ANALYSIS OF THE ROLE OF THE MCPFE AS A REGIONAL PROCESS IN THE IMPLEMENTATION OF THE NON-LEGALLY BINDING INSTRUMENT (NLBI)

Background

The United Nations Forum on Forests (UNFF) agreed at its 7th Session on 16-27 April 2007 the “Non-Legally Binding Instrument an All Types of Forests” (NLBI). The instrument was adopted by the UN General Assembly in December 2007.

The purpose of the NLBI is (a) to strengthen political commitment and action at all levels to implement effectively sustainable management of all types of forests and to achieve the shared global objectives on forests; (b) to enhance the contribution of forests to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability; and (c) to provide a framework for national action and international cooperation (ECOSOC Resolution 2007/40, Operational Paragraph 1). Furthermore, the NLBI stresses the need to enhance national policy coordination and international cooperation and to promote intersectoral coordination at all levels for the effective implementation of sustainable management of all types of forests (Preambular Paragraph 9).

In addition to the NLBI, other international agreements on forests, legally binding and non-legally binding, have been adopted in the past decades. Of these, the International Tropical Timber Agreement (ITTA) 2006 - as the successor of the ITTA 1994 - specifically focuses on forests. Other international agreements address forests within the broader scope and objectives of the instrument, notably the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol, the Convention on Biological Diversity (CBD) and the Convention to Combat Desertification (CCD).

The MCPFE aims to contribute to the implementation of the NLBI (Warsaw Declaration, paragraph 29), and to develop inputs from the Pan-European region to the work of the UNFF (Warsaw Declaration, paragraph 30). In this respect, signatory countries and the European Community have expressed their commitment to support objectives and actions at the Pan-European level that enhance the regional contribution to the achievements of the Four Global Objectives on Forests and other relevant global commitments (Warsaw Declaration, paragraph 31). The Warsaw General Declaration also recognises the need to further strengthen collaboration of the MCPFE with the UNFCCC and the UNCCD, and to contribute to the implementation of the relevant programmes of work of the CBD.

---

In May 2008, the MCPFE adopted its Work Programme on the Pan-European Follow-up of the 5th Ministerial Conference (5–7 November 2007, Warsaw, Poland). The actions assigned to work programme element “Regional – Global Cooperation and Partnership” aim at elaborating and cooperating on regional inputs to the UNFF, and at contributing to the implementation of the relevant programmes of work of the Convention on Biological Diversity (CBD), in particular the Expanded Work Programme on Forest Biological Diversity. Particularly, the analysis of a role of MCPFE as a regional process in the implementation of the NLBI has been identified as an activity.

In April 2008 the UN Forum on Forests Secretariat invited the MCPFE and other relevant regional and sub-regional entities to provide thematic inputs to the preparation of the 8th session of the UNFF (20 April to 1 May, 2009) related to the thematic focus on “Forests in a Changing Environment” and “Means of Implementation for Sustainable Forest Management”. The report “Sustainable forest management in the Pan-European region - achievements, challenges and planned actions in relation to issues to be addressed at UNFF8, Pan-European contribution to the Eighth Session of the United Nation Forum on Forests”, 2008 has been jointly prepared by the Ministerial Conference on the Protection of Forests in Europe (MCPFE), the UNECE Timber Committee and the FAO European Forestry Commission (UNEC/FAO), the European Forest Institute (EFI), and the Environment for Europe/Pan-European Biological and Landscape Diversity Strategy (EfE/PEBLDS) in response to an invitation from the secretariat of the UNFF. It presents a summary of Pan-European achievements, major developments, challenges and plans for future actions on sustainable forest management in relation to issues that will be addressed at the Eight Session of the UNFF, 20 April– 1 May 2009.

This paper is prepared in a framework of a programme element: Regional – Global Cooperation and partnership of the MCPFE Work Programme. It provides the results of an analysis of the relationship between the NLBI and the MCPFE commitments and the role of the MCPFE as regional process in the implementation of the NLBI.

Method

A content analysis of the Operational Paragraphs (OPs) of the NLBI has been carried out (see Annex), according to the following procedure:

1. **Assessment of relevance of the OP for the MCPFE**
   An OP has been considered of full relevance to the MCPFE unless the text of the OP is explicitly referring to the global level only or to regions other than MCPFE (e.g., South-South cooperation) as actor for implementation. If parts of the text refer to the global level only or to regions other than MCPFE the OP is considered of limited relevance to the MCPFE. Some of the OPs do not contain commitments but statements and are therefore also considered as not relevant.

2. **Identification of corresponding MCPFE commitments**
   MCPFE commitments addressing the same contents as those of the OP, or parts of the contents of the OP, have been included in the Annex.

3. **Identification of gaps**
   NLBI commitments of full or limited relevance to the MCPFE without a corresponding MCPFE commitment have been identified as gaps.

---

3 See also Annex
2. Role of the MCPFE in the regional implementation of the NLBI

In the following, the results of the content analysis of the Operational Paragraphs (OPs) of the NLBI are summarised.

