knowledge			✓	✓		
Forest related work of institutions and instruments			✓			
Vital role of all types of forests and transboundary dimensions			✓			
Concepts, terminology and definitions			✓			
International policy development and priority setting for action			✓	✓		

Matrix 1b: Analytical work made to address relationship between issues and options (cont)

CHAPTER 3

The discussions at the meeting of Madrid

Opening and Presentations

The meeting was opened by Mr. Enrique Alonso, the General Director of Nature Conservation, who encouraged all the attendants to reach, if possible, although not needed, a sort of common position about the future institutionalized international forest regime, and therefore have an informed position at the IFF-4 and CSD-8 meetings. He introduced Mr. José María Solano as Chairman for the meeting.

The presentation of the IFF Secretariat (Ms. Elisabeth Barsk-Rundquist and Ms. Tiina Vahanen) gave an introduction on the background for international forest policy dialogue and the relationship between the CRCI and the IFF.

After this, the chairman made a presentation on the results of the national consultation processes, as shown in Chapter 2 of this report.

Both presentations were followed by questions asking for clarification of some of the conclusions.

Relationship between Functions and Options

After some methodological discussion, the chair decided to discuss each function and the explanations shown in the previous presentation. He showed a matrix, to guide the discussions, which cells were to be filled with very brief descriptions of the relationship between functions and options.

FUNCTION 1: Common Global Objectives

In this discussion, the chairman was asked to take-out from the explanations, all the duplications that appeared to reflect, as exactly as possible, all the countries' reports. Some additional discussions took place about the adaptation of (NFPs) to a global framework, and while some thought it was possible, others said the variation of conditions within Europe is so high that there would be no possible way to make a common framework.

In respect of the fulfilment of the function by the options, there were long methodological discussions, as some delegates asked for a fourth column that included the current international institutions, while others thought that these were included in Options A, B and C. The chair decided to follow the proposed table, due to the clear distinction between options, but remarking that international institutions were included, not only in Option A, but in all options.

At the end of this function, a general agreement was found in that Option A, only partially fulfiled this function, due to the lack of a holistic way. As a new instrument could cover, in a holistic and balanced way the forests, Options B and C were considered as ways of fulfilment, but Option B has a higher commitment level and therefore a more effective implementation. The comments, made by some of the attendants, were in the line of the need of complementarity of these new instruments with the existing regime, to avoid duplications.

FUNCTION 2: Co-ordination and Synergies

This function was felt as very important, as one of the main problems is the fragmentation and lack of a holistic approach of the existing international forest regime. Discussion about this option turned upon the explanations, in an exercise to give them more precision. An aspect of reviewing and strengthening an umbrella for the mandates was asked to be incorporated in Function 1, but others felt, that due to the inter-relationship between different functions, it was not relevant as written, and the important is that appears. More precision was asked for in the bullet of

assistance to developing countries and countries in transition, in a way that explained that it has to be both technical and financial.

In the relationship with the options, it was found that Option A, does not fulfil this function, as there is no systematic co-ordination between instruments at all levels (international, national and sub-national) mostly seen when implementing. Regarding Option B, it was seen that, although a new instrument has no predominance over existing ones – a point that was also discussed by some attendants – due to the holistic approach and the substance – the forests – could support and facilitate the implementation of other instruments. In fact, it was said that a new instrument should increase the implementation degree of existing instruments, as it would promote the implementation of those not actually fully operative. Option B preferred over Option C because it was thought conceptually difficult to co-ordinate LBIs using a non-legally binding instrument.

FUNCTION 3: Implementation and Commitments

This function was very debated in its coverage, due to the difficulty in separating it from the previous, as partially that show its need in the implementation stage. The chairman was asked to add some bullets, as the need of a system of conflicts resolution, the reconciliation of the different instruments when implementing in forests, or create a good environment for sustainable forest management, not only in the legal field. Also, some precision was asked on, as supporting the national reform processes mostly in DC and CiT.

About the options and this function, it was found that Option A does not fulfil all the function, as contradictions between instruments was found, and that commitment can be secured by a mechanism in an LBI (Option B), but depends only on political will in Option C. Moreover, it was said that in Option B the commitment could be permanent, but in Option C it can be changed, depending on the political condition of each country and each moment.

FUNCTION 4: International Forum

Firstly, the use of the term "forum" was discussed and some people asked that it be changed to another, as it could be confused with the current IFF, as the function does not point to a forum of these characteristics, but to a permanent forum more or less as the conference of the parties of the other instruments.

The discussion was focused on the permanent character that could avoid the current ad-hoc structure, the exchange of experiences and the possibility of consensus building and mostly on the ability to take decisions and to solve possible conflicts.

Regarding the options, it was said that, although the three options have the ability to exchange experiences and build consensus, only Options B and C can have, if decided, the character of permanence. About decision making ability, only Option B can have it, as Options A and C are based on the previous consensus, and in conflict solving, a mechanism can be designed in Option B, but in Option C only the political will can assure that the mechanism will be operative.

FUNCTION 5: Participation and Equity

After the discussion about the exact meaning of the term participation, most of the opinions showed that all relevant stakeholders, at all levels, have to be heard and that their is an obligation to make them be heard, but the decision making lays with the legal authorities. Some representatives of countries gave the institutionalized way to ensure the participation of their countries, and it seemed that in Europe, the degree of participation is very high. Some of the opinions showed that the issues at the sub-national level, this was not so.

Regarding the equality and equity between countries, the general feeling was that, although there seems to be utopia, everyone has to try to work towards it. The chair was asked to add the concept of poverty eradication to this function.

About its relationship with options, it was concluded that the existing international forest regime fulfils this function only partially, in some fora, and with high differences between regions and even countries. It was recognized that in Options B and C a mechanism could be designed to ensure, in the first case and only to promote in the second, the fulfilment of the function, but in both cases it should have to take into account national sovereignty and land rights.

Within the proposed framework, a very brief resume of the discussions concerning the relationship between functions and options can be seen in the following table, provided by the drafting committee.

Pros and cons of the options

		A	B	C
		EXISTING LBIs	***NEW LBIs***	***NON-LBIs AND INITIATIVES***
1	Common Global Objectives	Partially fulfils the function. No holistic way	YES. A new instrument could be complementary with those in 1A	Yes. The same as 1B, but with less commitment level
2	Co-ordination and Synergies	No systematic co-ordination between instruments when implementing	YES. New instrument could in substance co-ordinate and facilitate implementation of all other instruments	Yes. It is difficult to co-ordinate LBIs with a non-LBI
3	Implementation and Commitments	No. Sometimes there are contradictory rules	YES. Commitments can be secured by a mechanism	Yes. Commitments depend only on political will
4	International Forum	Consensus building Not permanent No decision taking No conflict solving	Consensus building Permanent or not Decision taking Conflict solving	Consensus building Permanent or not No decision taking Conflict solving only with political will
5	Participation and Equity	Fulfilled only in covered areas	YES. With care of national sovereignty and land rights	Yes. Equity and participation is more difficult to ensure

Matrix 2: Analytical Work made to Address Relationship between Functions and Options

The attendants were asked to make the exercise of applying the scheme to achieve this final output. As they had already the relationship between issues and options in one hand, and the relationship between functions and options in the other by making a relation between them they could have the pros and cons of each option.

Finally, the chair presented a list to the attendants, for comments. The list was discussed option by option. In the first option (Existing LBIs and Institutions), the agreed list was:

PROS:
- already in the implementation stages;
- some have financial resources; and
- the relationship with institutions already is established;
- they address forest issues, sometimes intersectorally; and
- represent existing and political commitments;

CONS:
- holistic approach, fragmented international forest regime;
- functions only partially fulfilled;
- no common aims and objectives;
- insuficient co-ordination between instruments;
- possible contradictions in result;
- lack of permanent forum with sufficient political mandate and legal authority;
- great variety in degree of participation;
- insufficient promotion of participatory mechanisms in implementation.;
- current regime is not flexible enough to cover new emerging issues; and
- existing LBIs only act within their own mandate.

The operativeness of the existing regime and the current instruments were discussed first by some of the experts, and a new constraint was added, in the sense that the existing regime is not flexible enough to cover new emerging issues.

In regard to Option B (New LBIs), the list presented was the next:

Pros:
- provide a holistic approach (aims and objectives), which may take into account already existing instruments and institutions' mandates, and therefore could be complementary;
- potential of co-ordination between countries and co-operation between instruments, to facilitate the implementation of an international forest regime;
- secure implementation of a holistic approach through a legal authority;
- promotes compliance with existing instruments through a legal authority;
- provides a permanent forum with sufficient political mandate and legal authority to fulfil the functions and able to:
    - build consensus;
    - be permanent;
    - take decisions;
    - solve conflicts;
    - keep visibility in the political agenda;
- high potencial for commitments in participation mechanisms at international and national level;
- clarification of the status of national sovereignity in the international forest regime;
- The possibility of using non-LBIs as a complement with the new LBI;
- provide coherence in investments;
- potential capacity to:
    - provide frame work conditions for supporting NFPs through international co-operation;
    - spend in the best way the resources;
    - mobilise human and financial resources, mainly from the private sector;
- the possibility of using non-LBIs as a complement with the new LBI;
- use currently available financial resources efficiently and effectively;
- mobilize financing from available public and private, national and international sources through innovative approaches, strategies and mechanisms;
- allow for a high degree of flexibility in using various sources of finance for implementation in order to respond to country-specific needs.

Cons:
- lengthy negotiations prior to the establishment, although probably accelerated by the work already made at IPF/IFF;

- formal character and degree of restrictions delays implementation;
- if there is no financial mechanism in the new LBI, a high degree of flexibility is demanded in using various sources of finance for implementation; and
- the forest sector of many countries could not yet be prepared to have an LBI.

In the cons, the first point was discussed, as there were opinions that after all the IPF/IFF work, the negotiations have unless a possibility to run fast, as the work should and will not start from the beginning, rather this could be a continuation of ongoing work. Also new cons were added, in the sense that the forest sector of many countries could not yet be prepared to have an LBI.

The chairman was asked to modify the second pro, as the co-ordination up to now only a potential of co-ordination, and to add the idea of building synergies. Also he was asked to modify the form of third con, so as to not prejudge it if there should be or not a financial mechanism in a new LBI.

Finally, it was agreed that the pros and cons below are also a description of the envisaged qualifications that the meeting saw for new LBIs. On the basis of UNCED decisions, the IPF proposals for action and the IFF process, the meeting felt that such qualifications should meet with broad acceptance and offer a basis for detailed discussion in Ottawa.

Lastly, the third option, (Non-LBIs) pros and cons were presented as follows:

Pros:
- provide a holistic approach (aims and objectives), taking into account the already existing instruments and institutions' mandates, and therefore complementary;
- co-ordination between countries and co-operation between instruments to facilitate the implementation of an international forest regime;
- promotes compliance with existing instruments; and
- provide a forum to fulfil the functions and able to keep visibility, in the political agenda, at a lower level of commitment.

Cons:
- brings the international forest community faster into action, but does not ensure or guarantee the acomplishment of the implementation of an international forest regime considering the complexity of the forest issue;
- does not secure implementation of holistic approach through a legal authority;
- political status and legal authority is not enough with regard to other instruments and national implementation and compliance;
- very sensitive to political will and changing priorities; and
- the new international forest regime must fit with today's society, but not seem to demand a non-legally binding regime.

There was not much discussion on this last option. Only a new con was asked to be add along the line that we must design a system that fits with today's society, and that does not seem to be very compatible with a non-legally binding regime.

CHAPTER 4

Conclusions

The general conclusions of the meeting came either from the national reports submitted from the countries and organizations, or from the discussions that took place in the experts' meeting.

The existing international forest regime shows gaps and overlaps, lack of synergies, uncertainity in focus and limitations in effective implementation and compliance in the opinion of most of the experts.

The list of elements of global concern that came from the IFF was considered as a good working list of issues to be addressed in any future international forest regime.

The meeting also recognized the relevance of the functions concept and the need and usefulness of using it to address the options of the future international forest policy dialogue.

The meeting agreed on a list of pros and cons of each of the proposed options, taking into account both the issues to be addressed and the functions to be fulfilled by each of them, that is indicated in Chapter 3.

While fully recognizing the strength and shortcomings of the existing international forestry regime, and understanding the nature and complexity of consensus building international forestry dialogue, with specific regard to the large variety of problems and priorities in the different regions of the world, the meeting concluded that based on the pros and cons, the most preferred way of addressing the aforementioned forestry issues is in the development of new LBIs, followed by working on new non-LBIs, while existing LBIs were felt to provide less success and efficiency compared to the two previous options.

The meeting did not come to a consensus on what legal authority or legal status the international forest policy dialogue should have in the future. It was also said that more work needed to be done in terms of deriving appropriate options from the functions.

Aknowledgements

The meeting thanked Mr. Luis C. Leal for accepting to be with the chairman while he conducted the meeting, and for his participation, with Mr. C. Mersmann, P. Csoka, and H. Granholm as part of the drafting committee for the meeting.

The organization wants also to thank the members of the steering committee for their help in taking decisions that improved the quality of the outcome of this process.

The participants expressed their appreciation to the Government of Spain for hosting the European meeting and to Mr. Jose María Solano in chairing and organizing the meeting.

List of participants

Family name	First name	Country/Organisation	Fax nr	E-mail
Aho	Markku	FINLAND	+358 9 1341 6200	markku.aho@formin.fi
Andersen	Jacob	THE 92´GROUP	+4577310111	jacob@nepenthes.dk
Barsk-Rundquist	Elisabeth	IFF SECRETARIAT	+1 212 963 3463	barsk-rundquist@un.org
Bergquist	Astrid	SWEDEN	+46 8 4052280	astrid.bergquist@industry.ministry.se
Carett	Jacques	COSTA RICA-CANADA INITIATIVE		FBergero@NRCan.gc.ca
Cieslak	Marian	POLAND	+48 22 825 47 05	marian.cieslak@mos.gov.pl
Cornet	Francisco	SPAIN	+34915975565	N/A
Costa Leal	Luis	PORTUGAL		luis.leal@min-agricultura.pt
Cozza	Franco	ITALY	+39 06 4817690	div3@corpoforestale.it
Csóka	Peter	HUNGARY	+36 1 3126 112	peter.csoka@aesz.hu
Chevalier	Bernard	FRANCE	+33 1 49 555112 // 4073	bernard.chevalier@agriculture.gouv.fr
Chevalier	Bernard	FRANCE	+33 1 49 55 51 12 / 40 73	bernard.chevalier@agriculture.gouv.fr
d'Aloya	Claudio	EUROPEAN COUNCIL	+32 2 285 8413	claudio.daloya@consilium.eu.int
Daly	Michael	IRELAND	+353 1 6611 326	contact@marine.irlgov.ie
De Galembert	Bernard	EUROPEAN LANDOWNERS ORGANIZATION	+32 10 232909	elo@skynet.be
De Sousa Teixeira	Joao	PORTUGAL	+351 1 312 49 96	dgf.dri@mail.telepac.pt
Dimopoulos	Kostas	GREECE	+30 1 360 86 85	N/A
Dudley	Michael	UNITED KINGDOM	+44 131 334 0442	mike.dudley@forestry.gov.uk
Ferreira	Conceiçao	PORTUGAL	+351 1 312 49 92	dgf.dri@mail.telepac.pt
Ghagan	Scott	UNITED KINGDOM	+44 171 8906259	Scott-Chagan@detr.gsi.cov.uk
Gisch	Heribert	EUROPEAN ORGANIZATION OF COMMUNITY FORESTS/GERMANY	+49 6852 885 258	dr.gisch@t-online.de
Granholm	Heikki	FINLAND	+358 9 160 2430	heikki.granholm@mmm.fi
Höenisch	Ulrich	GERMANY	+49 228 529 4318	thomas.gottlob@bml.bund.de
Hufnagl	Natalie	EUROPE FOREST OWNERS CONFEDERATION	+32 2 2192191	cepf@compuserve.com
Humphrey	Vashti J.	SPAIN	+34 915975934	vashti.humphrey@gabmin.mma.es
Jaakkola	Sipi	UNITED NATIONS ENVIRONMENTAL PROGRAM	+41 22 917 8024	sjaakkola@unep.ch
Karjalainen-Balk	Leena	FINLAND	+358 9 19919364	leena.karjalainen-balk@vyh.fi
Kornienko	Alexey	RUSSIAN FEDERATION	+7 095 9530950	interdep@space.ru
Kremer	François	EUROPEAN COMMISSION	+32 2 29 66 255	francois.kremer@dg6.cec.be
Lacroix	Philippe	EUROPEAN OBSERVATORY OF MOUNTAIN FORESTS	+33 4 79284058	oefm@alpes-net.fr
Leiner	Stefan	WORLD WIDE FUND FOR NATURE-EUROPE	+32 2 7438814	sleiner@wwfnet.org

Family name	First name	Country/Organisation	Fax nr	E-mail
Linn Locher	Monika	SWITZERLAND	+41 31 323 03 49	monika.linn@buwal.admin.ch
Mankin	William	GFPP	+1 202 797 6562	gfpp@igc.org
Mayer	Peter	LIAISON UNIT	+43 1 710 770213	peter.mayer@lu-vienna.at
Mersmann	Christian	GERMANY	+49 4521 78358	ChristianMersmann@compuserve.com
Morais	Carlos	PORTUGAL	+351- 1- 312 49 88	dgf.web@mail.telepac.pt
Nordanstig	Gunnar	SWEDEN	+46 36 166170	gunnar.nordanstig@SVO.se
Oistad	Knut	NORWAY	+47 22 242754	knut.oistad@ld.dep.telemax.no
Perez Turrado	Miguel	UNION OF SILVICULTURERS OF SOUTHERN EUROPE	+34 94 4763715	usse@jet.es
Preto	Isabel	PORTUGAL	+351 1 353 30 59	Imatos.Preto@mail.telepac.pt
Prifti	Zhaneta	ALBANIA	+355 42 50525/26770	
Rato	Graça	PORTUGAL	+351 1 312 49 92	dgf.dri@mail.telepac.pt
Ryder	Sofia	FERN	+32 2 7368054	fern@arcadis.be
Sanchez	Gerardo	SPAIN	+34915975565	gerardo.sanchez@gvsf.mma.es
Schöne	Dieter	EUROPEAN COMMISSION		dieter.schone@dg11.cec.be
Schopfhauser	Wolfgang	EUROPE PULP AND PAPER INDUSTRIES CONFEDERATION	+32 2 6468137	w.schopfhauser@cepi.org
Schütz	Peter Roeland	NETHERLANDS	+31 10 378 6146	p.r.schutz@n.agro.nl
Semadeni	Andrea	SWITZERLAND	+41 31 324 78 66	andrea.semadeni@buwal.admin.ch
Skala-Kuhmann	Astrid	GERMANY	+49 8178 95146	106417.3042@compuserve.com
Solano	Jose M.	SPAIN	+34915975565	josemaria.solano@ctv.es
Soto Caba	Miguel Angel L.	GREENPEACE - SPAIN	+34 91 447 15 98	biodiversidad@greenpeace.es
Stenius-Mladenov	Birgitta	FINLAND	+358 9 1341 5285	birgitta.stenius-mladenov@formin.fi
Táuler Romero	Mercedes	SPAIN	+34 91 5675934	mercedes.tauler@gabmin.mma.es
Thomson	Nilla	SWEDEN	+46 8 21 91 70	nilla.thomson@environment.ministry.se
Vähänen	Tiina	INTERGOVERNMENTAL FORUM ON FORESTS SECRETARIAT	+1 212 963 3463	vahanen@un.org
Verbrugge	Geneviève	FRANCE	+33 1 42 191772	genevieve.verbrugge@environnement.gouv.fr
Vicentini	Paolo	ITALY	+39 06 4817690	div3@corpoforestale.it
Worm	Kirsten	DENMARK	+45 39 27 9899	kvo@sns.dk
Yuksel	Yavuz	TURKEY	+903124170237	obdi-f@tr-net.net.tr

Costa Rica-Canada Initiative

REGIONAL MEETING

South-South America
October 6 to 8, 1999
Buenos Aires, Argentina

Experts from the following countries participated:

Argentina	Paraguay
Chile	Uruguay

INTRODUCTION

1. The international community has been discussing a broad gamut of issues related to the management, conservation and sustainable development of forests of all kinds for a number of years. However, it has been difficult to reach a consensus on the most suitable instrument for dealing with these elements. Consequently, Costa Rica and Canada decided to work together to launch a process in support of the work program of the Intergovernmental Forum on Forests (IFF), intended to identify potential elements and to work toward a consensus on the need for international arrangements and mechanisms for forests of all kinds. In this context, the initiative seeks to promote neutral, transparent, participative and representative forums to facilitate technical discussions on those arrangements and mechanisms.

2. The Costa Rica-Canada Initiative (CRCI) consists of three stages. The first, was a meeting of experts held in San José, Costa Rica, from February 22 to 26, 1999, which discussed the basic list of elements and prepared a methodology for the process. The second, consists of a series of regional meetings to analyze the benefits and potential elements of international arrangements from the regional standpoint. The third, will be a final meeting in Canada at the end of 1999, to consolidate the results of the meeting of experts in Costa Rica and the contributions of the regional meetings, and to prepare conclusions and recommendations to be presented at the fourth session of the IFF in early 2000.

3. The South-South America regional meeting, under the CRCI was organized by the Department of Natural Resources and Sustainable Development, which reports to the Office of the President of Argentina. It was held at the offices of the Department of Natural Resources and Sustainable Development in Buenos Aires from November 6 to 8, 1999, and was co-sponsored by the Swiss government.

4. The South Cone meeting was the first to be held on the American continent and forms part of the series of meetings that have been or will be held in Malaysia, Zimbabwe, Spain, Turkey, Cameroon, Ecuador and Mexico.

5. The participants invited to attend the South-South America regional meeting included representatives of governments, government agencies and non-governmental organizations, social groups (indigenous peoples, rural organizations, womens' groups, labour, etc.), the private sector and other special guests. The list of guests and participants is attached as Annex I.

OPENING CEREMONY

6. Mr. Carlos Merenson, the National Director of Sustainable Development, representing the Argentine Minister of Natural Resources and Sustainable Development, cordially welcomed the participants in his opening address. The underlined the importance of forests for the world and for Latin America, in particular. He hoped for a fruitful and broad discussion of the different topics on the agenda. Mr. Ricardo Ulate, Co-director of the Secretariat of the CRCI thanked the participants for attending the meeting, and the Argentine government, on behalf of the two initiative countries, for its willingness to foster an open discussion under the principles and mandate of the initiative. He also mentioned the secretariat's role as observer and invited those present to participate fully in the discussions under the working agenda. He stressed the need to obtain specific products in each of the stages, according to the methodology that had been established.

The opening addresses are attached as Annexes II and III respectively.

7. The agenda for the meeting is attached as Annex IV. The meeting only involved plenary sessions so there was no need to establish working groups. Mr. Manuel César Saavedra (facilitator), Mr. Horacio Crosio and Mrs. Cristina Resico (rapporteurs) were responsible for guiding the discussions and reporting the results. A support group provided by the Department of Natural Resources and Sustainable Development also assisted with the operational aspects of the meeting.

8. The IFF Secretariat was invited to attend the meeting, which sent Mr. Jaime Hurtubia, as its representative. He made a presentation on background, the work program and the prospects for dialogue on Category III of the forum's work program.

9. Prior to the meeting, the Argentine government identified a contact person in each of the participating countries to whom it sent all the information and explained the scope and methodology of the meeting, it requesting that national information processes and consultations be held with interested sectors, and recommended that experts from those sectors participate. Information and travel facilities had been provided for potential participants, but at the last minute, the anticipated number of guests did not attend, for reasons beyond the control of the CRCI or the organizing committee.

10. The Argentine organizing committee held a series of local meetings with different interested sectors in order to inform them about the process of the CRCI and launched discussions on the issues. The meetings led to the identification of sector representatives for the regional meeting (Annex V), and the participants made suggestions for a preliminary list of possible elements, in accordance with stage one of the initiative (Annex VI).

THE CRCI APPROACH

11. For all the regional meetings, the directing committee of the CRCI prepared a common methodological approach known as the CRCI Approach which was to be used as the general framework in order to facilitate consolidation of the contributions of the different regional meetings into a single final report. The CRCI Approach is attached as Appendix VII. It consists of the following four steps:

Step 1: identify a working list of elements for an international arrangement or mechanism for forests of all kinds;

Step 2: identify options for analyzing the elements;

Step 3: weigh the pros and cons of the options that require legally binding instruments (LBI) to make progress in the elements;

Step 4: evaluate actions to facilitate international consensus on matters relating to Category III of the work program of the IFF.

Step 1 – To Identify a Working List of Potential Elements

12. The participants in the plenary sessions discussed and produced a working list of potential elements for international arrangements and mechanisms, in accordance with Step 1 of the CRCI Approach. To that end, the organizing committee distributed a list of elements, produced at the experts' meeting held in San José, including a brief mention of possible contents for each. The participants had an opportunity to voice their opinions and make suggestions regarding the contents (Annex VIII). They made a series of suggestions on eliminating, adding and combining elements, since some were closely related to others. This enriched description is shown in the final list presented in Annex IX.

Step 2 – To Identify Options for Analyzing the Potential Elements

13. Step 2 of the methodology was carried out in two parts. First, the elements were classified into those that could potentially be treated in a binding instrument and those that could not (Annex X – Step 2-1). Next, for those that required binding instruments, it was determined, which would require a new instrument and which could be treated under an existing instrument. Each of the steps was discussed and the results are presented in Annex XI – Step 2-2.

Step 3 – To Weigh the Pros and Cons of Options that Require LBIs

14. The discussions under this step only considered elements that had previously been classified as requiring a new LBI, and the pros and cons were discussed. The participants considered that although some of the elements were already contained in existing international instruments, they had not been thoroughly dealt with and therefore, they should be set forth in detail, in a new, specific, binding instrument on forests. It was also noted that certain matters should be approached from a national or regional standpoint, but that this would not necessarily require their exclusion from a global instrument. A margin for flexibility should be allowed to permit countries to issue policies and make decisions based on their specific situations (Annex XII).

15. One of the participants' main concerns was that additional financial and technological resources would be required for shouldering the responsibilities of comprehensive management to guarantee the sustainability of forest resources on all levels.

16. Before the draft final report was read, the participants were given time to voice their impressions, opinions, suggestions and recommendations. While not being a focus of the meeting, one aspect, that was particularly enriching, arose during the discussions, i.e. the activities, concerns and needs on the domestic and regional levels to achieve sustainable forest management. The points raised are summarized below:

- Sustainable forest management should be the objective of all countries. With respect to the IFF, in particular, the meaning of "forests of all kinds" should be clarified;
- It was important for countries to participate in the IFF or in some other forum to discuss issues relating to forests;
- The United Nations should be urged to establish a sustainable forest management network at the regional level;
- In view of the need for financial resources, it was proposed that a special fund be established for sustainable forest management in a specialized agency. The World Bank, the Inter-American Development Bank to be used for forest programs;
- It was necessary to pay close attention to technology transfers, since it was clear they should be stepped up and this implied higher costs, more than some countries were in a position to pay. International co-operation was of prime importance in this regard;
- Aspects involving trade and the environment were of the highest concern to the countries, particularly to net exporters of wood;
- Clear rules were required for forest certification, based on the special features of regions, and providing protective mechanisms to prevent non-tariff barriers to international trade from becoming an impediment;
- Questions were raised regarding as to who will perform the certifications and the role played by governments, since it was not desirable for private certification companies to operate without a regulatory framework. Certifications should not contribute to the creation of non-tariff barriers;
- Clear rules should be established and respected in international trade, considering existing conventions, such as the Convention on Biological Diversity and others that are not targeted to sustainable forest management;
- The presence and role played by international agencies, such as Food and Agriculture Organization, GTZ and others should be stepped up in developing countries, particularly in the South-South American region. It was noted that many networks had ceased to operate owing to a lack of funding;
- Recommendation – A National and international public opinion should be made aware that subsidies in the forest sector were profitable investments in the medium- and long-terms. They were necessary since the private sector was not in a position to cover certain costs;
- Closer South-South American co-operation was necessary;
- The seriousness of deforestation of native forests in the region and the existence of cross-border pressure on resources were acknowledged;

- It was important to establish regional positions on forest issues;
- A system of exchanges among countries should be established to strengthen them internally, for example through a periodic South-South American working group, with support from the countries or international agencies;
- Governments were urged to adopt policies to strengthen the forestry sector, under a framework of co-ordinated actions with the private sector;
- Although national debate and understanding of the issues were difficult to achieve, it was necessary to promote and deepen the debate. The establishment of a permanent national forest forums, with broad sector participation in countries where they did not exist at present, was recommended;
- Participation by all stakeholders should be encouraged. This meeting had been very important, since it provided information and made a better understanding possible;
- National forest legislation should be harmonized with legislation in other sectors;
- Progress should be made in national forest programs;
- Recommendation – The countries should define and implement a national forest policy;
- With respect to traditional forest knowledge, the rights of owners over biological and genetic resources were affirmed and the subject should be studied in greater detail; and
- Criteria and indicators should be implemented gradually.

THANKS

17. In her closing remarks to the meeting, Ms. Denyse Rousseau, representing the CRCI, thanked the Argentine government for its hospitality and willingness to organize the meeting. Mr. Jorge Menendez, on behalf of the Department of Natural Resources and Sustainable Development, thanked the participants for their active participation and contributions to the meeting, and the Swiss government for its co-sponsorship.

Step 4 – Evaluation – Opinions on Further Action to Facilitate the Achievement of an International Consensus on Matters Relating to Category III of the IFF's Work Program

Point 1 – Did the meeting improve your understanding of the issues related to Category III of the work program?

- The participants felt that it had, stating that several new forest issues had been discussed, they had learned more about the different documents available in different parts of the world, and that the exchange of ideas and opinions had enriched the results;
- One participant felt that it had not, but did not give reasons; and
- It was also suggested that the international dialogue be publicized more widely.

Point 2 – Did you find that the Approach facilitates open debate, in which everyone can participate?

- One participant did not, since he considered that the methodology limited the possibility of debating the issues openly; and
- The rest of the participants did. The approach permitted free expression, participation and discussion of the issues.

It was also mentioned that the mechanism could be optimized if Steps Two and Three were linked, since this would enrich the final discussion. The method should be clearer in some cases.

Point 3 – Are more or different background documents necessary to help create an international consensus on issues relating to Category III of the work program?

- The documentation was considered suitable in quantity and quality;
- There was a need for more dialogue on the national and regional levels; and
- In some cases, more time was required to study the documentation in detail.

