

SOUTH AFRICA:

POSSIBLE ELEMENTS OF A NON-LEGALLY BINDING INSTRUMENT (NLBI)

The following are proposed elements for a non-legally binding instrument on all types of forests:

Objectives, Principles and Definitions: The NBLI should be based on existing principles which will guide its operations.

The Rio Forests Principles should form the basis for the principles to be developed.

Of especial importance would be the need to emphasize the sovereign rights of countries regarding the usage of their own resources and the importance of their own environmental policies, as well as the common, but differentiated responsibilities of countries to the conservation of the global environment

The importance of forests as contained in Agenda 21 should also be emphasized

The three pillars of SFM, social, economic and environmental should be emphasized

The “instrument” should also draw on the recommendations emanating on the international forestry debates post-Rio, specifically the IPF / IFF process and the current UNFF arrangement.

Mention should be made of the World Summit on Sustainable Development (WSSD) and the Johannesburg Plan of Implementation

The role of the United Nations Forum on Forests and decisions adopted by the Forum, actions identified by the Intergovernmental Panel on Forests and the Intergovernmental forum on forests

The need to strengthen the International Arrangement on Forests should be emphasized

High level commitments by Governments to promote the implementation of Sustainable Forest Management should be emphasized

ECOSOC resolution 2000/35, the roadmap to Sustainable Forest Management, the global objectives of forests, highlighting the importance of promoting SFM, curbing deforestation and enhancing the contribution of forests towards the achievement of international development goals should be reaffirmed

Obligations for Parties: There is a need to spell out clearly defined obligations or commitments for all parties. We believe that the obligations could creatively be divided between categories of actors e.g. countries could be described as developed, in transition

and developing; organs e.g. national and international; etc and the obligation levels for the various categories can be differentiated within the categories.

Possible obligations which could be described :

- Development of national forest programmes/national action plans which would show their commitments.
- The criteria for preparing these programmes, the funding sources to assist their development, a suggested format could be contained.
- Reporting on measures taken to implement the decisions and effectiveness in meeting the objectives of the instrument;

Institutional Arrangements: This needs to be clearly spelt out. The UNFF should be the body to whom reporting is done. The UNFF Secretariat should continue to assist the process.

Furthermore, the “instrument” should clearly define:

- The format for reporting progress, which should be voluntary
- Adoption procedures, as well as, amendments to the “instrument” or protocols (under the instrument); ratification, acceptance and approval; etc.
- The manner and form in which the review envisaged to take place in 2015 will be conducted
- Linkages with other international forest-related processes, such as the UNCBD, UNCCD, Climate Change, etc.

Means of Implementation: The instrument should also address (or provide for) the following issues related to means of implementation:

- Capacity building
- Innovative funding mechanisms
- The creation of a Forest Development Fund/Global Forest Fund
- Increased accessibility by developing countries and countries with economies in transition to international financial resources
- The creation of an enabling environment for investment in forests
- The creation of mechanisms in terms of which new smaller land owners or users are enabled to survive in the sector, especially in developing countries where the forest sector has been largely corporate and the economic empowerment needs to be from a broader population;
- Access to and transfer of environmentally sound technologies
- Stimulation of synergies with other multilateral agreements
- The promotion of SFM nationally, sub-regionally, regionally and continentally
- Recognition is given to the special needs of Low Forest Cover Countries and developing countries in general
- Recognition is given to the special needs of countries with fragile ecosystems
- An instrument which acknowledges and seeks to address the position of communities who derive benefits from forests, especially those living adjacent to forests

- The promotion and strengthening of partnerships to ensure SFM is achieved, including those with the private sector and other major groups
- The promotion of co-operation sub-regionally, regionally and continentally
- Mechanisms for the provision of financial resources;
- International co-operation and assistance.
- Should take into account regional needs and specificities
- Establish a Plan of Action/Work Programme for periods of years (either three or five year periods) which will address the goals set at UNFF 6 and ensure that