List of participants

Representative	Title	Institution	Address	C.P.	City	Country	Telephone	Fax	E -mail
Contador Público Nacional Edmundo Ybarra	Presidente de Asociación Productores Forestales del Chaco	Asociación Productores Forestales del Chaco	Güemes (8) Nº 345	3700	Roque Saenz Peña	ARGENTINA	(54-0732) 22657	(54-0732) 22656	mperez@browser-srl.com.ar
Ing. Agr. Luis Eduardo Baez	Secretario Técnico de la Dirección de Protección de los Recursos Naturales de Sgo. del Estero	Dirección de Protección de los Recursos Naturales de Sgo. del Estero	Independencia 475	4200	Santiago del Estero	ARGENTINA	(54-0385)4310534	IDEM	
Ing. Juan M. Kozarik	Docente - Investigador de la Facultad de Cs. Forestales	Facultad de Ciencias Forestales de Misiones	Bertoni 124	9876	Eldorado	ARGENTINA	(54-03751)431766	03751-431766	
Ing. Elvira Petray	Técnica - Dirección de producción Forestal	Secretaría de Agrc. Gandería, Pesca y Alimentación	Paseo Colón 982 - Anexo Jardín	1063	Buenos Aires	ARGENTINA	(5411)-4349-2103	IDEM	epetra@sagyp.mecon.ar
Sr. Carlos Norverto		Secretaría de Agrc. Gandería, Pesca y Alimentación	Paseo Colón 982	1063	Buenos Aires	ARGENTINA	(5411)-4349-2103		
Sr. Jorge Corcuera	Presidente	Fundación Vida Silvestre Argentina	Defensa 245	1065	Buenos Aires	ARGENTINA	(5411)-4343-3778 /4331 / 4864		informa@vidasilvestre.org.ar
Sr. Jorge Menendez	Director de Recursos Forestales Nativos	Secretaria de Rec. Nat. y Des. Sustentable	San Martin 459 2ª piso Of.229	1004	Buenos Aires	ARGENTINA	(5411) 4348-8485	(5411) 4348-8486	jmenendez@sernah.gov.ar
Sra. María Fernanda Cañás	Consejero	Dir. Gral. de Asuntos Ambientales Cancillería	Esmeralda 1212	1007	Buenos Aires	ARGENTINA	(5411) 4819-7414	(5411) 4819-7413	

Representative	Title	Institution	Address	C.P.	City	Country	Telephone	Fax	E -mail
Sra. Marta Scarone	Técnica Dirección de Recursos Naturales	Dirección de Recursos Naturales	Casa de Gobierno 3º Piso	6300	Santa Rosa	ARGENTINA	(54-2954)433010 int 240		scarone@cpenet.com.ar
Sr. José Antonio Prado D.	Relaciones Internacionales Bosques y Medio Ambiente	Ministerio de Agricultura	Teatinos 40 6º Piso		Santiago de Chile	CHILE	(56-2) 671 2491	(56-2) 637 3618	japrado@minagri.gob.cl
Ing. Agr. Calixto Saguier G.	Viceministro de Agricultura y Ganadería	Ministerio de Agricultura y Ganadería Subsecretaría de Estado de Recursos Naturales y Medio Ambiente	Mcal. Estigarribia Km. 10		San Lorenzo	PARAGUAY	(595-21) 570 512/574 340	(595-21) 570 512/574 340	ssernma@rieder.net.py
Ing. Agr. Oscar Ferreiro	Consultor Ambiental B.I.D.	Dirección de Medio Ambiente Ministerio de Obras Públicas y Comunicaciones	General Santos 371 c/ España		Asunción	PARAGUAY	of.:595-21-226603 Part.: 595-21-586535	of.:595-21-226603 Part.: 595-21-586535	ferreiro@rieder.net.py
Ing. Ftal. César Cardozo Román	Director de la Carrera de Ingeniería Forestal	Facultad de Ciencias Agrarias Universidad Nac. de Asunción	P.O.Box:1618 Campus Universtario		San Lorenzo	PARAGUAY	(595 21) 585 610	(595 21) 585 612	bib.agr@sce.cnc.uno.py
Sr. Francisco Rivas	Diputado Nacional Vice-Presidente	Comisión Nacional de Defensa de los Recursos Naturales Poder Legislativo	Tte. Ruíz 856 e/ Pedro Cardozo y Washington		Asunción	PARAGUAY	(595 21) 226-172/204-277	(595 21) 442 063	codema@conexión.com.py
Sr. Jorge Coronel Britez	Miembro Consejo Asesor Forestal	Ministerio de Agricultura y Ganadería. SSERNMA	Mcal. Estigarribia Km. 10		San Lorenzo	PARAGUAY	(595-21=574.340 / 570.519	(595-21) 574.340	jmcoro@pla.net.py
Sr. Rafael Carlstein	Productor Forestal - Industrial	Representante Federación Paraguaya de Madereros (FEPAMA)	P.O.Box:1037		Asunción	PARAGUAY	00595-21-67371 00595-981-421421	00595-21-601530	prewood@conexión.com.py

Representative	Title	Institution	Address	C.P.	City	Country	Telephone	Fax	E -mail
Sr. Sergio Ivaldi	Miembro del Gabinete de Viceministro de Recursos Naturales y Medio Ambiente	Ministerio de Agricultura y Ganadería	K.M. 8.5 Ruta Nac. Estigarribis		San Lorenzo	PARAGUAY	00595 570519 / 570512	idem	
Sra. Ana María Macedo Sienra	Gerente de Proyectos Especiales	Fundación Moisés Bertoni para la Conservación de la Naturaleza	Procer Carlos Arguello 208 e/Mcal. López y Boggiani C.C.714		Asunción	PARAGUAY	(595-21) 608 740 / 600 855	(595-21) 608 741	amacedo@pla.net.py
Ing. Agr. Atilio Ligrone Greco	Director Gral de Recursos Naturales Renovables	Ministerio de Ganaderia, Agricultura y Pesca	18 de Julio 1455 6º Piso	11200	Montevideo	URUGUAY	(598-2)401.97.07-408.94.47	(598-2) 401.97.06	aligrone@mgap.gub.uy
Ing. Agr. Daniel San Roman	Director de Departamento de Planeamiento	Ministerio de Ganaderia, Agricultura y Pesca	18 de Julio 1455 5º Piso	11200	Montevideo	URUGUAY	(598-2)408.94.74 / 75 / 76	(598-2) 401.97.06	dsanroman@mgap.gub.uy
Organizing Committee									
Ing. Cristina Résico	Técnica Dirección de Recursos Forestales Nativos Relatora-Coordinadora	Secretaría de Recursos Naturales y Desarrollo Sustentable	San Martín 459 2 Piso Of.: 243	1004	Buenos Aires	ARGENTINA	(5411) 4348-8501 / 2	(5411) 4348-8486	cresico@sernah.gov.ar
Ing. Horacio Crosio	Técnico Dirección de Recursos Forestales Nativos - Relator	Secretaría de Recursos Naturales y Desarrollo Sustentable	San Martín 459 2 Piso Of.: 229	1004	Buenos Aires	ARGENTINA	(5411) 4348-8499	(5411) 4348-8486	
Lic. Inés Kasulin	Técnica Dirección de Recursos Forestales Nativos Secretaria	Secretaría de Recursos Naturales y Desarrollo Sustentable	San Martín 459 2 Piso Of.: 243	1004	Buenos Aires	ARGENTINA	(5411) 4348-8501 / 2	(5411) 4348-8486	nomad@sernah.gov.ar
Mcs. Manuel César Saavedra	Facilitador	Universidad Nacional del Noreste	Sargento Cabral 2131	3400	Corrientes	ARGENTINA	(54-03783)427589 / 422006	(54-03783)427131	mcs@agr.unne.edu.ar

Representative	Title	Institution	Address	C.P.	City	Country	Telephone	Fax	E -mail
Téc. Eduardo Casañas Pitté	Técnico Dirección de Recursos Forestales Nativos - Logística	Secretaría de Recursos Naturales y Desarrollo Sustentable	San Martín 459 2 Piso Of.: 229	1004	Buenos Aires	ARGENTINA	(5411) 4348-8487	(5411) 4348-8486	
CRCI Secretariat									
Sra. Denyse Rousseau	Directora Adjunta Dirección de las Relaciones Ambientales	Ministerio de los Asuntos Exteriores y Comercio Internacional	125 Promenade Sussex	K1A OG2	Ottawa	CANADA	1-613-996-2919	1-613-995-9525	denyse.rousseau@dfait-maeci.gc.ca
Sr. Ricardo Ulate Chacón	Co-Director Secretariado de la Iniciativa Costa Rica -Canadá. Asesor Despacho Ministerial	Ministerio del Ambiente	Apartado Postal 10104-1000		San José de Costa Rica	COSTA RICA	(506) 257-1417 / 6239	(506) 257- 0697	rulate@ns.minae.go.cr
Observers									
Sr. Francisco J. Musalem	Director de Aprovechamiento Forestal	Dirección General Forestal Secretaría de Medio Ambiente Recursos Naturales y Pesca	Progreso 5, Coyoacán	O4100	México D.F.	MEXICO	(525) 6.58.66.20	(525) 6.58.56.43	
Sra. Laura Lara	Subdirectora Dirección Gral. Forestal	Secretaría de Medio Ambiente, Recursos Naturales y Pesca	Progreso 5 Colonia del Carmen Coyoacán	O4100	México D.F.	MEXICO	(525) 658 6324	(525) 554 3599	llara@semarnap.gob.mx
FORO INTERGUBERNAMENTAL SOBRE BOSQUES									
Sr. Jaime Hurtubia	Secretaría del Foro Intergubernamental sobre los Bosques, División de Desarrollo Sostenible (DSD)	Departamento de Asuntos Ecómicos y Sociales (DESA), Naciones Unidas	Two UN Plaza DC2-1254	10017	New York	USA	(212) 963-4219	(212) 963-3463	hurtubia@un.org

Representative	Title	Institution	Address	C.P.	City	Country	Telephone	Fax	E -mail
Invitees									
Ing. Agr. Daniel Martino	Vicepresidente	Sociedad de Productores Forestales	18 de Julio 1474	11200	Montevideo	URUGUAY	(5982) 4011441		
Ing. Agr. Alberto Fossati	Director de la Junta Directiva del INIA	Instituto Nacional de Investigación Agropecuaria (INIA)	Andes 1365 Piso 12	11200	Montevideo	URUGUAY	(5982) 9020550	(5982) 9023633	
Sra. Dora Alvarez		Red de ONG's Uruguay	Rodo 1936	11200	Montevideo	URUGUAY	(5982) 9007648	(5982) 9085959	
Sra. Alba Fernandez		Red de ONG's Uruguay	Rodo 1936	11200	Montevideo	URUGUAY	(5982) 9007648	(5982) 9085959	
Ing. Agr. Gonzalo Gonzalez	Decano	Facultad de Agronomía	Garzón 780	11200	Montevideo	URUGUAY	(5982) 3057315	(5982) 3093004	
Ing. Hernán Verscheure	Coordinador Programa Forestal CODEFF	Comitè Nacional pro-defensa de la Fauna y Flora (CODEFF)	Avd. Francisco Bilbao 691		Santiago de Chile	CHILE	(56-2)251.02.62 / 87	(56-2) 251.84.33	info@codeff.mic.cl
Ing. Carlos Weber	Director Región Metopolitana	Corporación Forestal Nacional (CONAF)	Eliodoro Yañez 1810		Santiago de Chile	CHILE	(56-2)225-0064	(56-2)225-0428	cweber@conaf.cl
Sr. José Letamendi	Presidente	Corporación de la Madera				CHILE	(56-2)6384194	(56-2)6397485	

Costa Rica-Canada Initiative

REGIONAL MEETING

West and Central Africa
October 6 to 8, 1999
Yaoundé, Cameroon

Experts from the following countries participated:

Benin
Burundi
Cameroon
Central African Republic
Chad
Gabon
Guinée Equatoriale
Madagascar
Mali
Niger
Sénégal
Togo

INTRODUCTION

The regional meeting of experts from Central and West Africa was held on October 18 to 22, 1999, in Yaoundé, Cameroon, within the framework of the Costa Rica-Canada Initiative (CRCI), adopted by the countries to contribute to the discussions of the Intergovernmental Forum on Forests (IFF).

Like the previous meetings, held in other parts of the world, the Yaoundé meeting focused on Category III of the program of work of the IFF, such as international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

The Yaoundé meeting was attended by 70 experts from 14 countries, representing governments, organizations and private sector bodies interested in forest related problems (see list annex). This is consistent with the CRCIs objective seeks to provide neutral, transparent, participatory and representative fora to facilitate technical discussion on the possible elements of a legally or non-legally binding international instrument or mechanism.

Results of the Meeting

Given the complexity of the mechanisms and procedures of the United Nations system and that of the legal issues on which the experts' discussions would be focused, and given the desire to hold meaningful discussions on forest problems considered in the context of their regional diversity, the organizing committee decided to:

- retain the services of four group communications specialists and four rapporteurs to work with the experts in the workshops;
- make documentation on conventions and other existing legal instruments available to the participants in advance; and
- have the specialists and resource persons give their presentations prior to the experts' discussions.

The opening ceremony was presided over by the Honourable Sylvestre Naah Ondoua, Cameroon Minister of Environment and Forests (MINEF). It comprised four addresses:

- the introductory address by Mr. Jean Williams Sollo, Chair of the organizing committee;
- the address by Ms. Tiina Vahanen of the IFF Secretariat, on the intergovernmental discussions on forests;
- the address by Mr. Jacques Carette, Co-chair of the CRCI, on the issues of the initiative; and
- the opening address by Minister Sylvestre Naah Ondoua.

In his introductory address, the chair of the organizing committee invited the participants to expand on the list of 72 elements already selected and adopted at the experts meeting in San José, Costa Rica, taking regional, sub-regional and even local characteristics into account.

In her address, Ms. Vahanen indicated that considerable progress had been made in the area of forests at the international level, through the work of the Intergovernmental Panel on Forests (IPF) and IFF. However, she reported that there continued to be problems in the areas of financial resources, technology transfer, sustainable forest management, environment and trade. The challenge is to reach a consensus on the arrangements and mechanisms for the management, conservation, and sustainable development of all types of forests beyond the year 2000.

Mr. Carette reported that the initiative's work is designed to enable the participants to share their experiences, develop a better appreciation of the elements already adopted, and thus facilitate decision-making at the forum.

He reminded the participants that these meetings were not meant to provide a forum for those wishing to impose their views and that a consensus was not necessarily expected at this stage of the discussions.

After extending a warm welcome to the participants, the Cameroon Minister of the Environment and Forests stressed that the CRCI addressed a major concern of the heads of state of the Central Africa sub-region, as expressed at the summit held in Yaoundé in March 1999, at the President of Cameroon's initiative. The Minister stated that Cameroon wanted the following amendments to be made to the list of elements identified at San José:

- implementation of a compensation regime for countries that make a positive contribution to the conservation of forest resources; and
- implementation of a tax paid by polluting industries to be used for forest resource development.

Following the opening session, five presentations were made. They are summarized below.

- THE INTERNATIONAL STANDARD, FINALITY, TYPOLOGY AND PRODUCTION PROCESSES by Laurent Zang

The objective of this presentation was to clarify a number of fundamental concepts and terms used in international conventions. The prerequisites presented enabled the experts to more accurately measure the scope of the possible options for a potential legally or non-legally binding instrument (LBI).

- INTRODUCTION TO INTERGOVERNMENTAL DISCUSSIONS ON FOREST POLICY by Ms. Vahanen

Ms. Vahanen presented an overview of discussions on international forest policy. She described the evolution of the dialogue at the international level and identified future challenges. In her view, the main concerns deal with:

- the principles that frame discussions on international forest policy;
- the illustration of several priority sectors, which require further attention at the world level;
- concern about knowing how to set national forest priorities.

Ms. Vahanen described the general evolution of the discussions as being positive, particularly in respect of issues relating to sustainable forest management, such as national forest programs and criteria and indicators of sustainable forest management.

She closed by presenting the main challenges that lay ahead, based on the issues on which world consensus has not yet been reached and provided a few thoughts on the elements, functions and options for the future international arrangements and mechanisms (Category III of the IFF).

- FOREST MANAGEMENT STRATEGIES IN THE CONGO BASIN by Samuel Makon Wehiong

Mr. Makon Wehiong focused on points regarding the presentation of forests, the dangers threatening them, and the conditions for development of Congo Basin countries through the use of their forest resources.

With respect to the development conditions of Congo Basin countries, Mr. Makon Wehiong advocated the establishment and implementation of a strategy that reconciles development requirements with conservation imperatives and the need to integrate the forest sector into rural development.

- PRESENTATION OF THE UNITED NATIONS COMMISSION ON SUSTAINABLE DEVELOPMENT AND THE INTERGOVERNMENTAL FORUM ON FORESTS by Tchana Mesack

This presentation dealt essentially with the description and operation of the IFF and the Commission on Sustainable Development (CSD). Mr. Mesack also provided his thoughts on his own experience.

- CURRENT INTERNATIONAL FOREST STANDARDS by Laurent Zang

Professor Zang gave a rundown of the main international legal instruments relating to forests. He then presented a critical analysis of these instruments and indicated possible options for the future instrument.

The statement of the African Timber Organization (ATO) was then read by Essame Félix, Technical Director, ATO.

The texts of the presentations are provided in the annexes of this report.

Mr. Augustin Claude Tang Essomba, facilitator, then presented the methodology for implementing the work and informed the participants of the anticipated results:

- to produce the list of elements from the regional meeting of Yaoundé (Step 1);
- to review each element and verify whether it is the subject of a legally or non-LBI or has not been the subject of any international legal instruments (Step 2); and
- to identify possible options (legally or non-legally binding) and provide the pros and cons of these options and the possibility of reaching a consensus at future negotiations (Step Three).

In addition to the list of elements submitted by the CRCI Secretariat, the organizing committee provided the experts with the proposed elements they had received from Benin, Togo, Guinea, Mali, and Cameroon, as well as the report of the meeting held by ??????????????????????????CEFDHAC in Libreville, Gabon.

The participants were reminded that they were intervening as experts and not as official representatives of a government, organization or company.

Lively, constructive and transparent discussions were held in panels (four in total) and in a plenary session. The results were as follows:

1.1 STEP 1: LIST OF ELEMENTS

The list of elements, adopted at the Yaoundé meeting, consists of eight new elements and 17 amended elements. All the elements take account of regional characteristics.

Given the problems relating to fighting poverty in the countries of the sub-region, transhumance and the existence of a homogeneous forested area covering several countries (e.g., Congo Basin forest) that must be subject to harmonized management, the need to implement a compensation regime for forest countries and the need to establish the “polluter pays” principle, the experts proposed new elements. The proposal to create a new structure can be explained by the critical need for follow-up of the application of the instrument that is adopted.

The list is provided below:

1.1.1 ELEMENTS OF THE YAOUNDE REGIONAL MEETING

1.1.1.1 NEW ELEMENTS

1) Definition of all concepts and principles:

- forest;
- sustainable management; and
- forest degradation.

2) Factors and indicators of forest degradation:

- identify the measurable variables applicable to all countries.

3) Fighting poverty, given the fact that riparian populations may be called upon to give up forest resources:

- provide for mechanisms to allow these populations to diversify into secondary type activities.

4) Creation of transboundary protected areas and harmonization of mechanisms for their management.

5) Promote urban and peri-urban forest development for environmental, aesthetic and cultural reasons.

6) Implementation of a compensation regime for countries that make a positive contribution to the conservation and restoration of natural resources.

7) Creation of an organization to oversee the management of all types of forests in the world.

8) Introduction of a compensation tax on polluting industries to be used for the development of forest resources.

1.1.1.2 AMENDED ELEMENTS

Element 5:

I) Deforestation/forest degradation (including underlying causes): Take account of the reduction in the quality and quantity of forest cover.

II) Afforestation / reforestation: As alternatives to recover, reduce and mitigate losses of forest coverage.

III) Exotic species: non-indigenous, how to deal with them.

IV) Desertification: Critical losses of forest coverage affecting also hydrological, climatic and soil stabilization functions provided by forests.

V) Plantations: Role in reducing pressure on natural forests and in recovering forest cover; exotic and indigenous species use.

Element 7: Natural disasters and human intervention (cyclones, volcanoes, refugees, fire, insects, etc…) Different natural and human activities, which could affect forests.

Element 10: Silviculture, agriculture and animal husbandry in order to take account of forest variables in agricultural and grazing activities, as well as problems of transborder transhumance.

Element 20: Certification/Ecolabelling/Environmental Labelling

Market pressure on downstream users of forest products and upstream Sustainable Forest Management (SFM) practices.

Element 28: Technology Transfer and Engineering Transfer

Much of the technological and engineering capability in the world today remains unrecognized, underutilized and inadequately shared. The dissemination of those technological innovations and knowledge is critical. The transfer of environmentally sound technology, under favourable conditions, is an important part of strategies to enable countries to sustainably develop their forests.

Element 32: Biomass/Renewable Energy

Forests are a significant renewable source of energy in many regions of the world. The logging of forests for fuelwood can place great pressure on forests in some regions. Sustainable forest management, reforestation and afforestation have the potential to satisfy the demands for fuelwood. There is a need to promote the research, development, transfer and use of technologies and practices for environmentally sound energy systems and economically viable alternative energy systems.

Element 37: Primary Forest Conversion

The conversion of primary forests in order to use the lands for other purposes must be done within the framework of national land use planning, with priority on maintaining all types of forests and their biological resources at the national level.

Element 39: Maintaining a Full Range of Forest Values

For better recognition of forest resource values, it is important to implement the concept of total economic value (direct use, indirect and option).

Element 40: Global Functions

Recognition of a global impact of functions accomplished by forests (economic, ecological or environmental services) and general functions to be accomplished by any international arrangement (legally or non-legally binding) to promote conservation, protection and sustainable management of all types of forests:

- secure political commitment to sustainable forest management;
- elaborate objectives in line with United Commission Sustainable Development decisions and IPF proposals for action;
- develop, guide, promote and formulate policy action on forest-related issues;
- develop and set priorities for action, address emerging issues;
- co-ordinate forest related work with relevant organizations and instruments; and
- support and identify needs for international co-operation.

Element 41: Accuracy of Trade and Forest Statistics

Means for ensuring accuracy of international trade and forest statistics for policy-making purposes, while ensuring the harmonization of the collection standards.

Element 42: Co-ordination of International Action on Forests/Co-operation

There is general agreement that the approach to addressing international forest policy issues is currently fragmented, preventing meaningful action from being taken. There is a need for more effective governance of international institutions and instruments, improved mechanisms for co-ordinating and monitoring forest

related activities, advanced facilitation of exchange mechanisms at the national and regional level, and improved participation of major groups.

Reform of institutions responsible for forest policy/permanent forum on forests: there is a need to develop and strengthen the national institutions responsible for forest management. It is also necessary to clarify the mandates, to define capacities, to address overlaps, gaps and areas that need enhancement of the relevant international institutions and organizations related to forest issues through their respective governing bodies.

Element 45: Capacity Building

There is a need to strengthen national, regional and international capabilities in all aspects of the forest sector. Training should be developed on the basis of a participatory approach involving all players with a role in the management of forest resources and national and regional capacities should be strengthened with the support of funders.

Element 46: Education and Training

There is a need to strengthen education and training in a range of disciplines important for sustainable forest management, particularly in the social and biological sciences, forest economy and environmental education outside the traditional realm of forest management. There is also a need to establish, develop and sustain an effective system of forest extension and public education to ensure better awareness, appreciation and management of forests. There is also a need to promote Centres of Excellence.

Element 47: Public Access to Information/Sharing Information

Access to and exchange of all types of forest related information are inadequate, and there is a need for strengthening and enhancing information sharing capabilities, when dealing with all forest issues, through the creation of reliable systems accessible to the public through the implementation of sub-regional structures. The provision of information on forests is essential for public understanding and informed decision-making.

Element 48: Financial Mechanisms/Forest Investment

Financial resources should be provided to developing countries to enable them to sustainably manage their forests and to implement reforestation programs, particularly in countries and areas with little forest cover. There is a need to explore innovative ways to use existing financial mechanisms more effectively, or seek new means of funding administered through a world fund or trust fund for forest management and the management of protected areas.

Element 50: National Reporting

On the basis of recognized criteria, there is a need to report on the progress towards sustainable forest management at the national level and to assess progress in implementation of the IPF's proposals for action in terms of existing and new legislation, policies and programs. There is a need to build and strengthen, institutional, technical and human capacity at the national level to enable periodic monitoring of the state of forests and report on policy effectiveness.

Element 52: Gender

- Women's roles in the forest sector should be enhanced, and there is a need for greater recognition of their importance and interest in rural areas of developing countries. The full participation of women in all national and regional programs dealing with conservation and sustainable development must be promoted. There is a need to recognize and foster the traditional methods and the knowledge of women relevant to the conservation of forest resources and to ensure the opportunity for their participation in the economic and commercial benefits derived from the use of such traditional methods and knowledge; and
- There is a need to ensure that women have access to land in order to plant and participate in the economic benefits.

Element 53: Rights of Indigenous People and Local Communities

National, regional and international forest policies should recognize and duly support the identity, culture and rights of indigenous people, their communities and other communities and forest dwellers. There is a need to better address the concerns of indigenous peoples, notably those related to the use of traditional forest related knowledge, intellectual property, tenure rights and the equitable sharing of the benefits arising from the use of forests.

Note: The amended passages appear in boldface.

1.2 STEPS 2 AND 3: ANALYSIS OF THE ELEMENTS

In order to enable a more effective analysis of the elements, Steps 2 and 3 were analyzed concurrently. The results are as follows:

- Fifty-nine of the elements are already covered by existing instruments or mechanisms, and twenty-one are not. Even in cases where instruments exist, they are not always considered adequate; and
- Forty-two options are identified for a strengthening of existing instruments, twenty-six for the creation of legally-binding instruments and twenty-four for the creation of non-legally binding instruments.

With respect to the options, there is a strong trend in favour of the creation (50 options) and strengthening (42 options) of international legal instruments or mechanisms.

As for the potential for consensus, there is a high probability of achieving a strong consensus.

The results of the discussions are presented in the table in Annex 2.

It should be noted that in conjunction with the meeting, two excursions have been organized to Mbalmayo and Ottotomo, which are near Yaoundé, to give those in attendance an opportunity to visit actual forest and industrial sites in the Cameroun. Finally, in response to a proposal by the NGO representatives, the organizing committee has approved the inaugural general meeting of an international network of communication, information and action to achieve sustainable management of all forest types (RIFOR).

IDENTIFICATION OF OPTIONS, PROS AND CONS /STEPS 2 AND 3

SUMMARY TABLE OF THE CONCLUSIONS OF THE REGIONAL MEETING IN YAOUNDE

ELEMENT	COVERED YES (Y) or NO (N)	COVERED IN EXISTING INSTRUMENT		IS IT WELL COVERED?		REASONS/ COMMENTS IF NOT WELL COVERED	CHOICE OF OPTIONS			PROS	CONS	BASIC FUNCTIONS	POTENTIAL OF REACHING A CONSENSUS
		LEGALLY BINDING LB	NON LEGALLY BINDING NLB	YES	NO		STRENGTHEN EXISTING AGREEMENT	NEW LB	NEW NLB				
1	N							X		1		A and K	High
2	O	X			X	Limited to deforestation, limited in space and limited in respect of forest type	X			1		A, F, E, H	Moderate
3	O		X		X	Limited to deforestation	X			3		G and D	High
4	Y	X			X	Limited to Africa	X			2		C and J	High
5 a	Y	X			X	Many aspects not covered, i.e., transhumance, fire, refugees, etc.	X			1 and 2		A, F, G, J, H	High
6	Y	X			X	Excludes the sociocultural dimension. Inequitable sharing of benefits.	X			2 and 3		A and C	High
7 a	Y	X			X	Man-made catastrophes not adequately taken into account	X			1 and 3		J, A, D, F	High
8	Y	X			X	Lack of co-ordination	X			1		A, J	Moderate
9	N							X		1 and 3		A, D, C, F	Moderate
10 a	Y	X			X	Limited in space	X			3 and 2		A, D, C	High
11	N								X				
12	Y	X				Lack of harmonization	X			1		A, B, G, J	Low
13	Y	X		X									
14	Y	X			X	Limited to certain areas	X			1 and 2		C, G, I, J	Moderate

15	Y	X			X	Limited in space Factor of water not taken into account	X			1		A, E, D, F, H, I	High
16	Y	X		X									
17	Y	X			X	Environmental aspects not taken into account	X			1, 2, 3		A, D, F, G, I	Low
18	Y	X			X	All forest products are not taken into account	X			2 and 3		B, G	Moderate
19	Y	X			X	Lack of political will and diverging interests between states All technical standards are not well defined. (shortcomings/gaps)	X			1, 2, 3		A, E, G	High due to the importance of the subject and the views of producers Low- to short-term in the viewpoint of the consumer countries Moderate
20	Y		NLB		X	Criteria not well defined Different levels of understanding of existing criteria. ¿????FSC only covers a few types of forest.			X	1, 2, 3		A, C, G	High
21	N							X		1, 32 for PVD		A, G, I	Globalization: Low potential because economic interest in fire very high. High potential since the process is already under way. Green accountability since already received consensus from ++ countries
22	Y		X	X		Legal void. No influence or constraint on economic policy of the states	X			1,2,3		A, C, D	High

23	Y				X	Not all types of forests and forest products are taken into account. Lack of universal, objective criteria.	X				2	E, D, J	Moderate due to economic cost to companies. High due to convergence of interests of most players.
24	Y		X		X	Economic considerations take precedence over social considerations. Different understanding of the health and safety standard flowing from the disparity in criteria.				2		E, D, J	Moderate due to the economic cost to companies. High due to convergence of interests of most players.
25	Y		X			The enhancement of the products of all types of forests is not yet a concern for all countries. Reluctance to change techniques and technology due to economic and social costs. Engineering deficiency.	X			1, 2, 3		A, K, J, E	High
26	Y		X			Legal void. Existing texts contain shortcomings. Standards and techniques not universally accepted.	X			1 ,2 , 3		C, H, K	High
27	Y		X			Legal void. Existing texts contain shortcomings. Standards and techniques not universally accepted.	X			1 ,2 , 3		C, H, K	High
28	Y		X			Aspect of engineering transfer not addressed. Problems with patents.		X	X with incentive measures	NLB.3 New NLB: 2, 3		F, G,F; G	Low to moderate High
29	Y		X			All types of pollution and polluting agents are not taken into account.		X		2, 3		D, F, G	Low due to nature of the instrument. Moderate for awareness of the problem.

30	Y		X			All types of pollution and polluting agents are not taken into account.		X		2, 3			Low due to the nature of the instrument. Moderate for awareness of the problem.
31	Y		X			Given current state of knowledge, it is impossible to identify all types of products and services.		X because bio-diversity is fully under-stood Access to resources	X due to the private nature of the actions to improve the state of know-ledge	NLB: 3		B, D, E, G,	High
32	Y		X			Insufficient ¿???????R&D			X	3, 1		H, A	High
33	Y		X			Sustainable forest development criteria poorly defined. No funding for long-term investments.	X	X		NLB: 1, 2		A, B, C	High
34	Y		X			Not legally recognized. Shortcomings of texts on equity.		X		2		D, E	High
35	Y		X			Aspect of "polluter pays" tax not addressed. Cultural traditions differ from country to country.		X		2 ,3		A, F, G	High
36	Y		X			Unawareness of texts and failure to apply texts.	X			2		A, B	High
37	Y		X				X			1		J, A D, B, G, I	High
38	Y		X		X	Texts respecting application unclear.	X			1, 2		A, B,	High
39	Y		X	X			X			2, 3, 1		B, A, F	Very high
40	Y		X	X			X			2, 3, 1		A, B, F, E	Very high
41	Y		X		X	Set capacity standards.	X			2, 3		A, C, K, H	High
42	Y		X		X	Does not cover all regions.			X	1, 2		G, F	Low

43	Y		X		X	Inadequate resources for implementation.	X			1, 2		A, G	Low
44	Y		X	X		Implementation difficult. Need for political will.	X			1, 2, 3		E, B, D	High
45	Y		X	X		Requires commitment of funding states.	X			1, 2		C	High
46	Y		X	X		Inadequate planning of training.	X			1, 2, 3		D	High
47	Y		X	X		Shortcoming of the information network.	X			1, 2, 3		C, G	Moderate
48	Y		X		X	Low level of effectiveness and impact.	X	X		1, 2, 3		G, A	Low
49	Y			X		Funders' strategies incompatible. Lack of co-ordination between the state and funders.			X	1, 2, 3		G	Very low
50	Y		X	X			X			2, 3		C, H, K	High
51	Y		X	X		Lack of bottom up approach.			X	1, 3		J	High
52	Y		X		X	Low level of involvement by women.			X	1, 2, 3		J, D	High
53	Y		X		X	Low level of involvement by indigenous people.			X	1, 2, 3		J, D	Very high
54	Y		X	X			X			1, 2, 3		J, D	High
55	Y		X									F, C, A, B	High
56	Y	X			X	Sectoral	X	X		1, 2		A, D, F, I	High
57	N								X			A…K	High
58	Y		X		X	See text	X		X			A…K	High
59	Y		X		X							A…K	High
60	N								X			B, C, D, K, E	High
61	Y		X		X	Specific to certain types of forest.	X		X			A, E, C, J, L	Moderate
62	N								X			A, E, H, I	High

63	N							X		3		A, B, D, I, J, G	High
64	N								X			C, D, F	
65	N							X	X	3		A…K	Moderate
66	N								X			I, J, A, H, C, E	High
67	N								X	2		I, A	High
68	Y		X		X							A…K	High
69	N							X		3		F, I, J	High
70	N							X		2		A, B, F, G, I	Moderate
71	N							X		1, 3		A, G	Moderate
72	N							X		1, 2, 3		D, J, C, K	High
73													
1 – New: Definition of all concepts	N				X	Absence of universal definition.				3		K	High
2 – New: Factors and indicators of forest degradation	Y		X		X	Limited to temperate and boreal forests.				3		A, H	Moderate
3 – New: Fighting poverty	N				X	Political commitment ineffectual. Inequitable distribution of wealth.	X			2, 3		A, F, G	High
4 – New: Creation of partially covered protected areas							X	X	LB: 1 NLB: 1			A, GA, G	Moderate Moderate
5 – New: Urban and peri-urban forestry	N								X	1, 2, 3		A, G	Moderate
6 – New: Compensa-tion regime	N							X		1, 2, 3		A, G	Moderate

7 – New: Management organization for all types of forests	N								X	1, 3		G, J, E, F, H	Moderate LB High NLB
8	N							X		2, 3		A, G	Moderate

Note

1 – Elements: the abbreviation (a) refers to amended elements

2 – Pros and cons: codes 1, 2, 3 refer to the criteria in favour of which its options are recommended

3 – Basic functions: Codes A…K refer to the basic functions of each element.

2. CONCLUSION

The findings of the experts are essentially the result of the combined efforts of each participant. These very productive results would, we hope, assist the IFF in implementing international arrangements and mechanisms for all types of forest. The results of the Yaoundé meeting can be summarized as follows:

1° - an overview (prerequisite) of the individual roles of the participants, and clarification of the anticipated results of the organized discussions, through presentations given by talented communicators that were of much interest to the participants;

2° - simultaneous delivery of several workshops or smaller focus groups to maximize the anticipated results of each workshop, facilitating the exchange of views among the participants;

3° - the rewording of 18 of the 72 elements in the list prepared at the experts meeting in Costa Rica. In no case are the changes made to the existing elements meant to call into question the elements. Rather, they reflect the sub-region's desire to see the integration of all its concerns into the elements; and

4° - the proposal of eight new elements, by the experts, at the regional meeting in Yaoundé. The new elements address ongoing concerns specific to our sub-region, such as fighting poverty, which enables riparian populations to no longer be requesters and to therefore reduce their exploitation of forested areas. Programs to fight poverty should allow for the transfer of these populations from the primary to the tertiary sector, thereby reducing pressures on the forest. The introduction of a compensation regime for our countries that contribute to the conservation and restoration of natural resources in conjunction with the introduction of a compensation tax paid by polluting industries to be used to develop forest resources.

3 GENERAL COMMENTS ON THE WORK OF THE REGIONAL MEETING IN YAOUNDE

3.1 STEP 1: ADOPTION OF THE ELEMENTS

After reading the list of elements received from the CRCI secretariat and their unofficial definitions, most participants at the regional meeting in Yaoundé were of the view that:

a) identification and description of most of the proposed 54 elements are complete and should be left as is;

b) identification or description of a good number of elements (18) are either incomplete or do not take account of all regional characteristics. Therefore, the participants felt it advisable to amend these elements to make them more complete or more effectively reflect characteristics including:

- impact of refugees on forest conservation (7);
- problems of cross-border transhumance (10);
- concept of "economically viable alternative energy systems" (32);
- accuracy of forest statistics for policy-making purposes (41);
- search for new financial mechanisms for the implementation of national reforestation programs (48), particularly in countries with little forest cover;
- regional and international recognition of the rights of indigenous people and local communities (53); and
- promotion of women's access to land (52).

c) The list of elements received from the CRCI Secretariat was incomplete and a number of general or regional forest issues were omitted.

They adopted eight new elements to complete the list. The adoption of the new elements was done on the basis of consensus except for the element respecting the creation of transboundary protected areas. Although most participants recognized the advisability of this element, some were of the view that it would impossible to implement and that the only possibility is the development of mechanisms to prevent cross-border conflicts, thereby bringing this issue to element 69 of the initial list.

3.2 STEPS 2 and 3

The analysis of the summary table of conclusions of the regional meeting in Yaoundé underscores the differences of opinion with respect to the choice of options for elements 28 and 31.

2.1 Element 28: Technology and Engineering Transfer

Although the experts agree that this element is not adequately covered by existing legal instruments, they differ widely on the choice of options;

Some of the participants favour the option of a new LBI with potential to achieve low and medium consensus; and

Others prefer considering a new non-LBI, accompanied by incentive measures promoting its application. The proponents of this option feel it would have more potential for achieving a high level of consensus.

2.2 Element 31: Non-timber Products and Services

Some participants believe that the option that should be considered for a complete treatment of this element would be a new non-LBI. They feel it would be impossible to enforce an LBI against the backdrop of the current state of knowledge, whereby the level of knowledge of such products and services is considered inadequate and the measures designed to improve this knowledge comes from the private sector.

Others believe that a new legally binding instrument should be considered. They believe that knowledge on non-timber products and services is complete and that it is only the lack of resources that would compromise their sustainable management.

4. SUMMARY OF THE EVALUATION EXERCISE

At the end of the regional meeting in Yaoundé on the CRCI, evaluation forms were distributed to the participating experts to evaluate the meeting, as provided for in Annex B of the initiative's method.

Forty, of the more than 75 experts who attended the meeting, returned completed evaluation forms to the secretariat of the Yaoundé meeting organizing committee.

The results of the analysis of the forms are provided below. They are divided into four points corresponding to the four points in the questionnaire.

4.1- Contribution of the Meeting to a Better Understanding of Issues Relating to Category III of the Program of Work of the IFF

Almost all of the experts who took part in the regional meeting in Yaoundé believe that the meeting gave them a better understanding of the issues concerning Category III of the program of work of the IFF.

4.2- Ability of the Initiative's Approach to Facilitate Open, Participatory Discussions

Close to two-thirds of the participants feel that the approach adopted promotes open, participatory discussions, while one-third feels it does not. The latter feel the approach is controlling and channels the discussions towards specific answers.

4.3- Adequacy of the Documentation to Help Reach an International Consensus

Close to one half of the experts found the documentation to be satisfactory. Some deplored the fact that a number of participants had not taken the time to read the documentation received;

A large number of participants found the documentation to be incomplete, such as the part on existing legal instruments. They felt that all existing documents in this field should have been provided to them in their entirety;

A number of the participants found the use of the documentation on legal instruments too complicated and felt that it would have been useful to have had legal specialists provide a summary beforehand to facilitate the experts' work.

4.4- Suggestions and comments

The following comments were made:

- one participant deplored the lack of simultaneous translation into Spanish;
- a few participants (3) deplored the lack of involvement of the communities at the heart of the process of the CRCI in order to make it more participatory;
- a few participants (5) would like to see the creation of a monitoring network for the process of the initiative after the regional meeting of Yaoundé;
- a large number of experts (6) expressed a desire that the individuals called upon to take part in future steps, in the initiative process, be selected from among the participants at Yaoundé to ensure continuity;
- one participant commended the organizing committee for its excellent job planning the Yaoundé meeting, whereas another felt it should be revisited, without indicating how so; and
- several participants found the meeting schedule to be very constraining and prevented them from visiting the area. This was exacerbated by the distance from the hotel (location of the meeting) and to the downtown core.

LIST OF PARTICIPANTS

N°	COUNTRY	SURNAME AND NAME	QUALITE ET ADRESSE COMPLETE
01	BENIN	DJODJOUWIN L. Laurent	ONG AFROFONB
02		AKOUEGNON Eugène	OPERATRICE ECONOMIQUE
03		AVONOMADEGBE Benoît	DIR. FORETS ET RESSOURCES NAT.
04	BURUNDI	NDABIRORERE Salvador	DIR. GNRLE AMENAG. TER. ET ENV.
05		NDAWOYO Eugénie	MINISTERE ENVIRONNEMENT
06		KARIKIRUBU Godlieve	VICE-PRESIDENT AFEB
07	CAMEROON	BENGONO Hyacinte	DIRECTION DES FORETS
08		WANDJA Zacharie	PDT ASS. NATIONALE JEUNES FOR.
09		MINDJA Jeanne-Marie	GRAMUE/YAOUNDE
10	GABON	MBOULOU Jean	DG EAUX & F.
11		OBAME ONDO	WWF BP 9144 LIBREVILLE
12		BORDIER Nicolas	ING. AMENAG. SINFOGA
13	MADAGASCAR	RAKONTONDRAINIBE Jean	ING. SG/COTE EST
14		RABOYOVAVY R. Hilarie	DG EAUX ET FORETS
15		RAVELOMANANTSO Zezé	ING. AGRONOME A.R.G.A.P. près du Lycée Français Ambatobe
16	MALI	Souleymane CISSE	CT MIN. ENVIRONNEMENT
17		Seydou TRAORE	DIR. BEAGGES-SARL
18		Gaoussou KONATE	CHARGE DE LA REGL. ET NORMES
19	CHAD	Ahmat AGALA	DIR. FORETS ET PROT. ENV.
20		Ahmed DEYEH Christian	REPRESENTANT SECTEUR PRIVE
21		KOUMA Christine	C/SCE ALPHABETISATION

22	EQUATORIAL GUINEA	ZANG OWONO Carlotta	ONG
23		ENEME Fortunato	S/C N° 36 0196 MALABO
24	SENEGAL	DIALLO MALICK	DIR. EAUX ET FORETS
25		CISSE Madeleine	UMBRELLA SUPPORT UNIT (USU)
26	TOGO	EDOH KOKOU ADJEWODA	CHARGE MISSION MEPF/CAS
27		ATSU DEJIGBA KOMLA	DIR. EXEC. ONG AVOCH BP 23
28		OURU DJERI ESSOWE	DIRECTEUR DES PRODUCTIONS FORESTIERES B.P. 393 LOME
29	NIGER	AMADOU HASSAME	SG ONG AP/DB - FANSA
30		HAMAN ABDOU	COORD/PLATE JEUNE
31		SOULEY ABOUBACAR	DIRECTEUR ADJT ENVIRONNEMENT
32	CANADA	CARETTE Jacques	CO-PRESIDENT ICRC
33	FIF	VAHANEN Tina	UN SECRETARIAT BIDG NEW YORK
34	UICN/DJA/CAM.	Diallo MOUSSA	INGENIEUR DES EAUX ET FORETS
35		MOUNCHAROU Georges	DIRECTEUR NATIONAL UICN/DJA
36	JAPON /OIBT	ZE MEKA Emmanuel	PROJECT MANAGER
37	GABON/OAB	ESSAME Félix	DIRECTEUR TECHNIQUE OAB
38	PROJET CEFDHAC	MAKON WEHIONG	COORDONNATEUR P.APPUI CEFDHAC
39	CAMEROUN (CAM)	TEJIONA Armand	CT. DE ANJEFTBC
40		KEMADJIO Dominique	ACAFIA
41		KALATE Manfred	ONG PROJET CIDOM
42		ASSENE NKOU	SYNDICAT DES FORESTIERS
43		FIMBA Ernest	DIRECTION DES FORETS/MINEF
44		MARGUERITE TCHIENDJI	ACAFIA B.P. 3368 YAOUNDE
45		MVOGO Athanase	DIRECTEUR BEDEA (ONG)

46		NGUIMBOUG Mathieu Eric	ASSOCIATION JEUNES FORESTIERS
47		ZEH – NLO Martin	SDA/PNUD
48		NHOGA	UICN
49		EBAMANE NKOUMBA Samuel	DIRECTEUR ENEF
50		GARTLAN S.	WWF B.P. 6776 YAOUNDE
51		TCHOULACK Albertine	ONG CAFER B.P. 13 688 YAOUNDE
52		OKOTIKO Catherine	SE/TCGBC/YAOUNDE
53		Pieter SCHIMISD	PTC TROPENBOS B.P. 219 KRIBI
54		MVE EBANG Rostand	CHAMBRE D'AGRICULTURE
55		SOFACK Simon	CAWE UGICAEM EMAM ORG.
56		MOUTAPAM OUM	CDFESA/ONG TEL. 22.45.75
57		BEKOUA RICHARD	RESPONSABLE ONG
58		SOLLO DENISE	OBSERVATEUR
59		LEFANG PAUL	INGENIEUR/ONADEF
60		NGANJE MARTIN	MINEF
61		MVE EBANG ROSTAND	REPRESENTANT CHAGRI
62		GHANGNO IBRAHIM	JOURNALISTE
63		CUSSON YVAN	CONSEILLER DF/PGDFC
64		FAM ELOM RUBEN	JURISTE/CABINET JUREX
65		NJIB NTEP DIEUDONNE	ONADEF
66		PONTY MICHEL DEGUY	CHEF D'ENTREPRISE
67		SIMO HUBERT	ONADEF
68		FOCHIVE EMMANUEL	SG GROUPEMENT FILIERE BOIS/CAM.
69	RCA	YAMINDOU JEAN	COORDONNATEUR WWF/BANGUI
70		DIMANCHE LUC	DIRECTEUR DES FORETS/BANGUI

71	CAMEROUN	NANA DANIEL	GIC AMECUM CAM
72		FOKOUNANG OUSMANOU	B.P 2076 YAOUNDE (ONG) Tél 23.94.46
73		MOUE ELIZABETH S.	MADEF TEL 22.86.98 B.P 6768 YAOUNDE
74		Dr NJAMBE MOÏSE A.	SOS DIALOGUE B.P 6851 YAOUNDE
75	GABON	MADINGOU ANDRE J.	M.E & FORETS BP 9293 LIBREVILLE
76	GABON	BOUSSENGUE ATHANASE	DG EAUX & FORETS BP 2275 LBVILLE
77	SENEGAL	NDIONE PAPE DETHIE	ANIMATEUR NATIONAL FTPP
78	CAMEROUN	KEDE OTODO	DIRECTEUR DES ETUDES/ONADEF
79		BATOUM THEMOTIO	DIRECTEUR PROJETS CO-FINANCES
80		FONKOUA CLAUDE	CHARGE D'ETUDES/ONADEF
81		MENANG EVOUNA SERGE	ATTACHE DE DIRECTION/ONADEF
82		ZOURMBA JUOULLIER	CHEF D'AGENCE GAROUA/ONADEF
83		Mme ONANA MARIE H.	COORDONNATEUR ADJT PROJ. SIKOP
84		Mme YANA SUZANNE	CHEF DE SERVICE COURRIER/ONADEF
85		Mme MACHIA GRACE	SECRETARIATDIRECTION GENERALE
86		Mme BODOU ROSE	CHEF SCE ADJT COURRIER/ONADEF
87		Mlle EMBAGNE M. M.	SECRETARIAT DIRECTION GENERALE
88		Mme DJOFANG JUSTINE	DIRECTION ETUDES
89		Mme ATANGANA NICOLE	SECRETAIRE DAF/ONADEF
90		Mlle EKANG ANGELA	DIRECTION PROJETS CO-FINANCES
91		Mme EVA AGNES LYDIE	PROJET SIKOP
92		OWONO EVOUNA	PLANTON/ONADEF
93		YONGBI MARTIN	PLANTON/ONADEF
94		BOT PIERRE	CHAUFFEUR/ONADEF
95		PUWAKE MARTIN	CHAUFFEUR/ONADEF

96		FONKOUA RUDOLPH	CHAUFFEUR/ONADEF
97		OWONO ABESSOLO	CHAUFFEUR/ONADEF
98		OWONO MESSANGA	CHAUFFEUR/ONADEF
99		PANCHA ISSAH	CHAUFFEUR/ONADEF
100		EKANI EDWIGE	CHAUFFEUR/ONADEF
101		MAPOUT JOSEPH	CHAUFFEUR/ONADEF
102		ELOUNDOU RAPHAEL	CHEF SCE ADJT SMAG/ONADEF
103		ATANGANA DOMINIQUE	SERVICE FINANCIER
104		OWONO GABRIEL	SERVICE DU MATERIEL ET AFF. GNRLES
105		MBOCK SIMON	SERVICE DU COURRIER
106		NJIKI ZACHARIE	DIRECTION DES ETUDES
107		MANGON SOLANGE	SERVICE DU MATERIEL ET AFF. GNRLES
108		Mme FOGOUM JACQUEL.	DIRECTION DES ETUDES
109		Mme MESSENDE JOCELYNE	DIRECTION DES ETUDES

Costa Rica-Canada Initiative

REGIONAL MEETING

Near East, Caucasia, Central and South Asia October 12 to 15, 1999 Istanbul, Turkey

Experts from the following countries participated:

Armenia	Georgia	Kyrgystan	Malta
Azerbaijan	India	Morocco	Syria
Bengladesh	Iran	Nepal	Sudan
Cyprus	Iraq	Oman	Tunisia
Djibouti	Jordan	Pakistan	Turkey
Egypt	Kazakhstan	Saudi Arabia	Turkmenistan

PREFACE

The regional meeting in support of the Costa Rica-Canada Initiative (CRCI) hosted by the government of Turkey co-sponsored by Food and Agriculture Organization (FAO) was held in Istanbul, Turkey on October 12 to 15, 1999**.** The meeting was one of the eight regional meetings that were organized to support the program of work of the Intergovernmental Forum on Forests (IFF) on Category III, arrangements and mechanisms to promote the conservation, management and sustainable development of all types of forests.

The aim of the meeting is to provide better information in order to help facilitate the policy makers to reach a well informed decision during the next meeting of IFF-4 and of the Commission on Sustainable Development (CSD) of the United Nations (UN) in early 2000. Such decisions will be crucial for the future of humanity, since the future of the forest is going to be decided.

The meeting was attended by 76 participants from 26 countries located in the Near East, Central South Asia and the Caucasian regions. Participants were experts from a variety of institutions, such as forestry sector organizations, universities, Non-Governmental Organization (NGOs), private sector and observers from IFF and CRCI Secretariats.

The regional meeting was opened by the Minister of Forestry of Turkey. He expressed his pleasure for being the host country and he pointed out the importance of the meeting for supporting the global forestry debate and mentioned Turkey's efforts and interests after the Rio Summit.

Following the formal opening, five keynote speakers introduced the intergovernmental processes on the forestry policy deliberations and the idea, aims and approach of the CRCI, so that the participants were ensured to get more familiar and have the necessary knowledge before the group discussions took place.

There were six plenary sessions and two working group discussions, including four steps of the standard approach of the initiative, which is being followed by all the regional meetings. Each group has one facilitator, one resource person and one rapporteur.

Three groups were established and the 75 elements shared by the groups during the group discussions. Afterwards the outcome of each of the group’s work was presented by the group's rapporteur to all participants through following plenaries.

On the last day of the regional meeting, the participants had an excursion for a panoramic spectra from the cities of Bosphorus and Istanbul, organized by the organising committee.

INTRODUCTION

1. The international community has been discussing a wide range of elements related to the management, conservation and sustainable development of all types of forests. It has been difficult to reach an agreement regarding the instruments that might best address these elements. Therefore, Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of the IFF to identify possible elements and work toward a consensus on the usefulness of having international arrangements and mechanisms, such as a legally binding instrument (LBI) on all types of forests.

2. There are still a series of disagreements among the interested parties, on how to adequaTelephoney address the promotion of management, conservation and sustainable development of all types of forests. Costa Rica and Canada entered into a partnership to initiate an information consultation process, so as to allow for the gathering of the views of the different interests and sectors involved.

3. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative forum to facilitate technical discussion on LBIs on all types of forests and consider possible elements of such instruments.

4. The CRCI is a supportive process of the IFF's program of work, Category III, arrangements and mechanisms to promote the conservation, management and sustainable development of all types of forests. The initiative consists of three stages, the first one being the experts' meeting in San José, Costa Rica, from February 22 to 26, 1999.

5. The second stage consists of eight regional meeting, which was decided upon at the San José meeting, where and when they would take place. Out of this one, others will be held/or were held in Cameroon, Spain, Argentina, Kuala Lumpur, Malaysia, Ecuador, Mexico and Zimbabwe.

6. The third stage will be the final meeting to be held in Canada at the end of 1999 that will consolidate the results of the regional meetings. The conclusions and recommendations of the final meeting will be submitted to the fourth session of the IFF.

7. The regional meeting held in Istanbul on October 12 to 15, 1999 was organised by the Ministry of Forestry of Turkey and co-sponsored by the Food and Agriculture Organization. It included the vast regions of the Near East, Central and South Asia and the Caucasian.

SUMMARY OF THE REGIONAL MEETING, TURKEY

Turkey's regional meeting of the CRCI was held between October 12 to 15, 1999, in Istanbul, Turkey. It was a large one in terms of the number of countries experts came from. It was attended by participants from 26 countries representing the Near East, Caucasian, Central and South Asia regions. 78 participants were from government organizations, international institutions, non-governmental organisations (NGOs), the private sector and local authorities attended the meeting.

Opening and Welcoming Speeches

Mr. Y. Yüksel, Chairman of the regional meeting welcomed the delegates. He also gave brief summary about the international processes on the issue of sustainable forestry dialogue from the Rio Summit to the CRCI. (Annex I).

The regional meeting was opened by Professor N. Çağan, the Honourable Minister of Forestry, who expressed his warm welcome and appreciation for being able to host such an important meeting in his country. In his opening remarks, he mentioned that forests are unique ecosystems. That offer a variety of direct benefits in terms of the well-being of present and future generations. He drew the participants attention to the following issues:

- the role of forestry in terms of a local, national and global point of view;
- forestry development issues, such as Forest Principles, Chapter 11 of Agenda 21, combating desertification and biological diversity highlighted by United Commission Sustainable Development (UNCED);
- forestry related issues being tackled by international instruments and mechanisms;
- the major characteristics of Turkey's forests and forestry policy; and
- the active participation and hosting of the Government of Turkey to the various forestry processes at international and regional levels, the most important one being the XI World Forestry Congress in 1997 (Annex II).

In this regard, he expressed his wishes that the role of the meeting would be useful for the initiative and the next steps of the IFF's efforts. He then expressed his pleasure for hosting the regional meeting the attendencw of all the participants and for the presentations made.

Keynote Speeches

Four key speakers deliberated on the following complex issues:

An overview of intergovernmental deliberations on forest policy, by Dr. J. Maini;
Progress in intergovernmental deliberations on forest policy, by Mr. T. Michaelsen;
Introductory remarks from the CRCI Secretariat, by Mr. J. Carette; and
Overview of international instruments and regional experiences by M. Dogru.

Mr. J. Carette, Co-president of the CRCI, expressed his sincere thanks to the Government of Turkey for hosting the meeting and the FAO for its contribution on behalf of the initiative. He also mentioned the importance of the eight regional meetings, which will be of significant benefit to the initiative. In this connection Mr. Carette highlighted the objectives of the CRCI, which supports the IFF and he pointed out that the initiative would bring together more than 600 forest experts from around the world to learn from one another. He then urged the participants to take every opportunity to express their views, adding that understanding the reasons behind the range of views was very important for building consensus. Finally, he thanked the organizers for arranging the facilities and the rapporteurs and the facilitators for their assistance to the regional meeting (Annex III).

Mr. J.S. Maini and Mr. T. Michaelsen, of the IFF Secreteriat, highlighted the intergovernmental deliberations on forest policy. They pointed out the context of the international deliberations, the description of the intergovernmental dialogue on forests and the progress made, and made some comments on the challenges ahead (Annex IV).

Dr. Maini stated that the context of international deliberations were guided by three overarching principles, including the sovereign and economic development rights and global responsibility of states. He said that the expanding scope of some forest related issues has attracted the intention of the international community, such as deforestation, degradation of subsistence value, international trade, environment, sovereignty, evolving international partnerships, international agreements and forest dwellers and indigenous people.

Mr. Michaelsen explained the progress in intergovernmental deliberations from 1990 to present, stressing the polarization that took place during the Rio Summit and the IPF and IFF process, as an open, transparent and inclusive process, endorsed by high political levels, as well as by professional groups, established in 1995 and 1997 respectively. He also mentioned several areas that need the further attention of the international community consisting of challenges ahead and the next steps.

Mr. Dogru's overview dealt with existing relevant legally and non-legally binding international legislation and instruments. He expressed, in his presentation, that there was no significant study undertaken in relation to the implementation of the existing international conventions and non-legally binding arrangements and mechanisms in the Near East Region. He also gave same information about the progress made in the region on the relevant international legally binding and non-legally binding instruments (Annex V).

He also pointed out that a majority of Near East countries have already been involved, by signing and/or ratifying, most of the existing legally-binding and non-legally binding arrangements and mechanisms. The existing conventions discussed above, except for the International Tropical Timber Agreement (ITTA), are not specifically designed for forests and forestry, but have significant relevance and impose various obligations on forests and the sustainable management of forest resources.

Mr. Dogru mentioned that international and regional instruments addressed forest related issues in specific contexts, embodied the concept of sustainability, and addressed many cross-cutting issues relevant to forests. Non-legally binding arrangements and mechanisms, on the other hand, have specifically been designed and directly address the

necessary actions for strengthening conservation and sustainable management of forest resources at global, national, regional and local levels. While each of the existing conventions aims to address a different specific aspect of sustainable forest management, there are also commonalties between the aims of some of the conventions.

Mr. Yüksel, on the other hand, presented the agenda of the meeting, which was accepted with no amendments or changes at the next plenary. He also introduced the three rapporteur and facilitators to the participants for their approval. Both were approved by a unanimous vote.

Presentation of the Approach

Mr. K. Temur, a member of the organising committee of the regional meeting introduced the CRCI Approach to the participants at a plenary session. He pointed out that the method and procedure, which was to be followed during the meeting, were more or less similar to the standard approach used at the other seven regional meetings. He clarified that the regional meeting consisted of four steps and the process was to be continued gradually from Step 1 to Step 4, while Steps 1, 2 and 3 were the main parts of the meeting. Step 4 was an evaluation phase covering only a questionnaire. Furthermore, Mr. Temur also reminded the participants that all the related documents provided from the CRCI Secretariat, in three languages (English, Russian and Arabic), were sent to about 40 countries in the region by the Regional Meeting Secretariat in advance. Therefore, the participants are supposed to have some knowledge and be quite familiar to the approach.

STEP 1 – Introducing the Working List of Elements

The working list of elements was presented by M. Düzgün, Chief Rapporteur, to the participants at plenary. He mentioned that in addition to the 71 elements identified at the first expert meeting in San José, Costa Rica, 12 new elements and six combination proposals were received from the countries in the region. He presented the new proposals and four new elements for acceptance to be added to the existing list. Thus the number of elements to be dealt with in this regional meeting was raised to 75.

STEPS 2 and 3 – Working Groups

The participants were divided into three groups and worked parallel at Step 2, identification of options for addressing elements and, Step 3 Pros and Cons of legally binding options. The 75 elements were shared among the three groups. Group I, elements 1 to 27; Group II, elements 28 to 54 and Group III, 55 to 75. No special attempt was made to classify the elements into thematic groups. Group discussions consisted of three sessions plus two plenary sittings. The groups were given an opportunity to inform each other about the other groups' discussions. Apart from the participants, each working group had one rapporteur, one facilitator and one resource person.

Outcome of the Group Meetings

The working groups completed their task in the direction of the approach introduced. A number of outcomes provided by the group meetings, which reflected the idea and usefulness of international forestry related instruments and mechanisms on the deliberations towards the promoting of conservation, management and sustainable development of all types of forests in general, and the potentials and the constraints facing in the regional forestry debate in particular. A broad summary of the outcomes of the steps and the working groups' studies is given in Chapter .....

Closing Session

The chief rapporteur submitted the draft report of the regional meeting. The participants approved the draft report by acclamation. Many participants congratulated the organizing committee for their efficient arrangements and the

facilities offered during the meeting. A proposal was made to send congratulations and a thank you message, through the CRCI Secretariat, to the Minister of Forestry and the Prime Minister of Turkey. It was approved by all present.

The chairman of the meeting, Mr. Y. Yüksel, thanked all the participants for their valuable contributions and attendance at the meeting, as well as the members of the organising committee for their efforts.

In his closing remarks, Mr. Carette, the CRCI Secretariat, expressed his satisfaction with the regional meeting. He said that the outcomes of the meeting is likely to contribute much to the initiative. He presented, on behalf of Mr. Ricardo and himself, their sincere admiration and appreciation to all the participants and especially to the Ministry of Forestry and the organizing committee. He also mentioned that the reports from the regional meetings were being expected shortly and the adequate inputs that would contribute the efforts of the international community to provide better opportunity of forest and related services for the actual and future generations (Annex VI).

Conclusions and Recommendations

The regional meeting of the CRCI held in Istanbul on October 12 to 15, 1999, adopted a number of conclusions. Many of them are reflected in Annexes 2 and 3, which had been raised during the working groups. The following general conclusions were stressed at the plenaries and the group studies by participants:

- During the discussions the proposal of setting up of a "Global Forestry Facility" (GFF) was accepted. It should be on the lines of Global Environment Facility (GEF) for Biodiversity Convention. It should be set up to provide policy, strategy and a financial support to developing countries. This should be a precondition for setting up of the institution of a legally binding forestry convention to safeguard the interests of developing countries. The FAO can sense as the technical adviser to this facility;
- 19 elements out of 75 elements were found to have already been adequaTelephoney tackled by existing instruments and mechanisms and they should be strengthened. Likewise, nine elements were suggested to be combined with some other elements, which were similar in terms of their context and of their definitions;
- The working groups proposed that: 8 elements certainly only needed new international legally binding instrument; 13 elements participants proposed both legally binding and legally non-binding new instruments by some means or other;
- It was pointed out that the Elements 21, 23, 43 and 65 might be considered and treated on a country-specific basis, and could be attended no matter in existing instruments or new legally instruments;
- Because of the specific forestry conditions which countries are facing in the region, the participants have mainly concentrated on issues of forestry such as: financial mechanisms, international co-ordination, technology transfer, deforestation, forest protection, desertification and drought, socio-economic dimensions, participation, rural development policy, public access, social forestry, and agroforestry;
- A total of 28 elements were evaluated for a better understanding of the relative pros and cons of legally binding options to advance each element. Some participants stressed the close linkage between the cons of the option and the basic functions that can be fulfilled;
- Many participants stated that because of the highly political nature and national sovereignty concerns of some specific elements, legally binding instruments at a national level, should precede the international ones. In this connection, national sovereignty, economic, social and political situations of countries has the potential to reduce the effectiveness of the international legally binding instruments thus, they should be taken into account;
- A number of participants considered that instead of 75 elements, which are too many to be handled, the arrangement of some basic categories, of the elements, would be easy to identify the level of treatments and more suitable options regarding their major context and implementation mechanism.

4. THE APPROACH OF THE CRCI

4.1. The standard approach of the CRCI, given in Appendix 1, was applied by the region to facilitate the compatibility and consolidation of the findings from regional meetings. The approach was presented by Mr. Kayihan Temur, forestry expert, a member of the organizing committee for regional meeting.

Application of the approach at the Regional Meeting;

Step 1 – Identification of a Working List of Possible Elements

- Prior to the meeting:

- the organizing committee sent the list of elements, from the experts meeting in San José, Costa Rica, together with the source and working documents, to participants;
- participants were asked to analyze the list and add any new elements and to submit these to the organizing committee;
- four countries (Bangladesh, Malta, Nepal and Turkey) submitted new possible elements;
- two countries (Nepal and Turkey) proposed a combination of some elements (9-11, 13-14, 46-72, 3-11, 21-27-39 and 42-49) on the list; and
- the organizing committee of the meeting prepared a revised working list of possible elements (see Appendix 2) that reflects the views received from the participants.

- At the meeting:

- Mr. M. Düzgün, Chief Rapporteur, presented the list of possible elements in plenary; and
- elements received from countries were consolidated into 75 elements (see Appendix 3).

Step 2 – Identification of Options for Addressing Elements

- The participants were divided into 3 working groups. Group I and II deliberated on 27 different elements and Group III deliberated on 21 different elements;
- Discussions in the working groups were moderated by expert neutral facilitators;
- To arrive at the best option, the following critical questions were asked for each elements:
  - Is the element addressed by existing instruments;
  - If so, how well is it addressed;
  - If it is not well addressed, what are the reasons? And comments;
  - What is the best option;
    (a) Strengthening the existing instruments;
    (b) New LB instruments;
    (c) New LNB instruments.

- In order to arrive at the best option, use of flow chart from the CRCI secretariat was recommended; and
- The outcomes of the working groups were presented and further discussed at the plenary session.

Step 3 – Pros and Cons of Legally Binding Options Identified in Step 2

- Participants continued working in their own group;
- The following subjects were asked to be considered by the group members for each element:

- effectiveness of the option to generate on the ground progress;
- impact of the option on national interests;
- effectiveness of the options to address the special needs of developing countries; and
- how does the option fulfil the basic functions that should characterize future international arrangements and mechanisms, as suggested in the list derived from the IFF-3 report. This was an additional input from the region.

  Basic Functions (IFF-3 Report)

  The basic functions, as derived from the IFF-3 report, are listed as follows:
  (a) secure political commitment to sustainable forest management;
  (b) elaborate objectives in line with UNCED decision and IPF proposal for action;
  (c) develop, guide, promote and formulate policy action on forest related issues;
  (d) develop and set priorities for action, address emerging issues;
  (e) co-ordinate forest related work with relevant organizations and instruments;
  (f) support and identify needs for international co-operation;
  (g) enhance international co-operation and improve effectiveness, efficiency and co-ordination of bilateral and multilateral assistance, to support the efforts and respond to the needs of developing countries and countries with economies in transition;
  (h) review, assess and report on the progress towards sustainable forest management and on the state of the world's forests;
  (i) provide effective governance of a common and comprehensive forest agenda for action by the forest community;
  (j) provide a forum for interested parties to exchange experiences, discuss concerns, and propose solutions for achieving sustainable forest management; and
  (k) facilitate efficient co-ordination and comparability of concepts, terminology and definition.

- What is the potential to reach consensus, if the element is addressed in a New LB instrument? (This was additional input from the regional meeting).

- The outcomes of the working groups were presented and further discussed in the plenary session.

Step 4 – Evaluation

In order to identify further actions to facilitate the ability of the CRCI to build international consensus on matters relating to Category III, of the IFF's program of work, participants were asked to fill out a survey form and leave it with a regional meeting secretariat.

4.2 Presentation of the Working List of Possible Elements

At the third plenary of the regional meeting, Mr. Düzgün, Chief Rapporteur, presented the existing list of elements, which included those identified in the first expert's meeting in Costa Rica and those proposed to be added to the existing list, by the countries attending the regional meeting. The 71 elements, which were identified in the first experts meeting of the CRCI in San José, Costa Rica, were introduced to the participants.

Afterwards, the 12 new elements proposed by the member countries were opened to discussion on whether they would be added to the existing list of elements. Four of the elements suggested were accepted and were to be added to the existing list and the number of elements to be discussed during this regional meeting was raised to 75 (Annex 1).

The new elements added to the working list are as follows:

- urban forestry/green belt plantations;
- poverty alleviation through leasehold forestry and social forestry/poverty alleviation in forest-dependent communities);
- impact of increased population on forests; and
- wildlife management.

Again at this session, six combinations of certain elements, recommended by member countries in advance, were discussed and participants suggested that these elements should be decided in the related working groups during Step 2 sessions.

Analysis of the Outcomes of Steps 1, 2 and 3 ([1])

As mentioned before, the regional meeting brought together 78 participants including foresters, representatives from NGOs and experts from related fields, from 26 countries throughout very wide regions covering the Near East, Central and South Asia and Caucasian. Because of the distribution of these countries which represent a variety of forestry conditions where represented. This ensured that the meeting had diverse viewpoints in the presentations and brainstorming discussions during the study of working groups.

The homogeneousness of the working groups, in terms of expertness and special experiences, allowed participants to share and exchange ideas and gain new knowledge, not only on the contents of the meeting, but also on forestry in general, in a warm atmosphere of discussion.

The outcome of the three steps may be summarized as follows:

STEP 1

Identification of a Working List of Possible Elements

1.1 Step 1 was performed as a plenary session. The 71 elements, which were identified in the first experts meeting of the CRCI in San José, Costa Rica, were introduced to the participants. Afterwards, the 12 new elements, proposed by member countries were opened for discussion as to whether they would be added to the existing list of elements. Four of the elements suggested were accepted and added to the existing list. The number of elements to be discussed in this regional meeting was raised to 75 (Annex 1).

1.2 Again at this session, six combinations of certain elements, recommended by the member countries in advance, were discussed and participants suggested that they should be decided in the related working groups during the Step 2 sessions.

The Working Groups

- Participants were divided into three groups and worked in parallel on the remaining two steps: Step 2, identification of options for addressing elements; and Step 3, Pros and Cons of legally binding options.
- The 75 elements were shared among the three groups: Group I, Elements 1 to 27; Group II, Elements 28 to 54; and Group III, elements 55 to 75.
- No special attempt was made to classify the elements into thematic groups.
- Group working discussions started on the second day of the regional meeting and consisted of three sessions plus two plenary sittings, by which the groups were given the opportunity to be informed about the other groups' discussions.
- Apart from the participants, each working group had one rapporteur, one facilitator and one resource person.

([1]) Summarised and Presented by Mevlut Düzgün, Chief Rapporteur, the regional meeting, Turkey.

STEP 2

Identification of Options for Addressing Elements

2.1 The Regional Meeting Secretariat prepared Table 2, to be used as a standard form, listing major existing legally binding and legally non-binding instruments and mechanisms, which address the elements identified under Step 1. Each working group dealt with one group of the elements mentioned above.

2.2 The facilitators and resource persons guided the working group participants to identify legally binding and/or legally non-binding instrument options for addressing each element of the working list. Three options given by the CRCI Approach, were suggested during the group discussions:

Option 1 – existing instruments should be strengthened;
Option 2– new legally binding instrument is needed; and
Option 3 – new legally non-binding instrument is needed.

2.3 After two sessions of working group discussions under Step 2, 75 elements were examined through the standpoint of level of treatment performed by the related international and regional instruments and the following conclusions were achieved:

(i) Participants suggested that 19 elements were already adequately tackled by existing instruments and mechanisms and they should be strengthened. These elements are 5d, 8, 13, 15, 16, 27, 37, 41, 43, 44, 46, 47, 52, 53, 54, 61, 69, 71, 74 (Table 1).

(ii) Nine elements were suggested to combine with some other elements, which were similar in terms of their context and of their definitions. These elements are:

numbers 3 and 11: *Forest Assessment Inventories* with *Extend of National Forest Cover*
numbers 18 and 19: *Trade* and *Market Access*
numbers 46 and 71: *Education Training and Research*
numbers 57, 63 and 64: *Rural policy and Land use* and *Maintenance of Forest Policy* and *Integrated Land use Planning*

(iii) The working groups proposed that eight elements certainly needed a new international legally binding instrument. These elements are 28, 29, 31, 35, 40, 48, 49, 51 (Table 1).

(iv) For 13 elements (numbered 1, 3, 7 9, 10, 17, 21, 23, 26, 63, 65, 69, 70) participants proposed both legally binding and legally non-binding new instruments by some means or other.

(v) For element numbers 1, 3 and 23, participants have not made a clear decision among the options whether they should be treated under LB, LNB or existing instruments.

(vi) For elements numbers 2, 4, 5a, 5b, 12, 13, 18, 19, 20 and 24, participants proposed either new legally non-binding or that they might also be treated under the existing instruments. It was proposed that elements 34, 36, 37, 39, 42, 43 and 45 might be treated as both existing instruments and new legally binding instruments.

(vii) Participants pointed out that elements 21, 23, 43 and 65 might be considered and treated on a country-specific basis.

2.4 Because of the specific forestry conditions of the region from which countries in the region are facing, the participants mainly concentrated on the following issues of forestry:

- financial mechanisms;
- international co-ordination mechanisms;
- technology transfer;
- deforestation;
- forest protection;
- desertification and drought; and
- socio-economic dimensions of forestry such as participation, rural development policy, public access, social forestry and agroforestry.

STEP 3

A- Pros and Cons of Possible Legally Binding Options

3.1 In this step, working group members tried to find out the potential negative and positive effects of those options on the elements which was proposed as a new legally binding instrument in Step 2. In this regard, participants were asked to discuss the pros and cons of the elements and which legally binding option was chosen (Table 3).

3.2 Taking each element, the following criteria were used by the participants in order to review the option(s) chosen and assess the relative pros and cons of each option:

a) effectiveness of the options to generate on the ground progress;
b) relative impact of the option on national interests; and
c) relative effectiveness of the options to address the special needs of developing countries.

3.3 New legally binding instruments were suggested for 28 elements and the relative pros and cons were expressed for a better understanding of legally binding options for advancing each element.

3.4 Some participants stressed the close linkage between the cons of the option and the basic functions that can fulfilled.

3.5 The findings of the working groups during Step 3 are as follows:

(i) The majority of the participants considered that the positive impact and the pros of the proposed option have almost the same meaning;
(ii) Some participants considered that the Step 3 was more or less complex and flexible as compared with previous steps;
(iii) Many participants stated that because of the highly political nature and national sovereignty concerns of some specific elements, legally binding instruments (LBI) at the national level precede the international ones (e.g. number 63, 65, 69, 23, 43 etc.). In this connection, national sovereignty, economic, social and the political situation of the countries have the potential to reduce the effectiveness of the international LBIs thus, they should be taken into account;
(iv) A number of participants considered that instead of the 75 elements, which are too many to be handled, regarding their major context and implementation mechanism, arrangement of some basic categories of the elements would be easier to identify the level of treatments and more suitable options.

B- Basic Functions of Possible Legally Binding Options

3.6 Participants were asked how each option fulfilled the basic functions that should characterize future international arrangements and mechanisms on related elements. This was additional input from the regional meeting. The functions were derived from the IFF-3 report and were distributed to participants at the working group meetings. Relevant functions were marked by the participants in Table 3.

3.7 Many participants thought that four functions out of 11, would be fulfilled by the options proposed during Step 2. They were given in order of importance as: (a) *Secure political commitment to sustainable forest management;* (b) *Elaborate objectives in line with the UNCED decision and IPF proposal for action*; (g) *Enhance international co-operation and improve effectiveness, efficiency and co-ordination of bilateral and multilateral assistance to support the efforts and respond to the needs of developing countries and countries with economies in transition;* and (f) *Support and identify needs for international cooperation*.

3.8 Group III paid special attention to the basic functions and analyzed four elements (63, 65, 69 and 70) in this regard. We found that this group's attention is useful and valuable thus is added in the report below[1].

[1] **Group III**

Group III has carried out the work for Step Three "Identification of Pros and Cons" by following the four elements for which legally binding new arrangements were suggested during the preceding Step Two.

63. Maintenance of Forest Law
65. National Law Enforcement and Good Governance
69. Compliance with Obligations
70. Settlement of Conflict Resolution

It should be noted that while some of the participants proposed new legally binding arrangements for these elements, a number of other participants opposed legally-binding arrangements and proposed only non-legally binding arrangements for these elements during Step Two.

As a result of the group discussions, in connection with implementation of new legally binding arrangements, three different and conflicting suggestions are provided in the following.

Suggestion 1 : (against a new legally binding arrangement)

All four elements are important and essential for sustainable forest management purposes, however due to their highly political nature and national sovereignty concerns they should on no account be considered under legally-binding arrangements. These elements should be handled under the framework of national actions and measures. On the international scale, the existing non-legally binding arrangements are satisfactory for these purposes.

Suggestion 2 : (in favor of a new legally-binding arrangement)

The existing non-legally binding arrangements are comprehensive and cover all essential aspects of sustainable forest management but their effectiveness is weak since they are not binding. On the contrary, the existing non-legally binding arrangements have significant advantages from an effective standpoint but do not cover several essential elements of sustainable forest management and the existing ones are scattered, address indirectly or implicitly to sustainable forestry issues. Their present implementations and achievements have also been limited and far from satisfy sustainable forestry needs and expectations.

The existing legally binding arrangements, that are already signed and ratified by a majority of the countries, contain several articles of political nature (similar to the four elements mentioned above) related to management and utilization of natural resources, including forests.

Therefore, there is a clear need for a new international legally binding forestry arrangement (i.e. an international forestry convention), comprising all relevant issues scattered implicitly under the existing several different conventions, as well as other essential elements of sustainable forest management that have not covered by them. The four articles identified during Step two (63, 65, 69 and 70) should also take place under such a new legally binding arrangement. Major challenges in front of a new legally binding international arrangement are development and implementation of adequate and effective mechanisms in relation to :
(i) financial issues; (ii) equity; (iii) prioritization; and (iv) international technology transfer.

However, these challenges should and could be overcome.

STEP 4

Evaluation

In order to identify further actions, to facilitate the ability of the CRCI, to build international consensus on matters relating to Category III of the IFF's program of work, participants were asked to fill out a questionnaire and leave it with the regional meeting secretariat. From the evaluation of the filled forms, it was found that:

- the majority of the participants felt that the meeting furthered their understanding of matters related to Category III of the IFF's program of work and, the approach helped to facilitate a participatory discussion.
- while half of the participants indicated that more background documents were needed, the other participants were satisfied with the existing documents on matters that related to building international consensus and relating to the global forestry deliberations; and
- many participants pointed out that the regional meeting was very helpful, the organization was very well structured and they appreciated the participation of NGOs.

Suggestion 3 : (in favour of a new legally binding arrangement, if only adequate and equitable support/compensation mechanisms are guaranteed)

In essence, to have a legally-binding international arrangement (forestry convention) is a good thing and is needed. It should include all 71 elements discussed, as well as some other important elements that are not covered in the list. This convention should also cover different forestry issues addressed implicitly or inadequately under the existing different international conventions. Naturally, elements 63, 65, 69 and 70 should also take place under such convention. However, there are two serious concerns impeding acceptance and support of such an international forestry convention by the participants attending this meeting, as explained in the following:

a) sovereignty is a very delicate issue that can be threatened in the coming periods by such a binding arrangement, even though sovereignty rights may be guaranteed in writing under the convention. It is specifically valid for the elements with political nature such as element 63, 65, 69 and 70; and

b) formulation and the signing of such a binding forestry convention will impose some serious obligations and significant economic, social and cultural costs on the party countries. The present experience on the other hand, shows that it is very difficult to guarantee the allocation of adequate financial support resources in a manner that is appropriate, just, equitably shared and effectively utilized by developing nations.

Therefore, an international forestry convention should not be supported until these two important issues are resolved in a way that fully satisfies the countries. Some participants believed that, due to large number of elements and limited duration of the meeting they were not able to study and provide their contributions on the all meeting issues adequaTelephoney. Therefore, they need additional study and national consultation on the meeting's outcomes and deliberations after their return. Additional comments and contributions from follow-up works should be sent to the meeting secretariat, as soon as possible and should be considered in drafting the final report of the meeting.

List of Participants

ARMENIA

Ruben PETROSYAN
Deputy Director
Yerevan, Memikonjauz Moskovien, 35
ARMENIA
Telephone: 3742530372
Fax : 3742151959
E-mail : hayantaz@antar.infocom.amilink.net

AZERBAIJAN

Hüseyn BADALOV
Division Director
Ministry of Forestry
Government House, 532 Bakü
AZERBAIJAN
Telephone: 934425
Fax : 99412989402

BANGLADESH

Syed MARGHUB MURSHED
Secretary
Ministry of Environment and Forests
Ministry of Environment, Forest,
Government of Bangladesh
BANGLADESH
Telephone: 880-2-861818
Fax : 880-2-860481
E-mail : moef gob@bttb.net

CYPRUS

Alexandros CHRISTODOULOU
Chief Conservator of Forests
Department of Forests Ministry of Agriculture Natural Resources and Environment
Department of Forests
1414 Nicosia
CYPRUS
Telephone: 3572303833
Fax : 3572780428
E-mail : management@ cytanet.com.cy

DJIBOUTI

Warsama OSMAN AHMED
Administrator Ministry of Agriculture
BP: 453 DJI Bouti
REPUBLIC OF DJIBOUTI
Telephone: 253351297
Fax : 253355879
E-mail : MAHP@INTNET.DJ

EGYPT

Dr. Mamdouh RIAD
Undersecretary of State for Afforestation and Environment
Ministry of Agriculture and Land Reclamation
Dokki, Cairo
EGYPT
Telephone: 202-33-73790
Fax : 202-33-54-983
E-mail : sea@idsc.gov.eg

Nadia Ishak ABDEL MESEEH
Activity Role Rural
Ministry of Agriculture
Dokki, Cairo
EGYPT
Egupl. Coiro Mfdim el Tahrir
League of Arab States
Telephone: 202-33-13190
Fax : 202-33-54983

GEORGIA

Marika MIKELADZE
Chief Specialist
Ministry of Agriculture
Costava 45, Tbilisi
GEORGIA
Telephone: 995 32.990531
Fax : 995 32.334837
E-mail : sps-gio@access.saretge

INDIA

C.P. OBERAI
Inspector General Forests
Forest Ministry INDIA
Environment Forest Ministry CGO COMPLEX
NEW DELHI
INDIA 110003
Telephone: 114361509
Fax : 114363957

IRAN

Bizhan BIGLARBEIGI
Member of the High Council on Forest, Range and Soil
Forest and Range Organization Tehran
IRAN
Telephone: 98.21.2446505
Fax : 98.21.2446551
E-mail : faro-high-concil@mavara.com.

IRAQ

Dr. Ahmed Shihab SHAKER
Director General
State Company of Horticulture and Forestry
Ministry of Agriculture
Baghdad
IRAQ
Telephone: 5112984-5113292

JORDAN

Moussa Alwadi AL-Abbadi
Director
Ministry of Agriculture Amman, JORDAN
P.O. Box 2099 Ministry of Agriculture, Amman
JORDAN: 2099
Telephone: 533 74 72
Fax : 533 79 29

KAZAKHISTAN

Karibayeva Kuralay
Head of South Regional Department of NEC SD.
Ministry of Environment
KAZAKHISTAN
Telephone: 3272/608/608547
Fax : 327-507784
E-mail : Kkaribayeva@itte.kz

KYRGYZTAN

Urmat MAMBETALIEV
Head of Forestry Department
State Agency on Forestry
Bishkek 720033 276 Abdymomunov Street
Kirgiz
REPUBLIC OF KYRGYZTAN
Telephone: 996-312-661644
Fax : 996-312-213679
E-mail : goslesag@mail.elcat.kg

Balbak TULEBAEV
Assistant Minister of Forestry
Abdimomunov Sok. No.276 BİSHKEK
KYRGYZTAN
Telephone: 996 312213679/214703/2147691
Fax : 996 312213679

MOROCCO

Abdelaziz HAMMOUDI
Chef du Service
MOROCCO Forest and Water
Minister Charge of Forest and Water-RABAT-CHELLAH
MOROCCO
Telephone: 212.767 10 58
Fax : 212.767 10 31

NEPAL

Sriniwas KHANAL
Ministry of Forestry
Singha Dursar, Kathmandu
NEPAL
Telephone: 977-01-416364
Fax : 977-01-224864

OMAN

Musallam Faraj Ali Hardan
Forest Department of Oman
Ministry of Agriculture Salah
OMAN
Telephone: 292813
Fax : 968-295107

PAKISTAN

RAFIQ AHMAD RANA
Inspector General of Forests
M/O. Environment, Local Government and Rural Development Gop.
Inspector General of Forests, Minister of Environment, Local Government and Rural
Development Blue Arca, UBL Bldg ISLAMABAD
PAKISTAN
Telephone: 051-9205289
Fax : 051-9202211
E-mail : fspoigf@isb.comsats.net.pk.

SAUDI ARABIA

Khalid Bin Nasir AL MUSA
Head of Forestry Section
Ministry of Agriculture and Water
Riyadh
SAUDI ARABIA
Telephone: 4016666 Ext 2982
Fax : 4033702

MALTA

Eman CALLEJA
Ministry of Agriculture
Micro-propropacation Center Annibale Preca Street Lija
MALTA
Telephone: 356 435898
Fax : 356 433112
E-mail : emanc@orbit.net.mt.

SUDAN

Dr. Abdelazim Mirghani IBRAHIM
Forest National Corp.
P.O. Box 258 Khartoom
SUDAN
Telephone: 249 11 471575
Fax : 249 11 472659

SYRIA

Director
Damascus-Ministry of Agriculture Forestry Department
SYRIA
Telephone: 2248904
Fax : 2240826

TUNISIA

Habib ABID
Head of Forest Management Service
Ministry of Agriculture
30 Rue ALAIN Savary 1002
TUNISIA
Telephone: 2161 287 487
Fax : 2161 801 922

TURKEY

Yavuz YÜKSEL
Deputy Under Secretary
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312 425 43 89
Fax : 0.312.417 02 37

Dr. Erkan ISPIRLI
Head of Department
Ministry of Forestry
Orman Bakanligi
Atatürk Bulvari No.153
Bakanliklar, Ankara
TURKEY
Telephone: 312 417 77 24
Fax : 312 417 91 60
E-mail : obdi-f@tr-net.net.tr

Tamer OTRAKÇIER
Head of Department
General Directorate of Forestry
OGM APK 1. Bina Gazi Tesisleri Gazi-Ankara
TURKEY
Telephone: 312 212 80 42
E-mail : apk@ogm.gov.tr

Halit BABALIK
Division Director
OB/AGM
Orman Bakanligi Gazi Tesisleri 11.No.lu Bina
Gazi-Ankara
TURKEY
Telephone: 312-212 55 10
Fax : 312-212 55 32
E-mail : agm@tr-net.net.tr

Irfan REIS
Legal Rights Division Director
Ministry of Forestry
Milli Parklar Genel Müdürlüğü
06560 Gazi-Ankara
TURKEY
Telephone: 312-221 3 548
Fax : 312-222 51 40
E-mail : Irfanreis@Yahoo.com

Kenan SAHIN
Division Director
Ministry of Forestry
Atatürk Bulv.153 Bakanlıklar-Ankara
TURKEY
Telephone: 312-417 77 24
Fax : 312-417 91 60
E-mail : obdi-f@tr-net.net.tr

M. Sakir ÖZDEMIR
Forest Engineer
Ministry of Forestry
Orman Bakanligi
Atatürk Bulvari No.153
Bakanliklar-Ankara
TURKEY
Telephone: 312-417 77 29
Fax : 312-417 91 60
E-mail : mso98@hotmail.com

Ekrem YAZICI
Division Director
Ministry of Forestry
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-417 77 30
Fax : 312-417 91 60
E-mail : obdi-f@tr-net.net.tr

Suat TÜREYEN
Division Director
Ministry of Forestry
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-417 77 26
Fax : 312-417 91 60
E-mail : ormanapk@superonline.com

Erdal ÖRTEL
Research
Ministry of Forestry
Marmara Ormancilik Arastirma Müdürlüiü
Büyükdere-Istanbul
TURKEY

Bünyamin KAYA
Division Director
Ministry of Forestry
Orman ve Köy Iliskileri Genel Müdürlügü
06560 Gazi-Ankara
TURKEY
Telephone**:** 312-212 55 78
Fax **:** 312-212 55 62

Suna GÜRLER
Ministry of Environment
Landscape architect
Çevre Bakanligi-Çevre Koruma Genel Müdürlügü
Eskisehir Yolu 8 Km. Balgat-Ankara
TURKEY
Telephone: 312.2879963/2406
Fax : 312-2862271
E-mail : Sunagurler@hotmail.com

TURKMENISTAN

Djumageldy Amansakhadov
Minister for Forestry
Kemine 92
TURKMENISTAN
Telephone: 392920
Fax : 393920
E-mail : timchik@nature-tm.org

Meredov PAYZGELDY
Minister for Agriculture
Ministry of Forestry
Kemine 92
TURKMENISTAN
Telephone: 392920
Fax : 393920
E-mail : timchik@nature-tm.org

UZBEKISTAN

Mansur Khodja KHODJAEV
Director of Kokand Forestry
Republic of Uzbekistan State Forest Committee
Kokand s. Adresbob Sokagi 17
UZBEKISTAN
Telephone: Kokand 23615-36023
Fax : 36023

UNIVERSITIES

Fady ASMAR
Instructor/St.Joseph University
Head of Service of Protected Areas-Ministry of Agriculture
Mailing Address: Ministry of Agriculture/Blvd C.Chamoun/Chyiah/Beirut
LEBANON
Telephone: 961 3 25 98 18
Fax : 961 5 455 474
E-mail : fady@xnet.com.lb

Melih BOYDAK
Professor
Faculty of Forestry, University of İstanbul
I.Ü.Orman Fakültesi
80895 Bahçeköy-Istanbul
TURKEY
Telephone: 212-2262170
Fax : 212-2261113
E-mail : Boydakm@istanbul.edu.tr

Uçkun GERAY
Professor
I.Ü.Forest Faculty
I.Ü.Orman Fakültesi 80895
Bahçeköy-İstanbul
TURKEY
Telephone: 212-2801492
Fax : 212-2261113
E-mail : ugeray@istanbul.edu.tr

YEMEN

Ahmed AL-ATTAS
Ministry of Agriculture
C/O FAOR P.O. Box 3837 Sana'a
YEMEN
Telephone: 967.1.250977
Fax : 967.1.257050
E-mail : WWPUFAOYEM@y.net.ye

Abdulmalik AL-ARASHI
Assistant Deputy Minister
Ministry of Agriculture
P.O. Box 2804 Sana'a
REPUBLIC OF YEMEN
Telephone: 282964
Fax : (967-1) 282954
E-mail : Wwpufaoyem@y.net.ye

UNIVERSITIES

Nasreen Ahmad
Associate Professor, Department of Geography and Environment
University of Dhaka Bangladesh
NEG 2A Road No.84 Gulshan 2, Dhaka 1212
BANGLADESH
Telephone: 880.2.883918
Fax : 880.2.883918
E-mail : ahmads@bdmail.net

Associate Professor Taghi SHAMEKHI
Professor of Tehran University
Faculty of Natural Resources
Karaj
IRAN
Telephone: 98-261.223044-6
Fax : 98-21.8007988
E-mail : tshamekh@chamran.ut.ac.ir

NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

Baban Prasad KAYASTHA
Advisor
People Indigenous (NGO)
B.P. Kagaslha P.O. Box 10650 Kathameni
NEPAL
Telephone: 977-01-352833
Fax : 977-01-419718
E-mail : manvis@actionaidnepal.org

Gülayim SAHATOVA
Ecolorest Administrative Assistant
Ecoforest (NGO)
102, Kemine Street Ashgabat, 744000
TURKMENISTAN
Telephone: 9-9312 398586
Fax : 9-9312 395407
E-mail : ecoforest@nature.tm.org

Mohammad Y. AL-SUNEIDAR
Program Manager
Environment Protection Council
P.O. Box 2845 Sanaa
REPUBLIC OF YEMEN
Telephone: 967.1.267285
Fax : 967.1.267284
E-mail : Mohmedpmu@y.net.ye

Ahmed MAYAD
Secretary
Society of Environment Supportes
Sanaa P.O. Box 2845
YEMEN
Telephone: 611205
Fax : 612889

Sedat KALEM
Forest Program Director
Turkish Society for the
Protection of Nature (DHKD)
Dogal Hayati Koruma Dernegi
P.K.599 Ulus-Ankara
TURKEY
Telephone: 312-3103303
Fax : 312-3106642
E-mail : sedat.kalem@dhkd.org

Salih SÖNMEZISIK
Forest Engineer, Chamber Turkish Forest Engineers
Sihhiye-Ankara
TURKEY
Telephone: 312-2292009
Fax : 312-2298633
E-mail : ormuh@superonline.com

Osman TAIKIN
Forest Engineer
Turkish Association for the Conservation of Nature
Menekie Sok. 29/4
Kizilay-Ankara
TURKEY
Telephone: 312-4251944
Fax : 312-4279552

Nadra M. Diu KEBBE
General Secretariat, League of Arab States
Tahrir Square-Cairo
EGYPT
Telephone: 5750511
Fax : 5740331

Anupam K. Mukerji
Director
Foundation for Forestry and Rural Development
I-1783 C.R. Park NEW DELHI
INDIA
Telephone: 91-11.6453254
Fax : 91-11.6489776
E-mail : berin@manila.bol.vsnl.net.i

Dr. Saleh AL-SHARU
Director General
Jordan Environment Assosiation
P.O. Box. 510 699
JORDAN
Telephone: 962.6.4.784 760
Fax : 962.6.4784 760

Joseph BORG
Chairman
International Tree F.(Malta)
26 Mdina Road Attard, Bzn 03
MALTA
Telephone: 356 436619
Fax : 356 235650
E-mail : joseph.c.borg@magnet.MT

Emel ANIL
TEMA Vakfi
Çayir Çimen Sok.Emlak Kredi Blokları
A/2 D.10 Levent-İstanbul
TURKEY
Telephone: 212-2848006
Fax : 212-2811132
E-mail : eanil@superonline.com

Saliha YADiGAR
Forest Engineer
The Research Association
of Rutal Environment and Forestry
Orman Bölge Müdürlügüğü Basın Bürosu
Malak-Istanbul
TURKEY
Telephone: 212-2622225

ORGANIZATIONS

Manuel Paveri
Chief FONP
FAO
Via Terme di Caracalla 00 100 Rome
ITALY
Telephone: 390657052196
Fax : 390657055514
E-mail : manuel.paveri@fao.org

Abdul Latif Rao
Head, Balojistan Office
IUCN
Marker Cottage, Zarghoon Road, Quetta
PAKISTAN
Telephone: 92-81-840450-2/840457
Fax : 92/81/820706/843246
E-mail : rao@ıucn.Qta.sdnpk.undp.org

UNITED NATIONS-FOOD AND AGRICULTURE ORGANIZATION (UN-FAO)

Maharaj K. MUTHOO
FAO Representative
FAO
Atatürk Bulvari No.197 Kavaklidere-Ankara
TURKEY
Telephone: 312.468 7513
Fax : 312.427 4852
E-mail : FAO-TUR@fao.org

Altug SIPAL
Program Assistant
FAO
Atatürk Bulvari No.197 Kavaklidere-Ankara
TURKEY
Telephone: 312.468 7513
Fax : 312.427 4852
E-mail : Fao-tur@fao.org

Elif Erkal
Program Clerk
FAO
Atatürk Bulvari No.197
Kavaklidere-Ankara
TURKEY
Telephone: 312-4687513
Fax : 312-4274852
E-mail : FAO-TUR@fao.org

UNITED NATIONS-INTERGOVERNMENTAL FORUM ON FORESTS (UN-IFF)

Jagmohan MAINI
Coordinator and Head
Intergovernmental Forum on Forests Secretariat
Division of Sustainable Development Room DC2-1270
United Nation Two UN Plaza. New York City,
New York 10017
U.S.A.
Telephone: 1-212-963 3160
Fax : 1-212-963 3463
E-mail : maini@un.og

Tage Michaelsen
Special Forestry Adviser
IFF Secretariat
Two Un Plaza DC2-1258 New York City, 10017
New York
U.S.A.
Telephone: 1-212-963 5294
Fax : 1-212-963 3463
E-mail : michaelsen@un.org.

UN-FAO

Hassan O.ABDEL NOUR
State Minister
FAO
Ministry of Agriculture & Forestry P.O. Box 285
Khartoum
SUDAN

Adnan Al Fares
Regional Forestry Office
FAO
11 Al Eslah El Zerai st. Dakki
EGYPT
P.O. Box 2223 Cairo
Telephone: 2023316000
Fax : 202349591
E-mail : Adnan.Alfares@fao.org.

FACILITATORS

Muzaffer DOGRU
Forest Engineer
Sedat Simavi Sok.3.Basın Sitesi E/9
Çankaya-Ankara
TURKEY
Telephone: 312-428 26 72
Fax : 312-428 26 75
E-mail : Finntyr@superonline.com

Dr. Ertugrul BiLGiLi
KTÜ
KTÜ Orman Fakültesi
61080 Trabzon
TURKEY
Telephone: 462-325 32 23 / 2845
Fax : 462-325 74 99
E-mail : Bilgili@ris1.ktu.edu.tr

Hasan ÖZER
Division Director
Ministry of Forestry
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-4177729
Fax : 312-4179160
E-mail : hasanözer@yahoo.com

CRCI SECRETARIAT

Jacques Carette
Co-chair
Costa Rica-Canada Initiative
580 Booth Street, Ottawa
CANADA
Telephone: 6139475100
Fax : 6139479385
E-mail : Jcarette@nrcan.gc.ca

Ricardo Manuel Ulate Chacon
Co-manager Costa Rica-Canada Initiative
Ministry of Environment
APDO. 10104-1000 San José
COSTA RICA
Telephone: 506-2571417
Fax : 506-2570697
E-mail : rulate@ns.minae.go.cr.

REPORTORS

Mevlüt DÜZGÜN
Division Director, Ministry of Forestry
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-4177725
Fax : 312-4179160

Suade ARANÇLI
Expert
Ministry of Forestry
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-4177724
Fax : 312-4179160

Gürsel KARAGÖZ
Forest Engineer
Ministry of Forestry
Orman Bakanligi
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312.4176000/549
Fax : 312-4179160
E-mail : gugoz@hotmail.com.

REGIONAL SECRETARIAT

Co-ordinator

Kayihan TEMUR
Forest Engineer
Atatürk Bulv.153 Bakanliklar-Ankara
TURKEY
Telephone: 312-417 77 24
Fax : 312-417 91 60
E-mail : obdi-f@tr-net.net.tr

Officers

Hakki DEMIRTAS
Computer Operator
E-mail : obdi-f@tr-net.net.tr

Nazan TERZIOGLU
Computer Operator
E-mail : obdi-f@tr-net.net.tr

Costa Rica-Canada Initiative

REGIONAL MEETING

Amazon Countries
October 20 to 23, 1999
Quito[1], Ecuador

Experts from the following countries participated:

Bolivia
Brazil
Colombia
Ecuador
Peru
Suriname
Venezuela

[1] The meeting took place in Guayaquil

INTRODUCTION

The governments of Costa Rica and Canada sponsored a joint initiative in support of the work of the Intergovernmental Forum on Forests (IFF) on its Category III "International Arrangements and Mechanisms to Promote the Management, Conservation and Sustainable Development of All Types of Forests," which provides for the possibility of a legally binding instrument. Costa Rica and Canada proposed holding regional and sub-regional meetings as representative and transparent forums for substantive discussion and technical analysis of the issue. The results obtained by this initiative are to be presented at the fourth and final session of the IFF.

Ecuador committed to organizing and hosting the sub-regional meeting of Amazon Basin Countries, thereby contributing to an ongoing open and participatory dialogue process. To this effect, it was decided to hold consultations in each country prior to the event in order to foster the exchange of information, in-depth discussions and a greater understanding of the work program of the Intergovernmental Panel and on Forests (IFF), the international forest instruments and their association with national forest policies, the strategies and programs.

The regional meeting was delegated to the Environment Ministry of Ecuador, who acted as convenor for the region. The Environment Ministry invited the Fundación Futuro Latinoamericano (FFLA), a non-government organization (NGO) of a regional scope, to be part of the organizing committee for the event.

OBJECTIVES

The overall objectives identified for the regional meeting included the examination of international forest-related instruments from a regional perspective, and based on the needs of our countries, consider the appropriateness of a legally binding instrument (LBI), by identifying possible issues to be included in this instrument, while reflecting on other possibilities and options.

It was also deemed important and concomitant for each country to identify, which group of topics to include in its own agenda for discussion, and debate said topics in the light of specific national dynamics and processes, seeking to find commonalties for the region's participation in the international forest-related processes.

It is in this spirit that the Environment Ministry and the FFLA organized the regional meeting and promoted the carrying out of national meetings according to the process described below.

NATIONAL PREPARATORY MEETINGS

The Costa Rica-Canada Initiative (CRCI) accepted Ecuador's proposal to go forward with a national process of information and dialogue in each country in preparation for the regional meeting. This provided the countries with the opportunity to generate broader spheres of participation, assemble delegations with various sector representatives, and debate the topic of the meeting from their own particular realities.

To facilitate these national processes, the environment ministries or government agencies charged with forest issues, in the eight countries, were contacted to secure the collaboration of non-government organizations, with experience in this field, and the administrative and convenor capabilities in order to carry out the consultations. Information was sent out on the initiative, the IFF and other documents relative to the Category III topic. In addition, information was personally delivered to the ministers and other members of delegations, from the countries of the region, who were in Quito for the Meeting of Ministers of Amazon Countries on the Clean Development Mechanism.

The organizations contacted were:

Bolivia, Fundación Prisma;
Brazil, NGO Forum;
Colombia, Centro Andino para el Desarrollo Sostenible;
Venezuela, Fundación para la Defensa de la Naturaleza; and
Peru, Sociedad Peruana de Derecho Ambiental.

No local NGOs could be contacted in Guyana and Suriname, and the respective ministries or contact points indicated they would conduct preparatory procedures or meetings.

Unfortunately, due to various circumstances (time, other internal processes, etc.) most local organizations found it somewhat difficult to organize consultations, which, as a result, usually consisted of one- or half-day meetings between representatives with the closest ties to forest issues.

The results of these preparatory activities are as follows:

Bolivia: A preparatory meeting organized by the Fundación Prisma was held on October 15, 1999, with the participation of delegates, from various organizations, that took part in a discussion forum on forest issues. Proceedings from the event are attached.

Colombia: The Centro Andino para el Desarrollo Sostenible de Colombia assisted in convening members from various sectors and the Colombian Environment Ministry appointed representatives for the regional meeting. There are no proceedings of the national meetings.

Peru: On October 14, 1999, the Sociedad Peruana de Derecho Ambiental held a preparatory meeting with the participation of 19 delegates from various government sectors, companies, NGOs and community groups. The facilitator of this meeting was Mr. Antonio Bernales, who also was also co-facilitator at the regional meeting. Proceedings of the event are attached.

Ecuador: A preparatory process was conducted with the participation of various sectors and organizations, as follows:

dissemination of information (distribution of documents prepared by the Initiative and other relevant documents, visits, presentations);
thematic analysis (constitution and coordination of working groups);
exchange and debate sessions (two workshops – one at the beginning and one at the end); and
preparation of summary report.

The report on the work done in Ecuador is included in the Appendix.

Brazil: The NGO Forum could not actually be reached and did not participate in the organization of a national dialogue. The Brazilian Ministry of Foreign Affairs indicated that it would directly appoint the official delegation of Brazil for the meeting. There are no reports of preparatory meetings by the Ministry of External Relations.

Guyana: Sustained communication was very difficult with the contact point in Guyana. A few days before the meeting, the Minister of Fisheries, Agriculture and Livestock said that his country would unfortunately not be able to participate in the event.

Suriname: The Ministry of Natural Resources indicated that it would be in charge of co-ordinating a national meeting and appointing a delegation. There are no proceedings from the Suriname meeting.

Venezuela: The FUDENA organization and the Environment Ministry of Venezuela organized a domestic consultation process and appointed a national delegation with representatives from the various sectors. No proceedings have been received.

REGIONAL MEETING

1. Participants

The organizing committee felt each country should choose its own participants for the regional meeting, and personal invitations were sent solely to representatives of regional and international organizations.

Countries were asked to appoint a delegation comprised of representatives from the government, private sector (forest or related industry), NGOs working in forest-related issues, indigenous peoples or local communities and women's groups. It was also suggested that delegates be selected from national consultation participants.

The following chart summarizes country participation:

COUNTRY	GOVERNMENT	INDUSTRY	NGOs	INDIGENOUS PEOPLES	WOMEN	TOTAL
BOLIVIA	2	-	-	-	-	**2**
BRAZIL	1	-	-	-	-	**1**
GUYANA	-	-	-	-	-	**-**
COLOMBIA	1	1	-	-	-	**2**
ECUADOR	8	1	5	2	1	**17**
PERU	2	1	-	1	-	**4**
SURINAM	3	1	-	-	1	**5**
VENEZUELA	2	1	1	1	-	**5**
TOTAL	**19**	**5**	**6**	**4**	**2**	**36**

Participant knowledge of the subject matter was very mixed. While there was a good understanding of forest issues and related topics, such was not the case for international instruments and conventions, the IFF work program and IFP results. There was even less for more specific instruments or those dealing with other related areas, such as climate change or biodiversity, and their respective conventions. Some participants demonstrated a good knowledge of the current state of IFF discussions, while others were completely unaware of this issue.

2. Methodology

The proposed methodology for the regional meeting (CRCI Approach) submitted by the initiative to the Environment Ministry of Ecuador and the FFLA consisted of three steps or stages:

- Stage 1: List of possible elements;
- Stage 2: Identification of options for dealing with the elements; and
- Stage 3: Identification of pros and cons.

When this methodology was put to the test during some of the national meetings organized by countries, two things became clear, dealing with all 73 elements on an individual basis, as set out in the San José list, was very time-consuming, and it intrinsically lead to the issue of legally binding instruments, as the option for analysis.

Since these were both counterproductive to an enlightened discussion on the priority issues for Amazon countries, the organizing committee decided to create an abridged list of elements to facilitate discussion, and allow for a more comprehensive analysis of some of the issues.

List of Elements Proposed by Ecuador for Discussion in the Regional Meeting of Amazon Countries

DEFINITION OF SUSTAINABLE FOREST MANAGEMENT	*criteria and indicators for sustainable forest management *information, statistics on forests *research on forests and forest management *forest monitoring activities
NATIONAL FOREST AND LAND USE PROGRAMS	*underlying causes of deforestation *reforestation and forest plantations (positive and negative outcomes) *valuation of the multiple benefits, goods and services of forests (water, soil, biodiversity, carbon, production of wood and non-wood goods, employment, symbolic and cultural values) *protected areas *rights of local populations and protection of traditional knowledge (including intellectual property and other sui generis systems)
INTERNATIONAL FOREST PRODUCT TRADE	*transparent access to international markets *certification of forest products *unsustainable consumption patterns *internalization of costs of sustainable forest management and unsustainable management of forest resources *non-wood products and services (including genetic resources) *illegal logging
INTERNATIONAL CO-OPERATION	*financial co-operation *technology transfer *co-ordination of international co-operation

The initial approach was established as follows:

1. review the San José list of 73 elements;
2. propose the classification of elements identified in Ecuador, consisting of 18 elements grouped under four major headings, as a reference for the possible classification of the 73 elements in the San José list, without ruling out the use of the complete list, especially for a more complete understanding of what each element entails;
3. have participants divide up into three or four groups, each of which will be responsible for covering the elements of one of the proposed topics;
4. ask participants to identify the priority elements, to be dealt with at the group's discretion, and begin analysis of these elements;
5. study the elements of the topic assigned to each group, using the methodology phases identified by the initiative whereby the national and international instruments dealing with these elements in the region are considered; and
6. analyze any other of the 73 elements from the San José list, as the group sees fit, and follow the same procedure as for the previous elements.

The groups worked on the following topics:

Group 1 (Topics 1 and 2):	Definition of Sustainable Forest Management and National Forest and Land Use Programs
Group 2 (Topic 3):	International Forest Product Trade
Group 3 (Topic 4):	International Co-operation

3. Meeting Activities

3.1 Day One, Wednesday, October 20, 1999

3.1.1 First Session, Opening Address

The welcoming address was given by the Honourable Yolanda Kakabadse, Ecuador's Environment Minister, who highlighted the importance of this initiative, as an opportunity for Amazon countries to be involved in a multisectoral analysis of a topic of world interest. The minister urged participants to dialogue openly and frankly, gather as many opinions and proposals as possible, and seek those points and positions that are shared by the countries. She suggested that the forest issue extends beyond decisions of government representatives and whether or not to have a convention, which is why the active participation of the various sectors involved is so important. She stressed the fact that these meetings and discussions should help strengthen regional ties and bolster the participation of our countries in international forums.

Dr. Ricardo Ulate, Co-manager of the CRCI, also said a few words. He described the initiative process in the various regions, and encouraged participants to analyze the different options available for forest management. He stressed that the purpose of the meeting was not to build consensus on the topics, but rather to amass the widest range of opinions possible on the IFF Category III work program, which is supported by the initiative.

3.1.2 Meeting Agenda, Objectives and Analytical Approach

The facilitators detailed the objectives and approaches to be used in the meeting for the best results. It was stressed that the meeting methodology would have to be adjusted according to the progress witnessed in the groups and plenary sessions, at the end of each day, so as to make the most of the work done by the participants.

3.1.3 Keynote Presentations

The purpose of the presentations were to present an overall vision of the international forest dialogue process and inform participants on key aspects for discussion of the meeting topic.

The guest experts spoke on:

- background of the IFF, Mr. Jaime Muñoz-Reyes, IFF Secretariat;
- international instruments, Mr. Ramiro Dávila, Executive Director of the Environment of the Ministry of External Relations;
- International Forest Instruments: The Central American Experience, Mr. Ricardo Ulate, Co-manager of the CRCI; and
- the international dialogue on forests, Christian Mersmann, TWRP/GTZ Project.

Following the presentations, a panel was organized, as an opportunity for participants and speakers, to dialogue and clarify aspects of the presentations, and voice concerns on controversial topics, some of which included:

Q. Why is a global agreement required if the processes for implementing forest policies are based on national agreements and accords? What are the differences between the new aspects to be discussed in the international political dialogue on forests and existing ones?

A. The IPF/IFF process has made considerable progress towards a better understanding of forest issues and it has achieved greater involvement of NGOs and the private sector. In addition, the functions expressed by the secretariat justify dealing with the issue on an international level.

The work plan for future international political dialogue on forests would have to involve the prioritizing of issues and selecting areas of intervention as part of an ongoing process. Furthermore, these topics should be dealt with in a broad manner that is open to participation.

Q. Clarify the fourth function regarding the legislative authority to be given to a future international instrument on forests?

A. This function refers to a new or existing legal instrument, which may or may not be legally binding. The goal is to have an agreement or arrangement at the end of the process, but this depends solely on the countries involved in the forum.

Q. Will forests be included in the Clean Development Mechanism (CDM)?

A. From the speaker's personal perspective, CDM implementation must be a joint effort. However, it is important to bear in mind that rapid forestation does not necessarily lead to sustainable forest management. For example, there may be a conflict between the existing forests and reforestation with rapid-growth species.

The official felt that long-term projects involving sustainable forest management (SFM) and preventing deforestation should be established, for which CDM financial resources could be used.

Q. How is capacity building used to involve other social sectors, such as indigenous peoples, given some of the shortcomings of our countries in the South? What steps are being taken along these lines?

A. Category II contains aspects on traditional forest-related knowledge. In addition, of the 136 IPF Proposals for Action, 18 include recommendations for resources and training to increase participation of indigenous peoples.

Moreover, indigenous representatives have participated in the various IPF/IFF meetings. Therefore, the forum is the arena where indigenous peoples have had the best representation.

In addition, IPF discussions have included the results of the Leticia Inter-Sessional Meeting (International Meeting of Indigenous and Other Forest-Dependent Peoples on the Management, Conservation and Sustainable Development of All Types of Forest), Leticia-Colombia, December 1996.

Q. How are the rights of indigenous peoples included in the Central American Forest Convention?

A. Indigenous peoples and their rights are recognized and must be incorporated into policies. This task has not been easy and involves reworking legal concepts, since various groups were not recognized as legal subjects and therefore, certain convention rights did not apply to them. One such example is payment for environmental services.

In Costa Rica, there are mechanisms that allow indigenous peoples to receive payment for environmental services in protected areas.

Other questions and concerns centred on:

- rather than drafting a new instrument, it would be better to first determine the problems encountered in implementing present ones;
- knowledge of what has already been done so as to avoid diluted actions among the institutions;
- including implementation of the IPF Proposals for Action in future dialogue on forests or in a new instrument;
- links between the IFF Secretariat and the World Trade Organization (WTO) (given that the IFF deals with aspects related to the international forest product trade);
- whether or not the conditions or possibilities exist for regional consensus on certain IFF-4 issues;
- shortcomings in international co-operation, particularly in financial and technological areas, as a barrier to implementing existing agreements; and
- what are the terms for analyzing the concept of shared but separate responsibilities?

Following the plenary session, participants were divided into groups and began Work Sessions I and II, using the methodology described above.

3.2. Day Two, Thursday, October 21, 1999

On the morning of Day Two, the first day's progress was assessed. After hearing various opinions on the subject, it was decided to proceed with the defined mechanism and the group work continued throughout the rest of the morning and afternoon.

3.3. Day Three, Friday, October 22, 1999

The final plenary session was held in the afternoon, as the groups requested more time to finalize discussions and prepare their respective presentations.

The groups presented their work, which can be summarised as follows:

GROUP 1: DEFINITION OF SUSTAINABLE FOREST MANAGEMENT AND NATIONAL FOREST AND LAND USE PROGRAMS

1. Elements defined for discussion.

2. Summary of opinions:

- identify various meanings of sustainable development;
- forest valuation based on multiple, rather than just economic dimensions (holistic approach);
- the Convention on Biological Diversity proposes forest management, but does not promote it in practice, and it is becoming a barrier to establishing forestry plantations with exotic species;
- need to find mechanisms for compliance with the mandates of instruments are fulfilled;
- consider human interests when protected areas are involved;
- land management must reflect cultural and social diversity;
- improve and broaden the adequacy of representation of stakeholders in the consultation, implementation and monitoring processes;
- improve mechanisms of information on the results of convention implementation;
- draft international forest and biodiversity instruments and conventions that reflect the rights of indigenous peoples and women;
- design mechanisms to give continuity to international agreements beyond governments;

- improve the structure of international instruments and work toward their application on a national level;
- an international instrument on land management is considered unnecessary;
- urge governments to comply with instrument obligations related to indigenous peoples;
- indigenous territories must include sub-soil resources in international instruments;
- indigenous participation does not exclude the participation of other minority groups;
- establish economic recognition of environmental services and other forest values to ensure long-term conservation; and
- insufficient arguments for the creation of a new legally binding instrument (LBI) for forest issues.

3. Comments for the Initiative:

- congratulate the initiative for encouraging the participation of stakeholders, who usually do not have access to the discussion of these instruments; and
- seek ongoing mechanisms for open participation.

GROUP 2: INTERNATIONAL FOREST PRODUCT TRADE

1. Identification of the most important elements without prioritization.

2. List of instruments with substantial inclusion of some the elements dealt with: International Tropical Timber Organization, Convention on Biological Diversity, World Trade Organization, Forest Principals, Convention on International Trade in Endangered Species of Wild Fauna and Flora, CC, WB, TCA, Commission on Sustainable Development, LAIA, CAN, Agenda 21, ILO (169).

Further to examining the ITTO instrument, the organization's pros and cons for SFM implementation were discussed and some suggestions made.

3. Identification of mandatory conditions for implementing the elements of the International Forest Agenda:

- poor provision of financial resources, technology transfer and technical assistance;
- the underlying causes of deforestation must be tackled to generate better conditions for the implementation of Agenda elements;
- countries' lack of political will is a significant limitation;
- poor flow of information from the convention secretariats to the countries;
- shortcomings in the continuity and co-ordination of the international processes already in existence; and
- need for harmonization of the various SFM criteria and indicators based on national and regional experiences.

4. The options presented by the IFF Secretariat were discussed.

5. Group contributions to the international dialogue on forests.

- maintain and improve the national, regional and global dialogue on forests;
- develop an efficient secretariat information network for countries;
- identify contact points in the countries for national document dissemination;
- encourage dialogue between sectors involved;
- the IFF Secretariat should participate more actively in WTO efforts;
- harmonize trade policy interests with the rights of indigenous peoples and other local communities;
- intensify debate on the substantive elements of the IFF work program (Categories I and II);
- encourage developed nations to adopt sustainable consumption patterns;

- conduct a more in-depth analysis of the elements identified in item one, taking into consideration all of the existing instruments and promoting synergies between similar organizations; for example, by analyzing the cost internalization of sustainable forest management;
- promote transparent certification systems so that they do not become new barriers to trade. Encouragement, so that certification is a voluntary process; and
- promote the direct participation of local stakeholders in discussions and decisions both at the government and intergovernment level.

GROUP 3: INTERNATIONAL CO-OPERATION

Element Groups Identified:

Global Environmental Facility (GEF):

- forests only partially covered in the GEF;
- GEF's inclinations are clearly environmental;
- GEF has limits due to incremental costs and must broaden its mandate;
- GEF has not received what was promised it by developed nations;
- GEF must finance other low-impact forest uses, such as tourism, genetic resources, etc;
- benefits of genetic resources; and
- GEF must invest in training of human resources to provide them with negotiation and collections skills.

Recommendations:

- request the IFF to ask the Conference of Parties to the Convention on Biological Diversity (CBD) to have the latter prioritize the issues of sustainable forest use/management and issue a mandate to the GEF to this effect; and
- request through the IFF that the Commission on Sustainable Development insist on the need for the GEF to open a special window for loans in the forest sector as part of its financial portfolio.

Compliance with Obligations:

- developed nations do not want to provide additional funding;
- new financial resources are needed;
- new obligations have been created while there has not been compliance with the original ones;
- need to consider donor perspective;
- developed nations must comply with their obligations; and
- compliance with financial obligations is not enough, consumption and production patterns must also change.

Recommendations:

- compliance with obligations should be a mandatory topic of discussion at the United Nations; and
- this issue should also be dealt with in the CSD and the Fourth Session of the IFF (February 2000).

Technology Transfer:

- forest-related technology transfer is of vital importance for our countries. Local capacity building for the development of appropriate technologies should be particularly stressed. Furthermore, it is imperative that international co-operation cover the costs involved in this technology transfer, since much of this knowledge is subject to intellectual property rights;

- technology transfer must examine the sharing of intellectual property rights for traditional forest-related knowledge;
- the burden of recruiting outside consultants should be kept to a minimum in Amazon forest loans or donations; and
- it is important to consider that financial support and technology transfer are key aspects in enabling our countries to meet international standards in sustainable production and management. Without them, our countries may be subject to exclusion.

Recommendations:

Our countries must urge and remind developed nations, through the CSD, to comply with current forest-related obligations.

Desired Donor Characteristics and Attitudes:

- make the most of the few existing resources;
- funding must favour and strengthen the use of traditional forest based knowledge and local experience that promotes sustainable use and management of all the resources in all types of forest;
- international funding and/or market mechanisms must be subject to environmental and/or cultural land regulations;
- capital must be available for the national processes of developing criteria and indicators for monitoring sustainability of forest management;
- a portion of all funding, for investment projects by multilateral organizations, must be for forest protection;
- international funding must contribute to national participatory processes that ensure forest sustainability; and
- international funding must make greater efforts to co-ordinate this funding for optimum use of resources and to promote synergy between these funds.

External Debt:

- the funding framework should include the issue of external debt;
- emphasize the ecological debt owed by developed countries; and
- international co-operation must include the issue of external debt and the potential for its cancellation in response to the underlying causes of deforestation.

Unlimited International Trust Fund for Forests:

- this option should be thoroughly discussed within the IFF; and
- the IFF must also support the creation of trust funds through other institutions, such as, for example, the ITTO initiative of creating the BALI Fund.

Other issues:

- deal with the issue as a regional block;
- danger of reducing forests and their use to a solely monetary issue;
- funding versus environmental impact;
- why not fully develop the forest issue in the CBD;
- funded study on the costs of "unsustainable" extraction of forest products;
- sustainability certification may be a double-edged sword where sustainability criteria are not truly met;
- sustainable forest use must take into consideration external factors that extend beyond a management plan (violence, drugs, guerilla warfare, poverty, etc;);
- danger that certification can become a barrier to trade;

- suggest the creation of a donor board as a go-between for fund donors and recipients; and
- donor group or co-ordinated sources of funding must not become a factor that results in decreased funding options.

4. EVALUTION

Finally, participants were asked to complete a two-part evaluation of the event:

a) Participants were asked to fill out an evaluation form provided by the initiative and hand it in to the facilitators or send it to the initiative (as planned by the initiative). Only five forms were turned in to the facilitators.

b) Participants were asked for their opinions on the meeting, according to seven categories: meeting objective; expectations and results; basic information; methodology; participation; facilitation; and logistics. Each category could be rated on a scale of one to five to indicate least to greatest satisfaction.

Participants were asked to deposit their cards, according to the degree of satisfaction they considered most suitable, for each evaluation category. The following are the results obtained:

CATEGORY	**1**	**2**	**3**	**4**	**5**
Meeting objective			5	7	19
Expectations and results	1	1	7	11	10
Basic information	1	8	15	4	2
Methodology			9	13	12
Participation		1	2	5	24
Facilitation			1	9	21
Logistics				5	25

(The numbers in each box indicate the number of cards deposited by participants. The difference in category totals is likely because not all participants used all of the cards).

5. CLOSING

Dr. Marcel Feraud, Under-secretary of Sustainable Coastal Development (Environment Ministry) and Ms Denyse Rousseau, Secretary of the CRCI, gave the closing remarks.

Ms. Rousseau indicated that the activities of the various regional meetings, held around the world, are directed at providing a suitable backdrop to facilitate informed decision making at the next IFF meeting in early 2000. Such decisions, by determining the future of our forests, will be crucial for the future of all humankind.

She stated that given the far-reaching nature of the decisions and considering existing disagreements, the Governments of Costa Rica and Canada decided to initiate this process, of gathering opinions, from the various forest–related entities and sectors. This effort has been supported by several countries and organizations. In particular, Ms. Rousseau thanked the Swiss government for its financial contribution that made this meeting possible.

She further stressed that building consensus is not an easy task and requires a process to clarify issues and identify commonalties.

Ms. Rousseau added, "You should all be proud of your contribution to the overall objective of the initiative. We are truly very pleased with the results obtained. Thank you for allowing us to be here and learn from your experience. This exercise has clearly demonstrated its potential for serving as a basis in consensus-building and facilitating subsequent decision making."

Finally, on behalf of the Governments of Costa Rica and Canada, she expressed her most sincere admiration to all of the participants, and thanked the organizing committee and the Ecuadorian Environment Ministry for their contribution to the meeting's success.

Mr. Marcel Feraud also expressed his satisfaction with the results obtained in the meeting.

He stressed the importance of the forest ecosystem in contributing to the health of our planet. While this ecosystem unfortunately includes a vast number of conflicts, it also has its strengths.

Mr. Feraud also pointed out the opportunity of this personal contact, established between the Amazon nations, and the need to value and make the most of these meetings. He stressed how important it was for the City of Guayaquil to have been selected to host this event.

Finally, he thanked the initiative countries, the Fundación Futuro Latinoamericano and his colleagues from the Environment Ministry.

RESULTS

Two remarks are necessary for a proper interpretation of the results:

- the results are set out according to the group of elements dealt with by each working group, broken down according to the topics proposed by the organizing committee (as explained under Methodology); and
- beside the elements covered under each topic is the number of the corresponding element(s) from the San José list, in parentheses.

GROUP 1

Definition of Sustainable Forest Management and National Forest and Land Use Programs.

Stage I

The group identified the following elements for discussion but did not prioritize them in relation to the topic:

land management; (new)
integrated management of forest ecosystems; (1/ 8 /12)
criteria and indicators for sustainable forest management; (2)
statistical information on forests and monitoring activities; (3/ 62)
biodiversity; (13)
protected areas; (14)
valuation of the multiple benefits of forests; (27 / 38)
rights of indigenous and local populations; (6 /53)
full consultation with all stakeholders; (51)
impact of reforestation and forest plantations; and (5)
rural policies and land use. (57)

Attention was drawn to the fact that many elements are actually partial aspects of others. For example, the criteria and indicators of the SFM element includes the elements of statistical information, protected areas, public consultation, and valuation.

Varying perceptions of SFM were noted for business representatives, environmentalists and indigenous peoples. Some approach the concept from the perspective of forest utilization, inventory, merchantable size of trees, the fact that there is a market for some forest types and not others, etc. Others maintain that sustainable forest development goes beyond utilization and should focus on sustaining a community or whatever group to which the user belongs. Therefore SFM is utilization of the forest and other resources, sustaining the community, sales of services, etc. It was suggested that a standard concept be used.

Stages II and III: Identification of Options for Dealing with Elements, Their Pros and Cons
(this group worked on both Stages I and II)

GROUP 1

Land Management

Some countries have land use legislation with general domestic provisions but nothing specific on forests, although at times the forest component is included. One problem noted is the inadequacy of institutions responsible for land-use planning, with overlapping duties and powers among the various national and sub-national levels of government.

Indigenous peoples are concerned by the notion of land use. They fear that governments will use this legislation to negotiate away the remaining resources on indigenous territory. There is the question of who will benefit from such regulation. It was suggested that indigenous peoples be involved in the consultation and proposal processes, and that land use legislation include provisions that guarantee the respect of indigenous traditions.

The fact that some countries do not have the adequate regulations does not mean that no criteria for land use exists.

It was noted that domestic legislation fosters forest conversion. Normally, lands can be sold, given the valuation of cut forest areas. Other legislation maintains that forest areas that are not "worked" (cut) can be invaded. This contradiction still exists in some countries.

Valuation of the Multiple Benefits of Forests

Forests disappear, it was contended, because SFM does not pay and forest planning is not profitable.

The need to perform a true valuation of forest resources was raised, and it was suggested that there are legally binding mechanisms to do so.

Some suggestions to improve valuation and ensure forest sustainability included:

- put a price on indigenous knowledge, so that an area with indigenous presence is much more valuable than an area without it;
- take advantage of the Convention on Climate Change. Proper negotiating and trying to obtain better prices due to CO2 capture and subsequent reinvesting in forest conservation. By getting a better price through conservation of a natural forest resource, the value can be reinvested in conservation and the benefits are more far-reaching.
- obtain better timber prices, so that the forest is more profitable and management of this resource is viable.

The suggestion was made to establish international mechanisms for financial and technical support (somewhat similar to farming programs), as well as incentives for forest management and conservation before reforestation.

But how can SFM become good business? One instrument could be the ITTO's year 2000 objective, although it seems unlikely it will be met.

It was noted that indigenous peoples do not agree with forest valuation based solely on economic terms.

The specific domestic aspects of a nation cannot be covered in international conventions. The CBD, for example, requires more concrete terms for sustainable development to be effective. It is vague given that its provisions can only be applied on a national level and there is some degree of overlapping.

Protected Areas

Legally binding international agreements must reflect what is classified as a protected area for each country.

Indigenous groups proposed that:

- there be no further protected areas in indigenous territories, and that those currently within such areas should be declared to be indigenous territories. There is the fear that restrictions will be placed on traditional activities, such as hunting. They find the declaration of protected areas in indigenous territory to be a serious matter;
- their territories be respected and not invaded by transnationals or power groups;
- legislation be drafted providing for the joint administration of the protected areas by indigenous peoples;
- actions be regulated (as in the case of the legislation of costa rica) and that their traditional activities not be restricted; and
- the declaration of *Bosques con Protección de Pueblos Indígenas* - Forests under indigenous protection – be contemplated (rather than protected area).

In addition, it was suggested that international conventions contain mechanisms to ensure compliance with agreements (e.g. the indigenous peoples of Colombia are recommending that their country comply with Convention 169 of the ILO, which is currently not the case).

Lack of either the economic or technical means to maintain protected areas was noted, as well as the fact that the countries have declared, as conservation forests, many areas that could be used for production.

The need to seek mechanisms, to commit the international community to forest conservation, so that countries may receive economic compensation was raised.

Further to the above, it was mentioned that the support is for management of native forests, protected areas, sustainable forest management, etc., but it is not known how to go about obtaining this type of international support.

Full Consultation with All Stakeholders

It was indicated that there is no specific international instrument that deals with this element. However, mention was made of the Amazon Co-operation Treaty and consultation with the government.

Public participation is limited by the users' lack of knowledge of international laws and conventions. Furthermore, it was recalled that instruments, such as the Earth Charter and Agenda 21, that contemplate participation of civil society, do exist.

In general, consultation processes do not have adequate regulations or the mechanisms to ensure effective public consultation and participation in these processes, which often depend on discretionary authority or institutional political will. Traditional decision making mechanisms are also not recognized.

Almost all the countries have national and international framework references. The problem lies in implementing the principles and policies.

Some countries have pilot participation projects, but no formal mechanisms. However, it was suggested that participatory mechanisms be included in the formal legislation along with the tradition consultation and decision making mechanisms.

Criteria and Indicators for SFM

The need to standardize the criteria of the WTO, ITTO, Framework Convention on Climate Change (FCCC), ???? (FSC) and the Amazon Co-operation Treaty (Tarapoto, Peru) was acknowledged and suggested so that each country can then define its own indicators based on its specific conditions.

Several international documents contain the criteria. International discussions must be encouraged to standardize criteria and indicators for SFM.

Mechanisms must be devised to monitor compliance with the conventions and ensure that their content is made public.

It would seem that the benefits of the international instruments currently in use are not visible, and governments have not implemented the policies. Will new instruments simply be trade agreements or will they offer something to the people? Indigenous populations believe the purpose of the instruments will be mainly commercial. How will the population benefit?

The main problem is how to be inclusive without each instrument being too specific. The Framework Convention on Climate Change deals only with CO2 and other greenhouse gases; the Desertification Convention, land rehabilitation; the Convention on Biological diversity, conservation… What is needed is a holistic approach, developing instruments from a SFM perspective and ensuring that elements can be identified in the big picture.

There are three instrument alternatives for dealing with the elements: (i) new forest convention; (ii) improved structure of all the existing instruments; and (iii) working at the national level and doing nothing at the international level.

This analysis rules out the first alternative and recommends using instruments included under the second two options. An instrument is needed that re-creates the entire forest problem and finds a way to apply it using national instruments. It is recommended that an agreement be signed that better restructures the application of existing instruments and then works on their domestic application.

An international instrument is not deemed necessary to cover this element, rather, national instruments are more important in defining the specific indicators and applying them. It is felt that international instruments cannot attain these objectives.

Statistics and Monitoring

There are no international instruments for dealing with this element, but it is felt that they are not necessary. However, international economic and technical support is required to achieve proper monitoring of forest management.

Several countries have inventories on forest resources, commercial statistics, etc., in addition to projects for enhancing the qualitative and quantitative information on their forests. The main difficulty identified involves the financial and technical resources required to keep systems current.

Impact of Reforestation and Forest Plantations

The main instruments identified were:

- International Tropical Timber Agreement (ITTA). Boreal forests are not considered under this agreement, which does address the transfer of reforestation resources and the development of industrial afforestation. It includes funding for the private sector with government backing but not pre-investment funds;
- Convention on Control of Desertification (CCD);
- Framework Convention on Climate Control (FCCC). Only considers payment for CO2 capture and not payment for other environmental services, such as protecting the natural landscape;
- Amazon Co-operation Treaty;
- Convention on Biological Diversity. It was mentioned that the precautionary principle could hinder major plantations of exotic species;
- Convention on International Trade in Endangered Species (CITES); and
- Convention for Protection of the World's Cultural and Natural Heritage.

Only domestic initiatives, for payment for other environmental services, exist and are not contemplated under any international convention.

Reference to pertinent national legislation and policies was also made.

In addition to the discussion on instruments, the group debated several issues of forestation and its impact:

- it was suggested that the positive and negative outcomes be approached from a land use rather than a forestation perspective;
- forestation has the least impact compared with that of farming activities. A national legal instrument was suggested to regulate these practices in addition to carrying out regional studies on this issue;
- the reforestation framework should be examined so that it favours small- and medium-sized producers.

Rights of Indigenous and Local Populations

The national and international instruments identified for dealing with this element were:

- Convention 169 of the ILO;
- Convention on Biological Diversity;
- Agreement 391 of the Cartagena Agreement;
- United Nations (UN) Declaration on the Rights of Indigenous and Tribal Peoples;
- Declaration on the Rights of Indigenous Peoples of the OAS;
- UN Fourth World Conference on Women: Platform for Action (chapter on women and the environment); and
- Chapters 11 and 12 of Agenda 21.

The analysis of the pros and cons of these instruments can be summarized as follows:

- it is recommended that the principles contained in the conventions be incorporated into national legislation;
- several countries have not ratified ILO Convention 169, while others are trying to have it included in their Constitution;
- one problem with the conventions, as regards indigenous affairs, lies in wording such as *"governments should"* instead of *"governments must"*;
- there are no international mechanisms for pressuring governments to ratify these conventions, and the principles they contain are not mandatory. Non-compliance is not monitored;

- international conventions and governments do not include sub-soil resources, which is a problem since these may affect land ownership rights, with negative social, cultural and economic outcomes for population settlements. Mining is one such example;
- mechanisms are lacking for local implementation of the conventions, dissemination and participation in the decision making processes for instruments;
- poor co-ordination between conventions is a problem; and
- is there a way to prevent the violation of the rights of indigenous and local populations? What options are provided under national legislation to claim the violation of these rights? If the conventions themselves have not included a system for the application of an international regulation, governments cannot be forced to comply.

One final point of discussion, was the debate on legally binding legislation, which was of greatest concern to the Amazon countries. The group agreed that the Convention on Biological Diversity gives cause for the most concern, further to which the following was stated:

- while the CBD recognizes sustainable management as a conservation strategy, countries leave huge masses of forest for pure conservation. The CBD tends to be interpreted as simply protectionist and against all activities related to forest utilization;
- Ecuador does not apply the CBD because the policies, principles and strategies have not been incorporated into national legislation, and due to a lack of mechanisms for application;
- Suriname has initiated action based on the principles of this CBD and has protected areas. However, there is the fear that scientists could take advantage of indigenous forest based knowledge and their research procedures must therefore be properly monitored; and
- Colombia has not achieved effective utilization, particularly in the area of genetic resources, due to a lack of regulations.

GROUP 2

International Forest Product Trade

Stage I

After reviewing the list of initiative elements and that prepared by the organizing committee, the following were defined as being the most relevant to the topic of the forest goods and services trade:

transparent market access; (19)
trade policies and practices; (22/18)
cost internalization; (21)
valuation; (27)
certification; (20)
financial mechanisms; (48)
intellectual property rights; (54)
definition of SFM; (1)
technology transfer; (28)
employment, health and safety standards; (24)
trade of wood and non-wood goods and services; (31)
national policies on sustainable development; (59)
supply and demand/consumption patterns; (23)
certification/ecolabelling; and (20)
illegal logging. (36)

Market competitiveness of products was a topic that sparked interest in the discussions. It was suggested that aspects, such as production volume, market research, technology transfer and funding have become major restrictions to achieving forest product competitiveness.

Reference was made to certification processes, and it was indicated that while certification allows for access to international markets, in some cases it acts as a "non-tariff barrier." However, it was pointed out, that the certification process is voluntary.

The need for a mutual agreement on trade policies and practices between the countries was stressed.

It was felt that the employment issue should include the relationship between the forest products and services trade and the generation of employment, as well as the employment conditions for sectors linked to the production and trade of forest goods.

There is a need to incorporate new elements, such as the role of indigenous communities and women, into SFM. These aspects could be part of the discussion on forest valuation (Element 27). It was further suggested that the meaning of sustainable development for indigenous peoples and the West should be discussed.

It was stressed that indigenous rights is a vast issue that cannot be reduced to traditional forest based knowledge.

The need for in-depth analysis of the underlying causes of deforestation, as well as mechanisms for technological and financial co-operation was emphazised.

Consideration was also given to the need for a holistic approach, as set out in Agenda 21, by examining aspects globally through an intersectorial approach, noting the inter-relations in and out of the forest. Furthermore, the elements of greatest importance, to each country and sector, should be examined and detailed.

Stage II

From a long list drawn up in an initial identification exercise, the following instruments were selected based on how well they dealt with the issues related to the forest goods and services trade:

ITTO; WTO; Convention on Biological Diversity; Forest Principles; CITES; Framework Convention on Climate Change; World Bank; Amazon Trade Treaty; Commission on Sustainable Development; LAIA; Andean Community; and Agenda 21, ILO (169).

All of the instruments were not examined due to a lack of knowledge and information on each. Discussion centred on the ITTO and the WTO.

The following opinions were expressed on the ITTO:

- it covers all of the elements set out for discussion in a general manner, and also includes sustainable development, technology transfer, wood and no-wood goods, SFM and tropical reforestation;
- it has set out guidelines for the sustainable management of natural tropical forests and plantations, diversity conservation and monitoring forest fires;
- it supports market research and economic information on forest products;
- it is unclear whether the year 2000 objective will be met; however this is an ongoing objective of the organization;
- it has a vital role within the high-level Inter-Agency Task Force on Forests;
- decisions are made by consensus, and while process can be slow, it is neither exclusive nor coercive; and
- SFM limitations;

- lack of financial resources and the competition between different international organizations to secure funds for similar ends;
- scope of action (noting the lack of consensus in past years to include hardwood under the Agreement); and
- negotiation capacity and power in dealing with the WTO.

The way in which some forums deal with the relationship between trade and the environment was discussed.

The following were comments on the WTO:

- its mandates include not discriminating between commercial goods on the basis of production method and processing or place of origin. Furthermore, it was mentioned that it identifies some environmental protection standards through the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures; and
- it currently deals in-depth with the relationship between trade and environment by way of the Committee on Trade and Environment. This instrument was created specifically to identify these dynamics and to carry out recommendations on possible changes to international trade regulations. In 1996, this committee presented its first report, which contained an analysis and recommendations on ten problem areas in the proper co-ordination between international development of free trade and effective environmental measures.

It was noted that the principles of trade agreements such as the WTO, North American Free Trade Agreement (NAFTA) and ???? (MERCOSUR) are contrary to the principles of sustainable development. There are contradictions in WTO standards and policies and those set out in environmental agreements and instruments. While some of these instruments, include the sustainability category, they do not apply it in practical terms: "the WTO is apparently a guarantee for the respect of environmental standards, but in Mexico, NAFTA is clearly a huge barrier to sustainable management."

The need to conduct further studies on the relationship between trade liberalization, sustainable management of natural resources and the advantages and disadvantages of the opening up of trade was suggested, in addition to determining whether in fact this liberalization achieves sustainable development.

Stage III

Various opinions were expressed on existing options, including those put forth by the IFF-3 and others proposed by participants. It should be noted that several delegates stressed a lack of knowledge and information on the instruments and on their government's actions in the international arena. It was also pointed out that some instruments have only recently been created and the evaluation of their effectiveness and degree of compliance is somewhat premature.

Another argument centred on the difficulty of discussing Category III without sufficient knowledge of Categories I and II, and the lack of consensus in some elements of these Categories.

Opinions on forest regulations and the instruments in general are summarized below:

- the international instruments are not static in that they adjust to the requirements and needs of member countries and gradually build on their capacities (the ITTO, for example, was created to deal with primary products, and it has progressively broadened its scope of activity to include the conservation of the resources that produce these goods);
- it is important to discuss the need to give new direction to present instruments, and analyze in greater detail the difficulties encountered in implementing their actions;
- even with the necessary financial resources, the lack of political will and ignorance of the underlying causes of deforestation, are barriers to achieving SFM;

- it is vital to identify the quickest alternative for implementing specific and necessary actions to achieve SFM;
- for the processes to achieve the required credibility, it is necessary to know, which criteria will be used for the analysis of their advantages and disadvantages;
- keen to husband resources, governments often sign conventions without consulting the civil society; and
- the principles of international instruments are contradictory or are incorrectly applied (for example, Convention 169 of the ILO, with respect to decrees for the creation of protected areas).

The following comments address the options:

Continuation of the Ad-hoc (Non-binding) Intergovernmental Dialogue:

- one example of this option could be ongoing IFF dialogue at a later stage;
- the principal functions of the mechanisms of dialogue should be to foster synergies and unite efforts between existing instruments;
- international organizations often do not provide much of a forum in which to discuss the needs and interests of indigenous peoples; rather, this is offered by NGOs. It was noted that in five years, the forest debate has not reached the grass roots level and continues to be discussed by an elite and not the stakeholders actually involved in SFM and the forest goods and services trade;
- there are no consultation mechanisms for indigenous peoples on issues such as land concessions; and
- dialogue will allow for a more in-depth analysis of those elements on which consensus has not been attained.

Improving Non-legally Binding Instruments:

- would enable for the scope of action of the instruments to be broadened, although these would continue to be instruments with no binding effect. This alternative could include the implementation of the IPF Proposals for Action. Furthermore, it was noted that these proposals involve consensus building and therefore, it will be necessary to determine, which factors have hindered their implementation by countries. Lack of resources and political will was alluded to, as well as the fact that as "proposals," they do not generate obligation. It was pointed out that while there were 136 Proposals for Action, many forest-related aspects remained pending;
- the question was raised as to how the IFF follows up implementation of the Proposals for Action, and one of this forum's limitations was identified as a lack of execution mechanisms.

Use of Existing LBIs:

- The CBD was cited as an example since it has a forest program.

Regional Mechanisms:

- it would be preferable to use existing regional agreements (NAFTA, Cartagena Agreement) and processes such as those related to the definition of Criteria and Indicators;
- on the basis of the national definition, regional and global discussion could be continued. The Tarapoto process received special mention; and
- a new regional agreement might be an interesting alternative; however, the time required for the negotiation process must be taken into account, as with the Pan-European Group or the Central American Convention.

Existing Framework Conventions:

- this would be a global convention that included the elements proposed in regional mechanisms; and
- a framework convention could include new agreements.

New Legal Instrument:

- several delegates wondered whether a new international instrument is needed. It was felt that the creation of a new convention would not necessarily generate consensus on concrete actions for SFM implementation. In fact, it was suggested that the discussion and negotiation of a convention could slow the progress of specific projects; and
- there is evidence that conventions are not applied, and yet a new instrument is now being discussed.

A new mechanism under the Commission on Sustainable Development (CSD): with specific mandates for co-ordination with other existing instruments. It was suggested that the forest dialogue could be ongoing in the CSD to promote synergies with the other existing instruments.

Whatever the alternative and arrangements adopted, it is fundamental that they contain the achievements, resolutions and proposals of previous processes (for example: "The International Meeting of Indigenous and Other Forest-Dependent Peoples on the Management, Conservation and Sustainable Development of all Types of Forests" in Leticia, IPF process; Initiative on Underlying Causes, IFF process).

The aspect of access to information and participation was considered vital and various recommendations were put forward:

- creation of focal points to enable the processing and dissemination of information;
- establishing a mechanism for the recovery, gathering and follow-up of information on the various national, regional and global forums;
- creation of task forces and/or special commissions with forest-related sectors to discuss proposals;
- distribution of information to the different sectors and greater work with communities; and
- improved distribution and identification of information by the IFF.

GROUP 3

Financial Resources, Technology Transfer and Co-operation

Stage I

The discussions and consultations in this group were geared to identifying specific issues of particular regional importance regarding co-operation, technology transfer and financial resources. The elements were reorganized as follows:

Global Environmental Facility (GEF); (48)
Compliance with Obligations; (70)
Technology Transfer; (28)
Desired Donor Characteristics and Attitudes – Donor Co-ordination; (49)
External Debt; and
Unlimited International Trust Fund for Forests. (48)

The following points were highlighted in the discussions:

Financial Resources

Co-ordination of International funding is poor. Several delegates feel there are gaps and overlaps that generate inefficiency in the allotment of funds. As a result of this reality, consideration should be given to a possible co-ordinating body that would channel co-operation funds and whose decisions would be transparent.

The issues of forest certification and the financial resources required to apply it, sparked interest in this group. Some participants were in favour of demanding more financial resources in order to attain the objectives of forest certification and not be left behind and marginalized by market trends in the North, where there is increasing demand for forest products issued from sustainable processes.

Resources must be directed toward national processes of developing Criteria and Indicator systems to monitor the sustainability of forest management.

Prudence is required when determining who should be allotted funds for sustainable forest development, as it is difficult to know, which organizations are most in need of these funds, communities, private business, NGOs.

Financial resources must also be aimed at developing other forest uses and consider the genetic riches of the forest and their potential for resource generation. Ways should be sought to access biological resources and ensure the fair and equitable distribution of the benefits of this biodiversity.

One delegate pointed out that financial resources should not be the sole focus of concern for countries of the region. The obligations of developed nations should go beyond the transfer of resources; rather, these countries need to consider changing their patterns of production and consumption.

International co-operation must redefine its intervention so as to contribute to the vision of local stakeholders and not be governed by guiding principles set out by developed countries. It will be important to discuss the issues of funding and sustainable forest policies, in larger forums, with stakeholder involvement. Furthermore, the financial resources must be available to promote local participatory processes that target better use of natural resources.

Similarly, it is considered fundamental that a portion of the financial resources, of multilateral organizations and agencies, allotted to investment project funding, in any sector, be reserved to contend with the underlying causes of deforestation.

Technology Transfer

One of the priorities dealt with under this heading was capacity building to generate our own technologies. For example, in SFM it is very difficult to adapt hardwood stand technologies to Amazon forests. However, some technological aspects do indeed need to be transferred. The issues of technology transfer and capacity building are therefore priority aspects of equal importance for the region.

Technology transfer should be a priority in the development of Forest Certification to ensure that this certification does not become a means of exclusion.

The participation of indigenous peoples and their alternative methods of utilization require special consideration in the discussion of technologies.

Traditional forest based knowledge must be valued in order to appreciate local experience, which is why funding mechanisms must favour the use of both traditional knowledge and local experience. The need to reduce hiring of outside contractors in loans and donations for Amazon forests and in general was expressed. Studies should also prioritize the promotion of shared intellectual property rights for products based on this traditional knowledge.

Technology transfer must contemplate funding to cover the costs of knowledge transfer, most of which is subject to intellectual property rights that can become a barrier to technological co-operation if overlooked.

Compliance with Obligations

The overall opinion of the group was that developed nations are not complying with their financial resource obligations in the various international forums. There is the impression that developed countries are no longer interested in transferring more resources, contrary to the needs and interest of our societies in seeking further development.

It is vital that new financial resources be available to deal with forest related problems. There is the feeling that additional obligations have been created for developing nations when developed countries have not yet complied with original ones.

External Debt

It was pointed out that this issue should also be considered under funding given its absorption of quantities of resources that could otherwise be used in forest conservation.

Emphasizing the ecological debt owed by developed countries is a priority.

Furthermore, the potential cancellation of the external debt could be considered, given the effects of this debt on forests and the underlying causes of deforestation.

Therefore, it is considered essential that the purpose of debt exchanges and "swaps" be in response to the underlying causes of deforestation.

Stages II and III

The following instruments were identified as relevant to the issue:

Convention on Biological Diversity;
Framework Convention on Climate Change;
Convention on Control of Desertification;
IPF/IFF;
UNCED Forest Principles;
Amazon Cooperation Treaty – Tarapoto Criteria and Indicators;
ITTO;
CITES;
RAMSAR Convention;
WTO; and
Andean Community.

However, the group stressed that the above list should not be considered to be complete.

The group did not analyze each of the instruments due to a lack of knowledge.

It was suggested that it is the duty of each country to set out its own priorities and projects and study the existing possibilities and opportunities contributing to them. Therefore, every country must identify the mechanisms that meet its needs from among all of the existing international instruments.

The following remarks were made on the instruments:

ITTO has limited funds;
CCD has a funding mechanism, but has not had sufficient funds to use it. Moreover, a delegate pointed out that this convention prioritizes African countries;
CITES has projects to improve the abilities of customs officials in identifying the traffic of illegal species;
the RAMSAR Convention only deals with wetland forests; and
theWTO does not deal directly with funding mechanisms. However, it covers government incentives and disincentives for products, including those from forests. The group stressed that the WTO is solely a trade organization, although it has a special committee dealing with the relations between trade and the environment.

One delegate reacted to the analysis of these instruments by remarking that there is no guarantee that a new convention or instrument would increase the flow of funds for co-operation.

A review of the elements identified, based on some of the instruments listed, was deemed necessary.

Technology Transfer

It was indicated that this issue should be included in the CSD, taking into account developed countries' existing obligations within the Commission, and in the WTO Committee on Trade and Environment. Furthermore, it is important that the representatives to these forums be informed about the issues dealt with here to increase their capacity for involvement in international discussions, for example the CBD and the FCCC.

Financial Resources

A list was made of UN and other intergovernmental agencies providing financial co-operation:

the World Bank;
United Nations Environmental Program (UNEP);
United Nations Development Program (UNDP);
?????? (IDB); and
?????? (ADC).

Other institutions:
private bank (KFW);
the European Union;
international foundations and NGOs;
bilateral co-operation agencies; and
the private sector.

These multilateral banking financial resources must receive special consideration given that many of their investment projects have an impact on forests. Moreover, a portion of these private resources must be reserved for forest protection and the drafting of environment policies to govern the use of these resources. Therefore, funding and/or market mechanisms are subject to domestic environment and/or cultural regulations.

It was indicated that there are different instruments, such as the CBD and the ITTO, that deal with trust funds with specific objectives.

There was discussion on the effective possibilities of creating an unlimited trust fund, this option some felt was unlikely, given the difficulties in obtaining consensus in forest issues. It was also mentioned that this type of funding mechanism could be considered under the CBD.

However, the following remarks should be stressed with respect to the CBD:

- it is conservation-oriented, which could limit the use of funds for the sustainable management of wood resources; and
- it is a limited forum for dealing with forest issues, as its principle of fair and equitable distribution of the benefits of biological diversity would involve the distribution of all of the benefits from international trade, which is not feasible.

In response to the first point, it was mentioned that the Work Program on Forests of the CBD is subject to taxonomical analyses that contribute to conservation.

Further to these remarks, it was felt that the political viability of creating this fund within the CBD was great, given that the IPF Proposals for Action are agreements between countries. Moreover, there is a commitment to facilitating its implementation and the creation of this trust fund is one way of achieving this.

In a broader discussion, on financial resources, another option mentioned was the GEF, which is also part of the CBD. It was suggested that this instrument can be changed further to a decision of the countries and can be expanded to include part of the protected areas within the CBD.

The point was made that by bolstering the GEF in forest issues, all forest-related matters would be dealt with under the CBD.

It was suggested that GEF-related matters should be dealt with in the Conference of Parties to the CBD, as this is where the IFF or the CSD must direct their request that the GEF extend its funding to SFM issues.

In discussing the Trust Fund, it was mentioned that the ITTO's attempts at creating the Bali Forest Fund have been unsuccessful to date. Therefore, it was suggested that the IFF take on this initiative and call for the support of the ITTO to facilitate the creation of this fund.

Compliance with Obligations

One way to achieve compliance with obligations is prioritizing the actions to be taken based on the few existing resources.

The IPF has 150 approved proposals, the implementation of which, is subject to the availability of the necessary funding.

It is considered vital that Amazon countries assess the financial cost of protected area implementation and inform the international community that this cost must first be met before anything can be done. Therefore, compliance with obligations is put into perspective. Putting a pricetag on protected areas will make developing countries aware of the consequences of their failure to comply with resource transfer obligations.

It was further stated that coercion cannot be used to force compliance with obligations since the latter were entered into voluntarily. Instead, persuasive means must be used in the appropriate forums.

The suggestion was made to follow up the issue of compliance with obligations where they were created, in the CSD.

It is important to identify a strategy to achieve the feasibility of the issues identified. Determining how to assert ourselves as a group of countries within the forum would be a major step forward and should be dealt with in existing groups such as the GRULAC, TCA and CAN.

CONTENTS

List of Participants

ECUADOR						
CARLOS FIERRO	FACILITADOR- EVENTO	Fundacion futuro latinoamericano	Atahualpa #1127 y J. Gonzalez. Quito.	593-2-920-636	593-2-920-635	ffla@interactive.net.ec
YOLANDA KAKABADSE	MINISTRA DE MEDIO AMBIENTE	Ministerio del Ambiente	Av. 10 de Agosto 3560 y Mariana de Jesús, Piso 4. Quito.	593-2-429-486 593-2-541-955	593-2-564-037 593-2-565-809 593-2-563-486	yolandak@inefan.gov.ec
RODRIGO DE LA CRUZ	Asesor Of. Neg. Int.	COICA	Murgeon # 717 y Av. America, Quito.	593-2-545-457	593-2-545-457	coicacol@col1.telecom.com.co
XAVER IZCO	Grupo Asesor Bosques	Ministerio del Ambiente	Atahualpa # 955 y Republica, Quito	593-2-466-622 593-2-466-623	593-2-246-624	xizco@uio.satnet.net
ANTONIO JACAMANIJOY	Coordinador General	COICA	Murgeon #717 y Av. America, Quito.	593-2-502-260 593-2-502-753	593-2-502-260 593-2-502-753	coicacol@col1.telecom.com.co; coica@uio.satnet.net
SOLEDAD BASTIDAS	CONSULTOR	PPF	E. Alfaro y Amazonas, Quito.	593-2-463-677	593-2-258-027	ppf@ppf1.org.ec
CESAR VITERI	Coord. De la Red Latinoamericana de Bosques.	Fundación Natura	Guayas y Amazonas, Quito.	593-2-457-922	593-2-457-253	
XAVIER BUSTAMANTE	Director Ejecutivo	Coorporacion de Manejo Forestal Sustentable	Av. Orellana #581 y Wimper, Quito.	593-2-556-634	593-2-231-183	comafors@hoy.net
MARIA CUVI	REPRESENTANTE	Coordinadora Nacional de Mujeres	Leryda y Toledo, Quito.	593-2-522-739		marcuvi@hoy.net
NORMAN WRAY	ASESOR	Ministerio del Ambiente	E. Alfaro y Amazonas 7mo. P, Quito.	593-2-563-430 593-2-563-429	593-2-500-041	nwray@ambiente.gov.ec
CARLOS VITERI G.	ASESOR	Segunda Vicepresidencia del Congreso	Quito	593-2-900-172 593-9-824-585	593-2-900-226	runa@hoy.net
MIREYA MUÑOZ	ASESORA	MMA MRREE	Quito	593-2-563-112		dgmedam@mmreee.gov.ec
RAMIRO DAVILA		MRREE	Quito	593-2-563-112		dgmz@mmrree.gov.ec
ALVARO LUNA	Coord. Prog. bosques	UICN- SUR	Quito	593-2-466-622	593-2-466-629	alvaroluna@kolla.net
MONICA TOBAR	Representante	CEDENMA	Quito	593-2-231-411	593-2-231-410	ceda@uio.satnet.net
WALTER PALACIOS	Coordinador Proyectos	Fundacion Jatun Sacha	Eugenio Santillan y Maurian, Quito.	593-2-432-173	593-2-453-583	palacios@jsaccha.ecuanex.net.ec
MARTA NUÑEZ		Ministerio del Ambiente	Av. 10 de Agosto 3560 y Mariana de Jesús, Edif. Metrocar, Piso 4. Quito.	593-2-429-486 593-2-541-955	593-2-564-037 593-2-565-809 593-2-563-486	lba@inefan.gov.ec
LOURDES BARRAGAN	Coord. Eventos Inter.	Ministerio del Ambiente	Av. Amazonas y E. Alfaro. Quito	593-2-563-544	593-2-565-809	lba@inefan.gov.ec
OLGA QUEVEDO PINOS	Directora Manejo 6 Ambiental	Ministerio del Ambiente	P. Icaza 203 y P. Carbo. Guayaquil.	593-4-560-870		mma@gye.satnet.net wrevelo@gu.pro.ec

TARIN GONZALEZ B.	MANGLARES	Ministerio del Ambiente	P. Icaza 203 y P. Carbo. Guayaquil.	593-4-560-870		mma@gye.satnet.net taringb@hotmail.com
RAMON ZAMBRANO	DISTRICTO FORESTAL	Ministerio del Ambiente	Av. Quito # 402 y P. Solano. Guayaquil	593-4-397-730 593-4-293-131	593-4-293-155	
MARCEL FERAUD	SUBSECRETARIO	Ministerio del Medio Ambiente	P. Icaza 203 y P. Carbo. Guayaquil.	593-4-560-870 593-4-560-402	593-4-565-059	mma@gye.satnet.net
JOSE DELGADO M.		Comite Ecologico del Litoral.	N. P. Llona 146, Las Peñas. Guayaquil.	593-4-303-694	593-4-303-694	comecolit@hotmail.com
COLOMBIA						
JAVIER CAMARGO	Asesor Oficina de Negociacion Internacional	Ministerio del Medio Ambiente	Calle 37 #8-40, 2do. P. Santa Fe de Bogota, D.C.	57-1-288-986-0	57-1-288-695-4	jecamargo@minambiente.gov.co
ALBERTO LEGUIZAMO	PRESIDENTE	Aso. Col. Ing. Forestales	Calle 14 # 733 of.403	57-1-281-491-2	57-1-281-821-5	inforest@cdonsat.netco
SURINAME						
NADIA RAVELES	Chair of the council for the development of the interior	Ministry of Regional Develop	zwartenhovenlrugst Paramaribo.	59-747-435-7 59-740-483-2	59-742-451-7	regon@sr.net
MOHAMED IDRIES TAUS MSC.	Deputy Director Geodesy	Ministry of Natural Resources	Dr. J. C. de Mirandastraat 11- 15 Paramaribo.	59-747-543-5 59-741-104-1 59-740-049-1	59-747-112-9	nath@sr.net
CARLO JULEN	Head of the forest service	Ministry of Natural Resources	Martheston 78 Paramaribo	59-747-434-6 59-747-131-6	59-741-025-6	
HARIETTE VREEDZAAM	President Sanamaro Esa	Foundation for the Development of women & children	Indiralaan 7 nitvengt, Paramaribo.	59-749-067-8		sanomaroesa@sr.net
ALEXANDER GESSER	Logger Assocision	President ABE	Beekhuizenweg 7 Paramaribo.	59-748-015-8 59-740-030-4	59-748-015-8	
VENEZUELA						
YURAIMA MAGO	ASESOR- TECNICO	Asoinbosques	Av. Mirador c/c El Empalme Ed. Torre 18 p.14 of. 14D y 14E, La Campina Caracas.	02-731-113-2	2-243-390-1	
NALUA SILVIA	COLABORADOR	CONIVE (Indígena)	6ta. Carrera de Vista Hermosa Qte. Nalua Cd. Bolivar	852-773-5 852-772-4	852-588-0	nalua@telcel.net.ve
ALCIRA ASCANIO MUJICA	GERENTE GENERAL	Fundarbol (ONG)	Av. Fco. Miranda Centro Plaza Torre B p.15 of.C. Urb. Los Palos Grandes Caracas.	2-284-464-6 2-283-232-4 2-283-902-4	2-283-424-2	fundarsd@cavtv.net
SULENMA RAMIREZ	Ingeniero Forestal Jefe II	MARN Ministerio del Ambiente	C.B.S. Torre Sur p.22 El Silencio- Caracas.	2-408-1010 2-408-1011	2-483-915-8	sulemaramirez@tahoo.com
RENSO SILVA	Director de Planificacion del Recurso Forestal	Ministerio del Ambiente y Recursos Naturales	C.B.S. Torre Sur p.22 El Silencio- Caracas.	2-408-1010 2-408-1011	2-483-915-8	marn@seforven.gov.ve

ITTO						
JOHN J. LEIGH	Project Manager	International Tropical Timber Organization (ITTO)	International Organization Center, 5to. P. Pacifico Yokohama, 1-1-1, Minato-Mirai Nishi-ku, Yokohama 220-012.	814-5-223-111-0	814-5-223-111-1	itto@mail.itto.unet.ocn.ne.jp
CANADA						
Denyse Rousseau	Deputy Director/Environmental Relations Division	Department of Foreign Affairs and International Trade	125 Promenade Sussex Drive. Ottawa, Ontario.	61-3-996-291-9	61-3-995-952-5	denyse.rousseau@dfait-maeci.gc.ca
GERMANY						
CHRISTIAN MERSMANN	Programme Co-ordinator	International Programmes in Tropical Forestry	OE4544 Fridental D-23715 Bosau	49-45-217-835-6	49-45-217-835-8	101562.31@compuserve.com
PARAGUAY						
RAUL GAUTO	FACILITADOR- EVENTO	ILDES	P.O. BOX: 714, Asuncion	595-21-612-747	595-21-602-381	ids@pla.net.py raulgauto@hotmail.com
COSTA RICA						
RICARDO ULATE CH.	Co-Director Iniciativa CR-C	Ministerio del Ambiente y Energía	Apdo. 10104-1000 San José	50-6-257-141-7 50-6-257-623-9	50-6-257-069-7	rulate@ns. Minae.go.cr
NACIONES UNIDAS						
JAIME MUÑOZ REYES	ASESOR	SECRETARIA FIB	DC2-1276 DESA/ IFF New York City, New York 10017 USA	21-2-963-415-1	21-2-963-346-3	muñoz-reyez@un.org
BOLIVIA						
HENRY ALLAN MORENO	Jefe Dpto. Economico	Cámara Forestal de Santa Cruz	Prd. M.I. Salvaterra # 1055	59-1-333-269-9	59-1-333-145-6	henryms@hotmail. Com
OVIDIO ROCA	Intend. Des. Institucional	Superintendencia Forestal		59-1-334-889-3	59-1-348-839-1	siforestal@cotas.com.bo
BRASIL						
MA. RITA FONTES FARIAS	ASESORA	Ministerio de Relaciones Exteriores	BRASILIA	56-1-411-698-5 56-1-411-698-6	56-1-322-552-3	mfontes@mre.gov.br
PERU						
ANTONIO BERNALES	FACILITADOR-EVENTO	La Hermita S.A. Acuacultura y Servicios S.A.	Bajada de Baños # 340 Barranco. Lima.	51-1-422-498-0 51-1-247-006-9	51-1-444-536-4	p.zavala@spdplim.simis.com
EDUARDO PEREZ DEL SOLAR	DIPLOMATICO	Ministerio de Relaciones Exteriores	Jr. Lampa SYS Lima1	51-1-428-575-1	51-1-428-575-1	dma05@rree.gob.pe

MICHA TORRES	VICEPRESIDENTE	Foro Intergubernamental de Bosques	Parque Blume 106 Lima, 18	51-1-441-380-0	51-1-441-215-1	micha@pol.com.pe
AMELIA TORRES	VICEPRESIDENTE	ONG				
CARLOS SALINAS		CORMADERA	Grimaldo del Solar # 350	51-1-444-314-7		casm@infotex.com.pe
ELIAS CURITIMA	COORDINADOR	CONORP	Jr. Brigadier P. 974	51-1-423-839-1	51-1-423-839-1	conap@telematic.con.pe

Costa Rica-Canada Initiative

REGIONAL MEETING

Caribbean, Central and North America November 24 to 27, 1999 Mexico, Federal District

Experts from the following countries participated:

Belize
Canada
Costa Rica
Cuba
Dominican Republic
Guatemala
Jamaica
Mexico
Nicaragua
Panama
Trinidad and Tobago

INTRODUCTION

- The international community has been debating the wide variety of elements relating to the management, conservation and sustainable development of forests of all kinds. In view of the difficulties in reaching an agreement regarding the most appropriate instruments, Costa Rica and Canada joined forces to support the Intergovernmental Forum on Forests (IFF) in order to begin a process of identifying possible elements that could shed light on the usefulness of having international mechanisms and agreements.

  The Costa Rica-Canada Initiative (CRCI) consists of three stages: the first, a meeting of experts held in San José, Costa Rica from February 22 to 26, 1999, identified a basic list of elements and prepared a methodology for the process; the second stage involved a series of regional meetings to analyze the benefits and potential elements for the instruments and possible international arrangements from the regional standpoint; and the third stage will consist of a meeting in Canada at the end of 1999 to consolidate the results of the experts meeting in Costa Rica and the contributions of the regional meetings as the basis for preparing the conclusions and recommendations to be presented to the fourth meeting of the IFF in early 2000.

- A national workshop to test the methodology of the CRCI was held in Mexico City on November 17 and 18, as a preparatory measure (Annex 1).

  The regional meeting for the Caribbean, Central and North America held on November 24 to 27, 1999, which concluded today was the eighth and last of the planned meetings. The earlier meetings were held in Malaysia, Zimbabwe, Spain, Turkey, Cameroon, Ecuador and Argentina.

- An organizing committee was established, which was advised by staff from the CRCI on the preparatory work and an entire technical and support team was contracted to assist in achieving the planned outcomes (Annex 2).

- The guests included experts from governments, non-governmental organizations (NGOs), social groups, the private sector and other special guests from Canada, Costa Rica, Mexico, the Dominican Republic, Guatemala, Belize, Nicaragua, Panama, Cuba, Trinidad and Tobago and Jamaica (Annex 3).

OPENING CEREMONY

The presidential table was composed of:

- Dr. Víctor Villalobos Arámbula – Deputy Minister of National Resources of the Department of Environmental Affairs, Natural Resources and Fisheries (SEMARNAP);
- Lic. Luis Rojas Bolaños – Co-chair of the CRCI;
- Ms Denise Rousseau – Canadian representative of the CRCI Secretariat;
- Dr. Gonzalo J. Facio – Costa Rican Ambassador to Mexico;
- Mr. James Lambert – Minister Councillor of the Canadian Embassy in Mexico;
- Ms. María Del Carmen Culebro – Food and Agriculture Organization (FAO) representative in Mexico; and
- Ing. Jaime Hurtubia – IFF Secretariat.

At the opening ceremony Dr. Víctor Villalobos commented on international initiatives on forests. Mr. Luis Rojas described the background, objective and development of the CRCI and gave the floor to the Deputy Minister of Natural Resources of SEMARNAP who declared the meeting officially open (Annex 4).

- **PRESENTATIONS**

  Ms Marina Ribó of the International Affairs Co-ordination Unit of SEMARNAP described the concepts and general terms of the international legal instruments, a framework that familiarized the participants with the specific vocabulary (Annex 5).

Lic. Mario Duarte from the same SEMARNAP unit gave a presentation on international conventions that included forests.

Lic. Jaime Hurtubia of the Secretariat of the IFF explained the origin, development and considerations behind the meetings.

Last, Ing. Jorge Rodríguez, Advisor to the National System of Conservation Areas of the Costa Rican Ministry of Environmental Affairs presented the Central American Convention on Forests.

- **FOCUS OF THE INITIATIVE**

For all the regional meetings, the steering committee of the CRCI prepared a common methodological approach known as the "CRCI Approach", which has been used as the general framework to facilitate the consolidation of the contributions made by the different regional meetings into a single final report. The approach is attached as Annex 6 and consists of the following four steps:

Step 1 identification of a preliminary list of elements;

Step 2 identification of options for treating the different elements;

Step 3 pros and cons; and

Step 4 evaluation.

- **Mechanism**

The technical co-ordinator of the organizing committee, Mr. Francisco Javier Musalem, explained the mechanism that would be used at the meeting, describing the form of operating in plenary and working sessions, responsibilities and officials, location, framework rules, the methodology of the initiative and the additional forms to be used in support of the discussions (Annex 7).

- **Plenary Session.- Stage I: To Identify a Working List of Potential Elements.** This process was led by three facilitators who were each responsible for 24 elements. The participants in the plenary session discussed and developed a list for international arrangements and mechanisms, in accordance with Stage One of the CRCI.

The Organizing Committee distributed a document from the meeting of experts in San José, which included brief mention of possible contents for each of the elements (Annex 8).

- **Work groups – Stages II and III:**
- Groups 1, 2 and 3 met simultaneously and each worked with the stages included in the methodology. The specific conclusions reached by each group were partially presented for Stages I and II by their respective rapporteurs at a plenary on progress (partial reports, Annexes 9, 10 and 11).

- **PRODUCTS BY STAGES**
  - Stage I – Preliminary List of Elements for the Regional Meeting
    - Of the original list of 72 elements, it was proposed that four be eliminated since they duplicated others. It was also recommended that five elements be combined because they were related. It was suggested that two more be added (biosecurity and consumption patterns) since they had not been dealt with.
    - Element Five, which contained five components, was modified to contain four, and there was discussion regarding the advisability of converting each of those components into elements.

- The names and texts of several elements were changed for different reasons, particularly on account of ambiguity and generalization, as well as translation problems.
- Last, it was suggested that all the elements be arranged in a coherent order, since some were inter-related or formed part of the same topic. There was some opposition, arguing that it would be difficult to do and would result in a considerable loss of time.
- The partial reports per group and the elements included and their discussion can be consulted in Annex 12.

- Stage II – Options Regarding Binding and Non-binding Legal Instruments for Each Element (Annex 13)
  - Based on an analysis of how they were approached and applying each of the elements determined in the previous stage, the following results were obtained:
    - forty-nine of the elements were binding and 18 were not;
    - it was proposed that the status of six be modified;
    - regarding the way they should be approached in the future, it was recommended that existing instruments be strengthened for 28 elements and that instruments be created for 25; and
    - it was very important to establish specific instruments on forests, since forests were simply a component in most existing instruments.
- Stage III – Systematic Evaluation of the Pros and Cons of Legally Binding Instruments (LBIs) to Promote Each Element (Annex 14)
  - It was found that several of the elements dealt with in non-binding instruments could become binding and that several of them that were not binding on the national level could be binding on the international level, according to the experts.
  - There was agreement that they should ensure the sustainability of the resource and respect the sovereignty of each country. It was also stressed that local communities, indigenous and women's groups should be strengthened.
- Stage IV – Views on Facilitating International Consensus on Issues Relating to Category III of the IFF's Work Program (discussed in plenary session)

- **EXCURSION TO FORESTS SOUTH OF MEXICO CITY**

The municipal government of Mexico City organized an excursion to forests in the Federal District to present the management plans that the largest city could and should follow for ecosystems, whose main production is services, capture of carbon dioxide, watercourse regulation, protection of other resources, recreation and oxygen production.

- **PLENARY SESSION**

The session was opened by Lic. Jaime Hurtubia who made a presentation on *Toward the Fourth Session Period of the IFF.*

The technical co-ordinator of the organizing committee read the preliminary report and asked for comments on the questionnaires distributed for Stage IV in order to give the experts an opportunity to voice their opinions, suggestions and impressions of the four-day meeting.

The participants commented that they had learned more about the topics in Category III of the IFF's work program that the methodology had facilitated discussion, and discussed the need for more or different background documents to build a consensus on issues related to forests (Annex 15).

- **CLOSING CEREMONY**

  Lic. Luis Rojas Bolaños, Co-chair of the CRCI thanked Mexico for its hospitality in hosting the event, all the experts from the 11 countries, the technical experts who acted as facilitators, the rapporteurs and co-rapporteurs, the secretarial support staff and the organizing committee for all the work they had done to make the meeting a success (Annex 16).

  Ing. Víctor Sosa Cedillo, Director General of Forests of the Department of Environmental Affairs, Natural Resources and Fisheries, thanked the sponsors of the initiative, which made it possible to examine each of the elements in existing agreements with a forest component, in such an agreeable atmosphere. The results would help to enrich and provide information for the meeting to be held soon in Ottawa, Canada (Annex 17).

  Last, he thanked all the participants and wished them a safe journey home.

Costa Rica-Canada Initiative

INTERNATIONAL EXPERTS' MEETING

Ottawa, Canada
December 6 to 10, 1999

FOREWORD

1. This document reports on discussions that took place at the final meeting of the Costa Rica-Canada Initiative (CRCI) in Ottawa, Canada, from December 6 to 10, 1999. It presents the range of views of experts who participated in their personal capacity. As such, the text of this report is not a negotiated text and should not be interpreted as reflecting consensus.

2. A full report of the CRCI, including the eight regional and two international meetings, will be submitted to the Intergovernmental Forum on Forests (IFF) for consideration at its fourth meeting in New York City, January 31 to February 11, 2000.

INTRODUCTION

3. The final meeting of the CRCI was sponsored by the Governments of Canada and Costa Rica, with the support of 21 countries and international organizations. One hundred and eleven participants from 62 countries attended as follows: 73 from governments; 11 from intergovernmental organizations; 6 from indigenous groups; and 21 from non-governmental organizations.

4. The purpose of the meeting was to build on the outcomes of the regional meetings that took place around the world from August to November 1999, with regard to future international arrangements and mechanisms, such as a legally binding instrument (LBI), in support of Category III of the program of work of the Intergovernmental Forum on Forests (IFF). While not part of the CRCI per se, a South Pacific Sub-Regional Workshop on IFF issues was held in Fiji, in September 1999. Findings from this workshop with respect to Category III were forwarded for consideration at the meeting in Ottawa.

5. The objectives of the meeting in Ottawa were to:

   - provide the basis for making informed decisions on future international arrangements and mechanisms when the IFF meets in New York City, January 31 to February 11, 2000; and
   - gain a better understanding of the strengths and weaknesses of the CRCI's three options namely:
     a) strengthening existing legally binding instruments (SEIs);
     b) developing new LBIs; and
     c) using current legally non-binding instruments and initiatives (LNBIs).

6. The week-long meeting began with opening ceremonies whereby the Honourable Mr. Ralph Goodale, Minister of Natural Resources Canada, addressed the plenary. He underscored the importance of moving beyond current ad hoc arrangements for forests to arrive at a comprehensive, permanent and lasting solution, taking into account key considerations, such as national sovereignty, financial mechanisms and the transfer of technology.

7. The Co-chairs of the CRCI, Mr. Luis Rojas Bolaños and Mr. Jacques Carette, expressed their sincere gratitude to the more than 600 experts who participated in regional discussions, noting that many others took the opportunity to make their views known through national consultations that took place prior to regional meetings. They recognized the particular contributions of the governments that hosted regional meetings: Argentina; Cameroon; Ecuador; Malaysia; Mexico; Spain; Turkey; and Zimbabwe. The Co-chairs expressed their deep appreciation to the other countries and organizations that financially and technically supported the initiative: Austria; Finland; France; Germany; Ireland; Japan; Norway; the Russian Federation; Switzerland; Turkey; the United Kingdom; and the Food and Agriculture Organization (FAO) of the United Nations (UN). As well, the Co-chairs noted broad areas of agreement that seemed to have emerged from regional meetings: that forest issues are not adequately addressed in current arrangements; that maintaining the status quo is not an option; and that further action is required to improve the state of the world's forests.

8. The statement of the IFF Co-chairs noted the complexity, the political sensitivity and the long-term ramifications of the issues related to Category III. They hoped that the final outcome of the week's deliberations in Ottawa would help the IFF arrive at the best option for the future and urged the assembly to provide the meeting in New York City with a rich report, one that contained a clear message.

9. During the week, presentations were made of the regional meetings held under the auspices of the CRCI and highlights from these regional reports were given by the International Institute of Sustainable Development. The author of the summary report noted the main findings of each meeting and identified trends in support of the CRCI's three options.

10. Summaries were also made on two country-hosted initiatives, the special needs of countries with low forest cover (Teheran, Islamic Republic of Iran), and on financing sustainable forest management (SFM) (Croydon, United Kingdom). These were followed by keynote addresses, working group discussions, highlights in plenary, general discussion and the adoption of the report. For additional information, the agenda is found in Annex I. Copies of all the presentations made by guest speakers and rapporteurs, in plenary, are found in Annex II and Annex III contains the list of participants.

11. Participants expressed their warm gratitude to the organizers and hosts of the meeting in Ottawa. They also indicated their deep appreciation for the significant contributions that the CRCI has made, as a whole, to discussions on future international arrangements and mechanisms for forests.

BACKGROUND

12. In support of the IFF's mandate to identify the possible elements and work towards consensus on future international arrangements and mechanisms, for example, an LBI on all types of forests, Costa Rica and Canada entered into a partnership to provide a neutral, transparent, participatory and representative forum to facilitate technical discussions.

13. The CRCI consisted of three stages:
    1) a meeting in San José, Costa Rica, from February 22 to 26, 1999;
    2) eight regional meetings that took place between August and November 1999 (refer to Annex IV for list); and
    3) a final meeting in Ottawa, Canada, from December 6 to 10, 1999, to consolidate the results of regional meetings and produce a report for submission to the IFF-4.

14. Participation was open to governments, intergovernmental institutions, non-governmental organizations (NGOs), Indigenous Peoples, women's groups and the private sector. Attention was also paid to reflect balanced geographic representation and the range of views with regard to Category III of the IFF's mandate.

15. Each regional meeting used a similar approach, endorsed by the steering committee in San José in February 1999, to identify potential elements and assess the strengths and weaknesses of the three CRCI options: SEIs; LBIs; and LNBIs. Within this framework, opportunities were provided to discuss issues from national and regional perspectives.

16. Participants expressed their appreciation for the CRCI and the process it established through extensive consultations at the regional and national levels. They noted the extent to which regional meetings raised the level of awareness on global forest issues and increased the involvement of many experts who would not otherwise have had the opportunity to learn and participate in the dialogue. The large number of source documents that were produced within the CRCI framework also significantly contributed to increasing worldwide understanding of key forest issues. Experts were also grateful for the frank, open and transparent

exchange of information and views that occurred among and between regions, allowing them to take stock of the range of opinions and the areas of agreement that could provide the basis for further co-operation.

17. Appreciating the valuable information arising from the regional meetings, participants urged that it be widely distributed to assist IFF delegates reach an informed decision.

OUTCOMES

1) KEYNOTE ADDRESSES

18. Mr. Nigel Bankes, Professor of Law at the University of Calgary, on assignment with the Department of Foreign Affairs and International Trade Canada, addressed the plenary on the relationship between existing international agreements and the CRC options, providing a basis for discussions in working groups on current and possible future instruments. He made the following key points:

The relationship between successive agreements relating to the same subject matter is governed by the Vienna Convention on the Law of Treaties:

- treaty obligations are cumulative; we should not assume conflicts; different standards do not create a conflict;
- where there is a conflict, look to the intention of the Parties, did the Parties; by means of a savings clause, indicate, which agreement was to prevail; and
- where there is no statement of intent, the latest treaty prevails;
- the relationship between non-binding instruments and a binding agreement:
- in the event of a conflict between a non-binding instrument and a treaty, the treaty will prevail; and
- principles of customary law will influence the interpretation of treaties; non-binding instruments should not (Vienna Convention, Article 31 (3)(c)).

One can elaborate existing legally binding instruments through both binding instruments and non-binding instruments; non-binding instruments include resolutions of the COP and work plans; as a general proposition COP decisions and resolutions are not legally binding; inding instruments include protocols, regional annexes and amendments; and the scope of a protocol will be limited by the ambit of the parent convention.

- It is possible to avoid and manage conflicts between agreements by careful drafting, by limiting the scope.

19. In response, participants noted the need to fully implement existing instruments and ensure compliance; the lack of co-ordination among existing legally binding instruments; the importance of avoiding duplication of work; and the gaps in existing mechanisms related to SFM.

20. Some participants noted that existing LBIs were developed with specific objectives and because of the narrow focus, may not achieve the range of SFM objectives, even with an effective co-ordination mechanism. A new instrument could therefore be beneficial in addressing the gaps and fragmentation within the forest sector both at the national and international level.

21. Participants emphasized that existing instruments have had positive impacts, but there is still need for improvement in terms of implementation, co-ordination and comprehensive treatment of forests. While

considering options for future arrangements and mechanisms, the following aspects, inter alia, may deserve special consideration:

- conflicts and overlaps;
- normative and administrative functions;
- action at both national and international levels;
- effective participation through direct representation of relevant and interested parties;
- commitments and means for effective implementation, including the establishment of a special financial mechanism for SFM in developing countries; and
- compliance.

22. Mr. Jorge Rodriguez, Program Officer of the United Nations Development Program, spoke on financing and the possibilities of leveraging funds from various sources related to SFM. This presentation also served as a basis for discussions in the working groups. Some of the main points raised were:

- SFM should use new innovative approaches, with an entrepreneurial spirit, to mobilize funds and include efforts to identify both national and international sources and opportunities;
- the private sector is likely to play a crucial role in the future financing of SFM projects;
- the private sector might not be interested in investing in SFM if there is not an adequate legal and institutional framework, so that governments should adopt national financing strategies, such as economic incentives to encourage its involvement;
- traditional funding mechanisms, such as ODA, are important but not the only ones, especially in developing countries with special needs;
- local communities would benefit through partnerships that facilitated direct access to funds; and
- all forest values have to be considered, not only the marketable ones.

23. Dr. Jagmohan Maini, presented an overview of the principles governing SFM. He noted that forests are a cross-sectoral policy issue and that there is a need for long-term political commitment. Consistent with the Rio Declaration, the Forest Principles and the IPF/IFF process, the following overarching principles were highlighted:

- states have the sovereign right to utilize their resources to meet their national policy objectives;
- states have the right to economic development in accordance with their social, economic, environmental and political conditions;
- states have common but differentiated responsibilities regarding collective global interest and concerns related to forests;
- states have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction; and
- international co-operation should focus on building human and institutional capacity in developing countries to manage their forests sustainably.

24. Participants noted that these principles have already been included in some international agreements. As such, they could well serve as a basis for future arrangements and mechanisms for forests.

2) CRCI OPTIONS

25. Regarding the desirability of a particular option, although discernible trends were identified in some regions, there was no clear preference in others. In most meetings, experts identified the elements that could best be

treated in a new LBI, those that might be dealt with in existing agreements, and others that were suited to legally non-binding instruments. Many participants felt that the options are not mutually exclusive and that a combination of them is possible. There was general agreement on the need for a comprehensive and inclusive approach and all participants noted the central importance of implementing commitments, regardless of the type of instrument.

Strengthening Existing LBIs

26. Most experts agreed that existing instruments address many forestry issues and have significant potential to make progress on them. It was suggested that, because they are already in place, they might require less political effort than developing a new one. Moreover, existing instruments can evolve to respond to present and future needs and have generated some funds for forests projects.

27. Most also agreed that major weaknesses of existing instruments are the fragmented way in which they address limited aspects of forests, the lack of co-ordination of activities and financial assistance and the absence of a comprehensive, holistic approach to address key issues. Moreover, implementation is hindered, at least in part, due to insufficient funding and difficulty in accessing funds.

A New LBI

28. Experts, reflecting the views of many of the regional meetings, felt that key strengths of a new LBI would be its capacity to fill gaps, in institutionalized forest policy, and deal with other legal instruments on an equal basis through Conferences of the Parties. Views were expressed that such an instrument could provide a comprehensive approach by covering all types of forests and the range of forest values. Further, a new instrument could be designed to accommodate the different needs of regions and countries. Many experts, referring to the outcomes of many regional meetings, indicated that an LBI has the potential to: facilitate funding; technology transfer and capacity building at national and international levels; stimulate national policy development; and give forestry a higher profile. Another benefit of this option is that it can complement existing instruments.

29. Regarding weaknesses of this option, some expressed concern that the relationship between a possible new LBI and existing instruments might not be clear, that overlaps might result and that new financial commitments may not be forthcoming unless a designated financial mechanism is put in place for SFM. Others pointed out that a new legal instrument would not necessarily guarantee compliance or sufficient political will and that there is not sufficient agreement among experts on certain elements to begin negotiations.

Non-LBIs

30. This third option has the advantage of being flexible and adaptable to national and regional circumstances. Some participants suggested that such instruments could evolve into a legally binding agreement and, thus, allow for a gradual step-by-step approach. Non-LBIs less negotiation, making them less resource intensive in terms of cost and time. In addition, this option does not contradict others that can be pursued simultaneously.

31. However, many participants shared the view that non-LBIs do not generate a high level of political will or foster sustained political commitment, and may not meet the widely perceived need for concrete action, monitoring and the means to ensure implementation.

3) ELEMENTS

32. All regional meetings used their own working list of elements, taking as a starting point, the list provided by the CRCI and endorsed by the steering committee. The general view from the regional meetings was that the list needed to be clustered into broader categories, for example, the grouping contained in the IFF Secretary-General's report. Most regional meetings produced recommendations on the potential substance of the elements from national and regional perspectives. This information could be very useful in reaching consensus on the elements of any future international arrangements and mechanisms.

4) FUNCTIONS

33. While some groups focused their discussion on the three CRCI options, in whole or in part, others preferred to start with an analysis of elements and functions. Specifically, some participants wished to identify the goals that a potential arrangement and mechanism should achieve before addressing the options. The principal functions put forward, drawn from documents elaborated by the IFF Secretariat, were recognized as being inter-linked, though vitally important in their own right.

Policy Development

34. Among participants, there was a strong feeling that a new arrangement or mechanism, such as an LBI, to deal holistically and comprehensively with forests in a co-ordinated and cross-sectoral manner is required. However, a preference for whether such an arrangement should be legally binding was not clearly expressed, given that the policy development function could be sustained through a variety of possible arrangements and mechanisms. Many stressed that the elaboration of this function needed to be transparent, participatory and complement existing arrangements.

Co-ordination and Synergies

35. Enhanced co-ordination was widely seen as being vital to the achievement of SFM worldwide and an integral part of any future arrangements and mechanisms. This includes co-ordination at national, regional and international levels among the wide range of institutions, agreements and entities, as well as within and between governments.

36. It was recognized that co-ordination could be improved by using different means and mechanisms and that this function was fundamental to moving forward. Many participants felt that some ways were more effective than others and cited an LBI as an example. Meaningful participation to reflect the particular concerns of civil society, including Indigenous Peoples and women, was identified as necessary to achieve progress in this area.

37. Participants stressed the importance of combining co-ordination mechanisms with the other key functions. However difficult, many felt that this function is critical to the sustainable management of forests worldwide and that political will needed to be gathered before an appropriate mechanism could be put in place.

Policy Implementation

38. Many participants were clear on the need to more fully implement the commitments already established within the forest sector, and noted that financial resources, technology transfer and capacity building were essential components of this function. Again, political will and effective participation of civil society, including major groups and other relevant parties, were recognized as part of effective implementation strategies.

39. Many participants pointed out the link between this function and monitoring and reporting while a few suggested that these activities could be conducted by independent third parties.

40. With regard to options, many participants felt that an LBI had the greatest potential to advance this function. Some saw value in legally non-binding instruments and voluntary options that must come to bear in any future arrangements and mechanisms. Several working groups expressed a range of views in such areas as governance, a multilateral framework, sanctions for non-implementation and resource flow. However, common ground was found with regard to the need for enhanced compliance and implementation of current commitments as an effective way to move toward an action-oriented approach.

Provision of Legislative Authority

41. Legislative authority was seen as another important function, perhaps best suited to LBIs, although all options had potential and were not seen as mutually exclusive. Participants were all too aware of the need for legal authority to ensure action at the national level. This function was also seen as being an important part of influencing resource mobilization and technology transfer at national and international levels.

42. Because forest issues are cross-sectoral, some participants stressed the challenge of finding a kind of legislative authority that would promote SFM worldwide in a co-ordinated and comprehensive manner.

43. There was a general desire to strengthen current legally binding arrangements and mechanisms, though it was felt that further discussion was required on how this could be done.

44. In summary, many participants felt that fulfilling these four functions is critical to achieving SFM. The general thrust of discussions on functions was that they are key to determining what type of future arrangements and mechanisms are most suitable.

KEY MESSAGES TO THE IFF

45. Experts at the final meeting of the CRCI agreed that the IFF process should end at IFF-4 with a clear decision on new future international arrangements and mechanisms. There was an emerging consensus to start a time-limited process with the mandate to shape a new arrangement, which would fulfill the required functions and address priority areas of concern. It was further noted that this clear decision must provide for a permanent action-oriented approach to the international forest policy dialogue, one that has the necessary legal authority and level of commitment. Any future international arrangement or mechanism should be developed with the full participation of Indigenous Peoples, other forest dependent people, women and other relevant parties.

46. Reflecting the general views expressed at regional meetings, the majority of participants felt that:

- forest issues, including those related to the rights and participation of Indigenous Peoples and other forest dependent people, are not adequately treated in existing instruments;
- there are no legal or policy conflicts among the three CRCI options; and
- an LBI provides the greatest potential to leverage financing at the national and international levels.

47. Participants also agreed that any future permanent arrangement(s) or mechanism(s) should be cost effective, add value and fulfill the four functions outlined in the Secretary-General's report, prepared for IFF-4. Such arrangement(s) and mechanism(s) should also be supported by the highest political will and allow for a consolidated, comprehensive, integrated and holistic treatment of the range of forest issues. In this regard, a new future approach should:

- respect the sovereign rights of states;
- heighten and sustain political commitment at all levels;
- have the same status as existing legal instruments;
- incorporate global, regional and national considerations;
- ensure the participation and consultation of relevant and interested parties, including, inter alia, women and Indigenous Peoples;
- respect the rights of Indigenous Peoples, forest dwellers and forest dependent people;
- recognize the important role and contributions of women, especially in rural areas, to conservation and sustainable development, and encourage their involvement in related regional and national programs;
- support access to information at the local level;
- provide for clear linkages with commitments related to forests in existing instruments;
- ensure effective cross-sectoral linkages, particularly in relation to agriculture, livestock, food, trade and the environment;
- recognize the importance of traditional knowledge and practices in the sustainable management of forests;
- provide for the sharing of economic and commercial benefits arising from the use of traditional knowledge and practices;
- complement efforts to combat poverty;
- facilitate financing, technology transfer and capacity building in developing countries, possibly through the establishment of a new global forestry facility;
- respond to the special needs of countries with low forest cover, including technical and financial assistance related to developing and implementing national forest programs;
- provide for effective measures to assist with implementing commitments;
- contain an effective mechanism to help ensure the accountability of parties in implementing commitments;
- improve the co-ordination, at different levels, of existing instruments and initiatives; and
- take concrete action to strengthen the implementation of current commitments and the monitoring thereof.

48. Many participants noted that future options for international arrangements and mechanisms for forests need not be mutually exclusive. They also were of the opinion that such options should strive to make full use of existing institutions and instruments while giving a precise mandate to prepare a new instrument that would incorporate, inter alia, the points listed in paragraph 47.

49. Many stated their readiness to consider a new LBI while some indicated consensus still needed to be reached on the relative benefits of the various options. Very few stated they were not in favour of a new LBI.

List of participants

Mr. Fredua Agyeman

Planning Officer
Ministry of Lands and Forestry
P.O. Box M. 212
Accra
GHANA
Telephone: 011 (233-24) 4211339
Fax: 011 (233-21) 663057
E-mail: fredua@mlf.africaonline.com.gh

Mr. Markku Aho

Chair
International Forestry Advisors Group
PL 127, FIN
00161 Helsinki
FINLAND
Telephone: 011 (358) 91 341 6422
Fax: 011 (358) 91 341 6200
E-mail: markku.aho@f ormin.fi

Sr. Marcial Arias Garcia

Coordinador Regional
Alianza Mundial de Pueblos Indigenas
Ave Cuba y calle 32.Edif.304
2203, Balboa, Ancon
Panama
PANAMA
Telephone: 011 (507) 227 5090
Fax: 011 (507) 227 5090
E-mail: Mag@orbi.net/AriasMarcial@hotmail.com

H.E. Mr. Bagher Asadi

Ambassador, IFF Co-Chairman
Permanent Mission of Iran to the U.N.
622 Third Ave, 34th Floor
New York City, New York 10017
U.S.A.
Telephone: 1 (212) 687 2020
Fax: 1 (212) 867 7086

Ms. Alcira Ascanio Mujica

Gerente General
Venezuela
Fundacion Para La Conservacion de los Arboles
Fundarbol
Av. Fco. Miranda Centro
Plaza Torre B p.15 of C. Urb.
Los Palos Grandes
Caracas
VENEZUELA
Telephone: 2-284-464-6 ou 2-283-232-4 ou
2-283-902-4
Fax: 011-58-2-283-424-4
E-mail: fundarbol@cantv.net

M. Komla Astu Dedjigba

Coordinateur
RIFOR
BP 23
Badou
TOGO
Telephone: 011 228 430-055
Fax: 011 228 430 024 or 011-228-400-185
E-mail: atsukomla@hotmail.com

M. Benoît Avonomadegbe

Ingénieur Agroforestier
Direction des Forêts et Ressources naturelles
B.P. 393
Cotonou
BÉNIN
Téléphone: 011-229-33-06-62
Fax: 011-229-33-04-21
E-Mail: cenatel@bow.intnet.bj

Mr. Richard Ballhorn

Director General
International Environmental Affairs Bureau
DFAIT/MAECI
Lester B.Pearson Building
125 Sussex Drive
Ottawa, Ontario K1A 0G2
CANADA
Telephone: (613) 944-0886
Fax: (613) 944-0892
E-mail: richard.ballhorn@dfait-maeci.gc.ca

Mr. Nigel Bankes (CRCI Guest Speaker)

Oceans, Environment and Economic Law Division (JLO)
Department of Foreign Affairs and International Trade
Lester B. Pearson Building – 125 Sussex Drive
Ottawa, Ontario K1A 0G2
CANADA
Telephone: (613) 996-3865
Fax: (613) 992-6483
E-mail: nigel.bankes@dfait-maeci.gc.ca

Ms. Lourdes Barragán

Coordinadora de Convenios Internacionales
Ministerio de Medio Ambiente
Av. Amazonas y Eloy Alfaro
Piso 7 mo
Quito
ECUADOR
Telephone: 011 593 256 3544 256-3423
Fax: 011 593 256 5809
E-mail: lba@ambiente.gov.ec

Mrs. Elisabeth Barsk-Rundquist

Sustainable Development Officer
United Nations IFF Secretariat
2, UN Plaza, Room DC2-1264
New York City, New York 10017
U.S.A.
Telephone: 1 (212) 963-3263
Fax: 1 (212) 963-3463
E-mail: barsk-rundquist@un.org

Mr. Zvetolyub Basmajiev

First Secretary
Mission of Bulgaria to the United Nations
11 East 84 Street
New York City, New York 10028
U.S.A.
Telephone: 1 (212) 7370-4790
Fax: 1 (212) 472-9865
E-mail: zbasmajiev@un.int

France Bergeron

Co-manager
Costa Rica-Canada Initiative
580 Booth Street, 8th Floor
Ottawa, Ontario K1A 0E4
CANADA
Telephone: (613) 943-5258
Fax: (613) 947-9033
E-mail: fbergero@nrcan.gc.ca

Ms. Astrid Bergquist

Deputy Director
Ministry of Industry, Employment and Communication
S-10333
Stockholm
SWEDEN
Telephone: 011 46 8 405 1132
Fax: 011 46 8 405 2280
E-mail: astrid.bergquist@industry.ministry.se

Mr. Harry Bombay

National Aboriginal Forestry Association (NAFA)
875 Bank Street
Ottawa, Ontario K1S 3W4
CANADA
Telephone: (613) 233-5563
Fax: (613) 233-4329
E-mail nafa@web.net

Mr. Ahmed Bouzid

Director General
Forests
30 Av. Alain Savary
Tunis 1002
TUNISIA
Telephone: 216-1-287-487
Fax: 216-1-891-141

M. Jacques Carette (Co-président, ICRC)

Director General
Natural Resources Canada
Canadian Forest Service
580 Booth Street, 8th Floor
Ottawa, Ontario K1A 0E4
CANADA
Telephone: (613) 947-9100
Fax: (613) 947-9033
E-mail: Jcarette@nrcan.gc.ca

Sr. Guido Chaves Chaves

Ing. Forestal
MINAE
Apdo 10104-1000
1000 San José
COSTA RICA
Telephone: 011 (506) 283 8004
Fax: 011 (506) 283 7118 or 506 283 7343
E-mail: guidocha@ns.minae.go.cr

M. Bernard Chevalier

Chargé de Mission pour les Affaires internationales
Ministère de l'Agriculture et de la Pêche
78 Rue de Varenne
F 75349 Paris 07SP
FRANCE
Telephone: (33) 1 4955 5789
Fax: (33) 1 4955 5112 / 4955 4073
E-mail: bernard.chevalier@agriculture.gouv.fr

M. Souleymane Cisse

Conseiller Technique
Ministère de l'Environnement (Mali)
B.P. E 2211
Bamako
REPUBLIC OF MALI
Telephone: 223-63-43-23-64-50 ou 223-63-44
Fax: 223-22-93-27 ou 223-23-82-01
E-mail: mohamed.kalle@malinet.ml

Mr. Lu De

Deputy Director
National Forestry Administration
18 Eastern Street Hepingli
Beijing 100714
PEOPLE'S REPUBLIC OF CHINA
Telephone: 011 (86-10) 84238722
Fax: 011 (86-10) 84238751
E-mail: deru@263.net or mofwar@publi
c.fhnet.cn.netchenchenmin@263.net

Mr. Andre Giacini De Freitas

Coordinador Forestal Regional
Federacion Internacional De Trabajadores
De La Construccion y La Madera (IFBWW)
Apartado 4518 Zona 5
Panama
PANAMA
Telephone: 011 507 229 2952
Fax: 011 507 229 1896
E-mail: agfreitas@altavista.net

Mr. Joao de Sousa Teixeira

Head of Department
Av. Joao Crisóstomo, n.26-28
Lisboa 1069-040
PORTUGAL
Telephone: 011-351-21-312-4803
Fax: 011-351-21-312-4996
E-mail: joao.teixeira@dgf.min-agricultura.pt or
dgf.dri@mail.telepac.pt

Mr. Malick Diallo

Directeur des Eaux, Forêts, Chasse et de la
Conservation des Sols
Ministère de l'Environnement et
de la Protection de la Nature
Parc Forestier et Zoologique
B.P. 1831 Dakar
SÉNÉGAL
Telephone: 011-221-832-08-56 / 832-11-56 /
832-05-65
Fax: 011-221-832-04-26 / 832-38-80
E-mail: mdiallo@sentoo.sn

Ms. Alison Drayton

First Secretary
Permanent Mission of Guyana to the United Nations
866 UN Plaza, Suite 555
New York City, New York 10017
U.S.A.
Telephone: 1 (212) 223-6418
Fax: 1 (212) 935-7548
E-mail: alisondusa@netscape.net /
alisondus@yahoo.com

Ms. Katy De la Garza
Advisor to the Deputy Foreign Minister
P.O. Box 10027- 1000
San José
COSTA RICA
Telephone: (506) 221-8966
Fax: (506) 256-9983
E-mail: desp_vice@ns.rree.go.cr

Mr. Adam Vai Delaney
First Secretary
Papua New Guinea Mission to the United Nations
10 River Rd., #18C
New York City, New York 100
U.S.A.
Telephone: 1 (212) 557-5001
Fax: 1 (212) 557-5009
E-mail: lakatoi@bigplanet.com

Mr. Mike Dudley
Head, International Policy Forestry Commission
231, Corstorphine Road
Edinburgh EH127AT
UNITED KINGDOM
Telephone: 44-131-314-6115
Fax: 44-131-334-0442
E-mail: mike.dudley@forestry.gov.uk

M. Félix Essame
Directeur Technique
Organisation africaine du bois (OAB)
B.P. 1077
Libreville
GABON
Telephone: 011-241 73 4153/73 29 28
Fax: 011 73 40 30
E-mail: oabgabon@internetgabon.com

Mr. Kenji Fujita
Assistant Director
Environment Agency
1-2-2 Kasumigaseki, Chiyoda-ku
Tokyo 100-8975
JAPAN
Telephone: 011-81-3-5521-8246
Fax: 011-81-3-3581-4815
E-mail: kenji_fujita@eanet.go.jp

Mr. Mike Fullerton
Natural Resources Canada
Canadian Forest Service – International Affairs
8th Floor, 580 Booth Street
Ottawa, Ontario K1A 0E4
CANADA
Telephone: 1 (613) 947-9082
Fax: 1 (613) 947-9033
E-mail: mfullert@nrcan.gc.ca

Mr. Gideon Gathaara
Ag. Chief Conservator of Forests
Kenya Forestry Department
P.O. Box 30513
Nairobi
KENYA
Telephone: 2542-246287
Fax: 2542-246287

Mr. John Goodman
Ministry of Foreign Affairs
40 The Terrace
Wellington
NEW ZEALAND
Telephone: (64-4) 494-8887
Fax: (64-4) 494-8507

Mr. Tomasz Gradzki
Chief Specialist General
Directorate of the State Forests
00-922 Warszawa, ul.
Wawelska 52/54
Warsaw
POLAND
Telephone: 48 22 825 0986
Fax: 48 22 825 0986 or 825 8556 or 825 8552

Mr. Heikki Granholm
Senior Advisor
Ministry of Agriculture and Forestry
P.O. Box 232
FIN-00171 Helsinki
FINLAND
Telephone: (358) 9 160 2431
Fax: (358) 9 160 2450
E-mail: heikki.granholm@mmm.fi

Mr. Ingwald Gschwandtl
Director
Federal Ministry for Agriculture and Forestry
Stubenring 1
A1010 Vienna
AUSTRIA
Telephone: 011 (43) 1 21323 7307
Fax: 011 (43) 1 21323 7216
E-mail: ingwald.gschwandtl@bmlf.gv.at

Dr. David Gwaze
Forestry Policy Coordinator
Forestry Commission
P.O. Box HG 595, Highlands, Harare
ZIMBABWE
Telephone: 011 263 4 49 6879
Fax: 011 263 4 49 70 70
E-mail: frchigh@internet.co.zw

Mr. Hajimirsadeghi Seyed Mohammad Ali
High Consultant
Islamic Republic of Forest & Range organization
P.O. Box 19575/567 Shemiran
Teheran
IRAN 19575
Telephone: 011-98-21-244-7413 or
011-98-21-244-6551
Fax: 011-98-21-244-6505
E-mail: FARO-high-concil@Mavara.com

M. Amadou Hassane
Secrétaire Général
S.G. ONG AP/DB-FANSA
BP 10.644
Niamey
NIGER
Telephone: 011 227 75 23 35 (work)
011 227 73 37 21 (home)
Fax: 011 227 72 2775
E-maiL; amadouh@hotmail.com

Mrs. Marilyn Headley
Conservator of Forests
Forestry Department
173 Constant Spring Road
Kingston 8
JAMAICA W.I.
Telephone: 1 (876) 926-2125
Fax: 1 (876) 924-2626
E-mail: conforest@cwjamaica.com

Ms. Charlene Higgins
Director
Natural Resources
Shuswaps Nation Tribal Council
355 Yellowhead Highway
Kamloops, British Columbia V2H 1H1
CANADA
Telephone: 250 828 9789
Fax: 250 374 6331
E-mail: sntcnat@secwepemc.org

Mr. Ulrich Hoenisch
Head of Division
Federal Ministry of Food, Agriculture and Forestry
Rochusstr. 1
D 53123 Bonn
GERMANY
Telephone: 011 (49) 228 529 4336 (4326)
Fax: 011 (49) 228 529 4318

Mr. Jaime Hurtubia
Principal Environment Affairs Officer
IFF Secretariat/United Nations
2, UN Plaza Room DC2-1254
New York, N.Y. 10017
U.S.A.
Telephone: 1 212 963 4219
Fax: 1 212 963 3463
E-mail: hurtubia@un.org

Mr. Abdelazim Mirghani Ibrahim
General Manager
Forests National Corporation
P.O. Box 658
Khartoum
SUDAN
Telephone: 011-249-11-47-1575
Fax: 011 249-11-47-2659
E-mail: yassin_ibrahim@hotmail.com

Mr. Claus Jespersen
Director of Forest Policy Division
Ministry of Forest and Nature Agency
Haraldsgade 53
2100 Copenhagen
DENMARK
Telephone: 011 (45) 39 47 26 01
Fax: 011 (45) 39 27 98 99
E-mail: cje@sns.dk

Mr. Steven Johnson

International Tropical Timber Organization (ITTO)
Pacifico, Yokohama, 1-1-1 Minato-Mirai Nishi-Ku
Yokohama 220-0012
JAPAN
Telephone: 011 (81 45) 2231110
Fax: 011 (81 45) 2231111
E-mail: itto@mail.itto-unet.ocn.ne.jp
or steve_j99@hotmail.com

Sr. Marco Aurelio Juarez Calderon

Director de Operaciones
Instituto Nacional de Bosques
7a Avenida 12-90, Zona 13
GUATEMALA
Telephone: 502 361 8068/9; 472 0812/14
Fax: 502 361 8070
E-mail: operaciones@inab.gob.gt or
majuarez@inab.gob.gt

Mr. Philip Kariwo

General Manager
Forestry Commission
P.O. Box HG 139
Highlands, Harare
ZIMBABWE
Telephone: 011 263 4 498 436-9
Fax: 011 263 4 497 066

Mr. Baban Prasad Kayastha

Advisor
P.O. Box 10650 G.P.O.
Kathmandu
NEPAL
Telelephone: 011-977-1-352833
Fax: 011-977-1-419-718
E-mail: manvis@actionaidnepal.org

Mr. Alexey P. Kornienko

Director, International Cooperation Division
Federal Forest Service of Russia
Pyatnitskaya str. 59/19
Moscow 113184
RUSSIAN FEDERATION
Telephone: 011 7 095 951 6101
Fax: 011 7 95 953 0950
E-mail: interdep@space.ru

Mr. Ajit Krishnaswamy

Project Manager
International Institute of Sustainable Development
161 Portage Ave. East 6th floor
Winnipeg, Manitoba R3B 0Y4
CANADA
Telephone: 204-958-7756
Fax: 204-958-7710
E-mail: akrish@iisd.ca

Mr. Evgeny Kuzmichev

IFF Vice Chairperson, FFSR Deputy Chief
Federal Forest Service of Russia (IFF Vice Chair)
Pyatnitskaya str. 59/19
Moscow 113184
RUSSIAN FEDERATION
Telephone: 011 (7) 095 951 8720
Fax: 011 (7) 095 953 0950
E-mail: leshoz@space.ru

Mrs. Laura Lara Granados

Subdirectora - Dirección General Forestal
Subsecretraria de Recursos Naturales - SEMARNAP
Mexico 04100
MEXICO D.F.
Telephone: 011 (525) 554 2690 or 011 (525) 554 5620
Fax: 011 (525) 654 4826 or 011 (525) 554 3599
E-mail: llara@semarnap.gob.mx

Mr. Stefan Leiner

European Commission Directorate-General
Environment
Rue de la Loi/Wetstraat 200
Bruxelles
BELGIUM B-1049
Telephone: 011-32-2-299-5068
Fax: 011-32-2-296-9557
E-mail: stefan.leiner@cec.eu.int

Sr. Elias Genaro Linares Landa
Director Nacional
Direccion Forestal Nacional
CUBA - Ministerio de Agricultura
Ave. Independencia y Conill, piso 14
Plaza la Habana
Ciudad de La Habana
10600
CUBA
Telephone: 011 (53 7) 817875 or 845476
Fax: 011 (53 7) 817875 335086
E-mail: elias@ip.etecsa.cu

Ms. Jan McAlpine
Senior Foreign Affairs Officer
U.S. Department of State
OES/ETC
Room 4333 - 2201 C. Street NW
Washington D.C. 20502
U.S.A.
Telephone: 1 (202) 647-4799
Fax: 1 (202) 736-7351
E-mail jmcalpinej@state.gov

Mr. Ken Macartney
CRCI Organizing Committee
Director
Environmental Relations Division (AER)
Department of Foreign Affairs and International Trade
125 Lester B. Pearson Building
Ottawa, Ontario K1A 0G2
CANADA
Telephone: (613) 995-2168
Fax: (613) 995-9525
E-mail: kenneth.macartney@dfait-maeci.gc.ca

Ms. Ana Maria Macedo Sienra
Gerente de Proyectos Especiales y
Coordinadora Nacional para Iniciativa Trinacional para
Conservacion Bosque Atlantico Interior
Fundacion Moises Bertoni para la Conservación
de la Naturaleza
Procer Carlos Arguello 208 Asuncion
PARAGUAY
Telephone: 595-21-608-740 ou 600-855
Fax: 595-21-608-741
E-mail: amacedo@pla.net.py

Dr. Jagmohan Maini
Co-ordinator and Head
IFF SECRETARIAT
2, UN Plaza - Room DC2-1264
New York City, New York 10017
U.S.A.
Telephone: 1 (212) 963 3160
Fax: 1 (212) 963 3463
E-mail: maini@un.org

Mr. William Mankin
Director
Global Forest Policy Project (GFPP)
Suite 530 - 1400 16th Street, NW
Washington, D.C. 20036
U.S.A.
Telephone: 1 (202) 797 6560
Fax: 1 (202) 797 6562
E-maiL: gfpp@igc.org

Dr. Peter Mayer
MCPFE - Liaison Unit Vienna
Marxergasse 2
A-1030 Vienna
AUSTRIA
Telephone: 011-43-710-77-02-14
Fax: 011-43-1710-77-02-13
E-mail: peter.mayer@lu-vienna.at

M. Emeran Serge Menang Evouna
Ingénieur agronome des eaux et forêts
Office national de développement des
forêts-ONADEF-
B.P. 1341
Yaoundé
CAMEROUN
Telephone: 011 (237) 214187
Fax: 011 (237) 215350
E-mail: onadef@camnet.cm

Mr. Christian Mersmann
Programme Co-ordinator
International Programs in Tropical Forestry
OE 4544
Friedental , D-23715 Bosau
GERMANY
Telephone: 49 45 21 783 56
Fax: 49 45 21 783 58
E-mail: 101562@comupserve.com

Mme Jeanne Marie Mindja

Présidente
Groupe des amis de l'UNESCO et de
l'environnement (GRAMUE-ONG)
B.P. 12909
Yaoundé
CAMEROUN
Telephone: 011-237-22-98-88
Fax: 011-237-23-73-59 ou 011-237-22-98-88
E-mail: jmindja@africom-net.com

Dr. Jabulani Mjwara

Department of Water Affairs and Forestry
Pretoria 0001
SOUTH AFRICA
Telephone: 27 12 336 8782
Fax: 27 12 336 8847
E-mail: mjawara@dwaf.pwv.gov.za

Ms. Lynda Mujakachi

Programme Coordinator
Africa Resources Trust
PO Box A860, Avondale
Harare
ZIMBABWE
Telephone: 263-473-2254
Fax: 263-4731719
E-mail: info@art.org.zw

Mr. Anupam Kumar Mukerji

Director
Foundation for Forestry and Rural Development
(FFRD)
I-1783 C.R. Park
New Delhi 110019
INDIA
Telephone: 91 11 64 12 947 (Work) 64 53 254
(Home)
Fax: 91 11 64 89 776
E-mail: keswani@del3.net.in

Mr. Yoji Natori

Researcher - Japan Wildlife Research Center
2-29-3 Yushima
Tokyo, Bunkyo-ku
113-0034
JAPAN
Telephone: 011 81-3-3813-8897
Fax: 011-81-3-3813-8898
E-mail: ynatori@jwrc.or.jp

M. Salvator Noabirorere

Conseiller Technique du Directeur Général des Eaux,
Forêts
et Environnement - Gouvernement
B.P. 1696 Bujunbura
Bujunbura
BURUNDI
Telephone: (257) 22 4979 (B) or (257) 22 0073 (H)
Fax: (257) 22 0073
E-mail: ndabirorere@hotmail.com

Mr. W. Joel Neuheimer

Manager, Market Access
Canadian Pulp and Paper Association (CPPA)
1155 Metcalfe Street
Montreal, Quebec H3B 4T6
CANADA
Telephone: (514) 861-8819
Fax: (514) 866-3035
E-mail: jneuheimer@cppa.ca

Sra. Martha Nunez

Consultora
Av. Amazonas y Eloy Alfaro, Edif. MAG, Edif.
Metrocar, Piso 4
Quito
ECUADOR
Telephone: 011 593 2 563487
Fax: 011 593 2 565809
E-mail: mnunez@ambiente.gov.ec

Mr. Chandler Prakash Oberai

Inspector General of Forests & Special Secretary
Ministry of Environment and Forests
Government of India
Paryavaran Bhavan, CGO Complex, Lodi Road
New Delhi 110003
INDIA
Telephone: 011 91 11 436 1509 / 46 72 278 (Home)
Fax: 011 91 11 436 3957 / 436 3232 / 436 3918
E-mail: cpoberai@mail.nic.in

Mr. Knut Oistad

Deputy Director General
Ministry of Agriculture
P.O. Box 8007
DEP 0030 Oslo
NORWAY
Telephone: 011 47 22 249362 or 011 4722 24 9361
Fax: 011 47 22 242754
E-mail: knut.oistad@ld.dep.telemax.no

Mr. Lambert Okrah

Executive Director
Institute of Cultural Affairs
P.O. Box 052060, Osu
Accra
GHANA
Telephone: 011-233-21-2241-67
Fax: 011 233 21-2213-43
E-mail: icagh@ghana.com

Mr. Max Ooft

Asistente Tecnico
Coordinadora de las Organizaciones Indigenas de la Cuenca Amazonica (COICA)
C.P. 1721753
Quito
ECUADOR
Telephone: 593 2 502 260 / 562 753 / 545 457 / 597 499 139 (H)
Fax: idem fax (same)
E-mail: ooftmax@cq-link.sr / ooftmax@sr.net / coica@uio.satnet.net

Mr. Adamou Ounteni Issaka

Directeur de l'Environnement
Ministère de l'Hydraulique et Environnment
B.P. 578
Niamey
NIGER
Telephone: 011 (227) 73 3329 / 73 5676
Fax: 011 (227) 73 2784
E-mail: ftppount@intnet.ne

Sr. José Antonio Prado

Ministry of Agriculture
Av. Teatinos 40, 6 Piso
Santiago
CHILE
Telephone: 011-56-2-671-2491
Fax: 011-56-2-637-3618
E-mail: japrado@minagri.gob.cl

Mr. Raja Badrulnizam Raja Kamalzaman

Officer
Malaysian Timber Council
18th Floor, Menara Pgrm, 8, Jalan Pudu
Ulu, Cheras
Kuala Lumpur
MALAYSIA
Telephone: 603 98 11 999
Fax: 603 98 28 999
E-mail: badrul@mtz.com.my

Mr. Pierre Randah

Expert Principal
CEMAC
B.P. 969
Bangui
REPUBLIC OF CENTRAL AFRICA
Telephone: 236 61 13 59
Fax: 236 61 21 35
E-mail: sgudeac@intnet.cf

Mr. Abdul Latif Rao

Head
IUCN, Balochistan Office
Marker Cottage, Zarghoon Road
Quetta
PAKISTAN
Telephone: 92-81-840 450-2
Fax: 92-81-820 706
E-mail: rao@iucn.qta.sdnpk.undp.org

Mr. Rob Rawson

Assistant Secretary – Forest Industries Branch
Agriculture, Fisheries and Forestry – Australia (AFFA)
G.P.O. Box 858
Canberra 2601
AUSTRALIA
Telephone: 61 2 6272 4620
Fax: 61 2 6272 4875
E-mail: Rob.Rawson@affa.gov.au

Sra. Cristina E. Resico

Tecnica
Dirección de Recursos Naturales Nativos
San Martin 459
Piso 2 do. of. 243
Buenos Aires 1004
ARGENTINA
Telephone: 011 (54) 114348 8501/02
Fax: 011 (54) 114348 8486
E-mail: cresico@sernah.gov.ar

H.E. Mr. Ilkka Ristimaki

Ambassador, IFF Co-Chairman
Permanent Mission of Finland to OECD
6, rue de Franqueville
75116 Paris
FRANCE
Telephone: 011 (33) 1 45 24 99 96
Fax: 011 (33) 1 4520 63 04

Mr. Ralph Roberts

Senior Advisor, Forestry and Conservation
Policy Branch
Canadian International Development Agency
200 Promenade du Portage
Hull QC
CANADA
K1A 0G4
Telephone: 819 997 6586
Fax: 819 953 3348
E-mail: Ralph_Roberts@ACDI-CIDA.GC.CA

Sr. Jorge Rodriguez

Programa Naciones Unidas Para el Desarrollo
4540-1000
San José
COSTA RICA
Telephone: 011.506.296.1544
Fax: 011.506.296.1545
E-mail: jorge.rodriguez@undp.org

Sr. Luis Rojas Bolaños (Co-Chair CRCI Secretariat)

Director General
Ministry of the Environment (MINAE)
Apartado 10104- 1000
San José
COSTA RICA
Telephone: 011-506-283-8400
Fax: 011-506-283-7343
E-mail: lrojas@ns.minae.go.cr

Ms. Milena Roudna

Senior Officer
Ministry of Environment
Vrsovicka 65
100 10 Prague 10
Prague
CZECH REPUBLIC
Telephone: 011-420-2-6712-2769
Fax: 011-420-2-67310307
E-mail: roudna@env.cz

Dr. Denyse Rousseau

CRCI Secretariat
Deputy Director
Environmental Relations Division (AER)
Department of Foreign Affairs & International Trade
125 Lester B. Pearson Building
Telephone: (613) 996-2919
Fax: (613) 995-9525
E-mail: denyse.rousseau@dfait-maeci.gc.ca

Ms. Carole Saint-Laurent

Forest Policy Adviser
WWF and IUCN
70 Mayfield Ave.
Toronto, Ontario M6S-1K6
CANADA
Telephone: 1-416-763-3437
Fax: 1-416-763-3437
E-mail: carsaintl@cs.com

Mr. Jusoh Saleh
Floor 6-8, Menara Dayabumi
Kuala Lumpur
MALAYSIA
50654
Telephone: 011.603.22747511
Fax: 011.603.22745649
E-mail: jusoh@kpu.gov.my

Mr. Carlos Salinas
Director
Transformacion y Forestal - Direccion
General Forestal Inrena
Lima
PERÚ
Telephone: 511.224.2864
Fax: 511.224.3218
E-mail: cief-lim@mail.cosapidata.com.pe or
inrena@correodnet.com.pe

Mr. Supparat Samran
Chief
International Cooperation Section
Royal Forest Department
61 Paholyothin Road
Chatuchak
Bangkok 10900
THAILAND
Telephone: 66-2-5614823
Fax:66-2-9407134
E-mail: ssamran@hotmail.com

Mr. Abdul Hamid Sawal
Deputy Secretary General
Ministry of Primary Industries
7th Floor, Menara Daybumi
Kuala Lumpur
MALAYSIA 50654
Telephone: (603) 22747 510
Fax: (603) 22749 064
E-mail: dhamid@lepu.gov.my

Mr. Peter Schutz
Ministry of Agriculture, Nature Management and
Fisheries
P.O. Box 20401
The Hague 2500 EK
NETHERLANDS (THE)
Telephone: 011 (31) 70 3785641
Fax: 011 (31) 70 3786146
E-mail: p.r.schutz@n.agro.nl

Mr. Andrea Semadeni
Deputy Forest Director
Federal Agency of Environment, Forests and
Landscape
CH-3003 Bern
SWITZERLAND
Telephone: 011.41.31.324.77.82
Fax: 011.41.31.324.7866
E-mail: Andrea.Semadeni@buwal.admin.ch

Mr. Taghi Shameki
Associate Professor
University of Tehran, Faculty of Natural Resources
Karadj
IRAN
Telephone: 98 261 223 0447
Fax: 98 21 800 7988
E-mail: tshamekh@chamran.ut.ac.ir

Sra. Nalua Silva
Dea Antropologo
CONIVE
Bolivar
VENEZUELA 8001-A
Telephone: 085 27735 / 085 27724
Tel. Conive: 02 564 0438
Fax: 085 25880
E-mail: Nalua@telcel.net.ve
Conive E-mail: Conive@latinmail.com

Sr. Jose Maria Solano
Ministerio de Medio Ambiente - Esapaña
Gran Via de San Francisco, no.4.
88071
Madrid
SPAIN
Telephone: 011 (34) 915975600
Fax: 011 (34) 915975565
E-mail: josemaria.solano@ctv.es

Ms. Birgitta Stenius-Mladenov
Director
Ministry for Foreign Affairs
P.O. Box 176
00161 Helsinki
FINLAND
Telephone: 011 (358) 91 341 5590
Fax: 011 (358) 91 341-6055
E-mail: birgitta.stenius-mladenov@formin.fi

Mr. Bai-Mass Taal
Senior Programme Officer: Forests
United Nations Environment Program
P.O. Box 30552
Nairobi
KENYA
Telephone: 011 (254-2) 623238
Fax: 011 (254-2) 624260
E-mail: bai-mass.taal@unep.org

Ms. Barbara Tavora
First Secretary (Environment)
Brazilian Mission to the United Nations
747 Third Avenue, 9th Floor
New York City, New York 10017
U.S.A.
Telephone: (212) 372-2600
Fax: (212) 371-5716
E-mail: barbara@delbrasonu.org

Mr. Kayihan Temur
Forest Engineer, Organiser
Ministry of Forestry of Turkey
Orman Bakanligi APK
Kurulu, Ataturk Bulvari 153
06100 Ankara
TURKEY
Telephone: 011 (90) 312 417 7769
Fax: 011 (90) 312 417 9160
E-mail: obdi-f@tr-net.net.tr

Mr. Allan Thornton
President
Environmental Investigation Agency
Suite 507-1330 New Hampshire Avenue N.W.
Washington, D.C. 20036
U.S.A.
Telephone: (202) 452-8661
Fax: (202) 452-8663
E-mail: AllanThornton@compuserve.com

Ms. Eveline Trines
UNFCCC Secretariat
P.O. Box 260124
D-53153 Bonn
GERMANY
Telephone: 49 228 815 1525
Fax: 29 228 815 1999
E-mail: etrines@unfccc.de

Sr. Ricardo Ulate
Co-manager, IRCC
MINAE
P.O. Box 10104-1000
San José
COSTA RICA
Telephone: 011 506 257 1417
Fax: 011 506 257 0697
E-mail: rulate@usa.net

Mr. Ola Ullsten
Ambassador
Woods Hole Research Centre
Telephone: 905-331-9972
Fax: 905-331-8336
E-mail: olaullsten@csi.com

Sr. Angel Urena Vargas
Director de Politica Ambiental
Asociacion nacional para la Conservacion de la Naturaleza
Apartado 1387, Panama 1
Panama
PANAMA
Telephone: 507 3140050/51/60
Fax: 507 3140061/63
E-mail: aurena@ancon.org

Mr. Cesar Viteri
Coordinateur de la RED Latino Americana de bosques
Fundación Natura
Guayas y Amazonas
Quito
ECUADOR
Telephone: 593-2-457-922 or 593-2-457-253
Fax: 593-2-434449
E-mail: fnatura@uio.satnet.net

Ms. Hariette Vreedzamm-Joeroeja
President - Sanomaro ESA
Foundation for the Development of Women and Children
Indiralaan 7 Uitvlugt
Paramaribo
SURINAME
Telephone: (597) 490 678
Fax: (597) 439 000
E-mail: sanomaro-esa@sr.net

Mr. Cliff Wallis
Past President
Canadian Nature Federation
615 Deercroft Way SE
Calgary, Alberta T2J 5V4
CANADA
Telephone: (403) 271-1408
Fax: (403) 271-1408
E-mail: deercroft@home.com

CRCI Secretariat

M. Jacques Carette (Co-chair CRCI Secretariat)
Director General
Natural Resources Canada
Canada Forest Service
580 Booth Street, 8th Floor
Ottawa, Ontario K1A 0E4
CANADA
Telephone: 1 (613) 947-9100
Fax: 1 (613) 947-9033
E-mail: Jcarette@nrcan.gc.ca

Mlle. France Bergeron
Co-manager
Costa Rica-Canada Initiative
580 Booth Street, 8th Floor
Ottawa, Ontario K1A 0E4
CANADA
Telephone: (613) 943-5258
Fax: (613) 947-9033
E-mail: fbergero@nrcan.gc.ca

Mr. Mike Fullerton
Natural Resources Canada
Canadian Forest Service – International Affairs
8th Floor, 580 Booth Street
Ottawa, Ontario K1A 0E4
CANADA
Telephone: 1 (613) 947-9082
Fax: 1 (613) 947-9033
E-mail: mfullert@nrcan.gc.ca

Ms. Denyse Rousseau
Deputy Director
Environmental Relations Division (AER)
Department of Foreign Affairs and International Trade
125 Lester B. Pearson Building
Ottawa, Ontario K1A 0G2
CANADA
Telephone: (613) 996-2919
Fax: (613) 995-9525
E-mail: denyse.rousseau@dfait-maeci.gc.ca

Sr. Luis Rojas (Co-Chair CRCI Secretariat)
Director General
Ministry of the Environment (MINAE)
Apartado 10104- 1000
San José
COSTA RICA
Telephone: 011-283-8400
Fax: 011-506-283-7343
E-mail: lroja@ns.minae.go.cr

Sr. Ricardo Ulate
Co-manager
Costa Rica-Canada Initiative
MINAE
P.O. Box 10104-1000
San José
COSTA RICA
Telephone: 011 506 257 1417
Fax: 011 506 257 0697
E-mail: rulate@usa.net

Sr. Guido Chaves Chaves
Ing. Forestal
MINAE
APDO 10104-1000
1000 San Jose
COSTA RICA
Telephone: 011 (506) 283 8004
Fax: 011 (506) 283 7118 or 506 283 7343
E-mail: guidocha@ns.minae.go.cr

Ms. Katy De la Garza
Advisor to the Deputy Foreign Minister
P.O. Box 10027-1000
San José
COSTA RICA
Telephone: 506-221-8966
Fax: 506-256-9983
E-mail: desp_vice@ns.rree.go.cr

Rapporteurs and Assistant Rapporteurs

Mr. Kayihan Temur
Ministry of Forestry of Turkey

Mr. Jusoh Saleh
Kuala Lumpur, Malaysia

Mr. Heikki Granholm
Ministry of Agriculture and Forestry. Finland

Ms. Lynda Mujakachi
Africa Resources Trust, Zimbabwe

Ms. Rosalie McConnell
Canadian Forest Service, Natural Resources Canada

Ms. Katy de la Garza
Foreign Affairs, Costa Rica

Mr. Rado Dimitrov

Ms. Mia Soderlund

Ms. Catalina Santamaria

Ms. Melanie Steiner

CRCI – Ottawa, Canada Meeting Support Staff

Canadian Forest Service, Natural Resources Canada

Sandra	Abi-Aad
Bill	Anderson
Melissa	Barros
Katherine	Bemben
Francine	Berubé
Kathryn	Buchanan
Bob	Burt
David	Charbonneau
Yvan	Clermont
Hélène	Drouin
Jacques	Gagnon
Mélanie	Gagnon
Roberta	Gal
Stephanie	Garcia Soria
Tracy	Hicks
Monique	Isabelle
Anne	Lavergne
Pauline	Myre
Suzanne	Nash
Mark	Newcombe
Sylvie	Phaneuf
Lyse	Robert
Sylvain	Savard
Leah	Scown
Michael	Stephens
Carla	Svéd
Ed	Szakowski
Mary Lynn	Thomas
Jean-Christophe	Vlasiu
Nicky	Williams

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A South Pacific Sub-Regional Workshop on Intergovernmental Forum on Forests (IFF) Issues

September 22 to 24, 1999 Nadi, Fiji

WORKSHOP REPORT
on Session 4: International Arrangements (Category III of the IFF's Work Program)

REPORT ON DISCUSSIONS ON SESSION 4

Session 4: International Arrangements (Category III of the IFF's Work Program)

Three background papers relating to this issue were presented. Mr. Gary Dolman provided a presentation on elements, functions and options, Mr. Boyd Case provided an update on the Costa Rica-Canada Initiative in support of Category III work, and Jaime Hurtubia introduced a draft of the Secretary General's report on this area of work being prepared for IFF-4.

The workshop discussed elements, functions and options for international arrangements over three separate sessions. These terms are defined in Attachment E.

Regarding elements, the group developed a consolidated list of priority elements for use in consideration of Category III. This resulted from the lists produced in discussions on Category I and II issues and included additional four elements. This list is at Attachment F.

Regarding functions, the group discussed the list of functions presented by the IFF Secretariat and those suggested by Australia. The workshop used the four condensed headings proposed by the IFF Secretariat and incorporated the original IFF Secretariat functions. A list (Attachment G) was agreed by the workshop as a final set of functions, adding that sustainable forest management (SFM) should be the main objective behind the delivery of these functions.

Regarding options, the workshop discussed the pros and cons of available options. This was followed by working group discussions to identify how best these options address the elements and functions identified in the previous sessions. The working groups also discussed possible preferred options for international arrangements for forests.

There was general agreement that policy implementation and co-ordination were of prime importance. It was considered that any arrangements should result in better utilization of existing agencies involved in international SFM. It was also considered that it would be difficult for any single existing mechanism to adequately cover the entire international forest agenda.

The large island working group felt that the most useful options on which to focus were:

- establishing a mechanism for improved co-ordination of existing arrangements;
- a mandate-led body role for an existing organisation;
- an improved non-legally binding instrument (LBI);
- extended scope of existing LBIs; and
- negotiating a framework convention.

The high and small islands working group identified an additional option of establishing a permanent forum for policy implementation and co-ordination.

There was emerging strong support for this latter option, which combined the primary functions of policy implementation and co-ordination.

RECOMMENDATIONS

The meeting recommended that:

1. the report of the workshop, including the list of elements, functions and options considered and agreed by the workshop, be transmitted to:
   - the Costa Rica-Canada Initiative;
   - the United Nations (UN) Secretary General, as an official document for IFF-4; and
   - the Secretariat of the Pacific Community (SPC).
2. the outcomes of this workshop also be forwarded to the Council of Regional Organizations in the Pacific (CROP) Land-Based Resources Working Group for consideration in finalization of the Regional Forest and Trees Strategy and its submission to CSD8;
3. as IFF is a forum that puts particular weight on national positions, Pacific Island countries consider developing a national position on any of the issues to be debated at IFF-4 in New York City in February 2000;
4. the report of this workshop be forwarded to the FAO office for Asia-Pacific in Bangkok, Thailand for consideration at the next APFC meeting to be held in Australia, in May 2000, in the context of providing support for the implementation of International Panel on Forests Proposals for Action identified as priorities;
5. the South Pacific Forum Secretariat assist and co-ordinate Pacific Island countries' input, and possible representation at IFF-4 in New York City in February 2000;
6. the offer from the Costa Rica-Canada Initiative to sponsor attendance, at their final meeting in December 1999, to present the outcomes of this workshop be accepted and that Dike Kari be nominated as a representative with Ram Swarup as alternate, with possibly a South Pacific Forum Secretariat representative.

The information found on this CD-ROM is also available on the Costa Rica-Canada Initiative s website at:
www.nrcan.gc.ca/cfs/crc.

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