- Firstly, the general role of the MCPFE as a regional platform for multi-level coordination and participatory decision making about forests is described (NLBI OP 1 and OP2);
- Secondly, the contributions of the MCPFE to achieving the four shared Global Objectives and the related paragraphs of the NLBI are summarised (OP 5 as well as paragraphs under OP6 and OP7 addressing contents of the Global Objectives);
- Thirdly, the paper describes how the MCPFE contributes to the implementation of those additional commitments of the NLBI that cannot be assigned to one or more of the global objectives (OP6 and OP7).

2.1 General role of MCPFE

The purpose of the NLBI is to: (a) strengthen the political commitment and action at all levels to implement effectively sustainable management of all types of forests and to achieve the shared global objectives on forests; (b) to enhance the contribution of forests to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability; and (c) to provide a framework for national action and international cooperation (NLBI, OP 1).

Multi-level coordination

In order to meet its purpose, the NLBI has to be implemented at all levels. The NLBI can only be implemented coherently and consistently if the various levels of governance are effectively integrated. In this context, the MCPFE provides a well established platform for multi-level coordination of implementation activities. In other words, the MCPFE helps to fill the global framework provided by the NLBI (see OP1(c)) with specific national and pan-European commitments and actions.

The results of the analysis confirm the importance of the MCPFE in enabling multi-level governance in support of the NLBI. The analysis indicates that out of 60 operational paragraphs of the NLBI, 45 commitments are of full relevance to the MCPFE. Of these 45 fully relevant commitments, the MCPFE already contributes to the implementation of 37 commitments (see Table 1 in Annex). 8 OPs of the NLBI are of limited relevance to the MCPFE. Of these, 5 are addressed by the MCPFE.

Participation

The successful implementation of the NLBI not only depends on multi-level coordination, but also on effective stakeholder participation. Article 2(c) of the NLBI states that “major groups as identified in Agenda 21, local communities, forest owners and other relevant stakeholders contribute to achieving sustainable forest management and should be involved in a transparent and participatory way in forest decision-making processes that affect them, as well as in implementing sustainable forest management, in accordance with national legislation.” Also OP 6(w) of the NLBI calls for promoting active and effective stakeholder participation in the development, implementation and assessment of forest-related national policies, measures and programmes.
According to the FAO Team of Specialists (2000) participation can be defined as a “a voluntary process whereby people, individually or through organised groups, can exchange information, express opinions and articulate interests, and have the potential to influence decisions or the outcome of the matter at hand.”

The MCPFE embraces a variety of stakeholders with an interest in influencing forest-related decisions, including environmental and social NGOs, forest owners’ associations, the forest industry, as well as the scientific community. These major groups participate in the deliberations of the MCPFE on a regular basis, ranging from technical workshops and Expert Level Meetings to the Ministerial Conferences which now include multi-stakeholder dialogues as a regular feature. An evaluation of the quality of the participation process provided by the MCPFE carried out in November 2005 comes to the conclusion that “no international process on forest policy provides comparable opportunities for CSOs to participate in decision-making” (GIESSEN, 2004).

Through the adoption of Vienna Resolution 1 and the “MCPFE Approach to National Forest Programmes in Europe” the MCPFE has fostered political commitment for effective stakeholder participation also at the national level. The MCPFE approach includes participation as a principle of national forest programmes in Europe.

2.2 Role of MCPFE in addressing the shared Global Objectives

Global Objective 1

Global Objective 1 calls for reversing the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and for increasing efforts to prevent forest degradation.

Sustainable forest management

According to the Statement of Forest Principles adopted by the 1992 United Nations Conference on Environment and Development, “forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual human needs of present and future generations”. The scope of the NLBI is to maintain and enhance these economic, social and environmental values of all types of forests, for the benefit of present and future generations (paragraph 4), while at the same time recognizing that sustainable forest management is a dynamic and evolving concept. The NLBI falls short of providing a global definition of SFM.

By adopting a definition and general guidelines of SFM in Helsinki Resolution 1, the MCPFE took a leading role in specifying in the pan-European context the general consensus regarding SFM embodied in the Statement of Forest Principles as adopted by the 1992 United Nations Conference on Environment and Development.

Furthermore, the MCPFE was one of the first regional processes to develop and politically endorse criteria and indicators that allow the evaluation of progress towards SFM at the national scale, as well as common guidelines for applying the SFM concept at the level of forest management planning and practices (Lisbon Resolution 2, Annex 2 “Pan-European

---


5 Civil Society Organisations

Operational Level Guidelines for SFM” - PEOLG). Although restoration is not explicitly referred to in the Helsinki Resolution 1, the Lisbon Resolution 2 or the PEOLG, the concept is inherently embedded in the provisions of these commitments aimed at increasing the area of forest and other wooded land (H1 Future Action 14; L1 Criterion 1; PEOLG 1.1 and 1.2). Furthermore, forest land conversion and the restoration of biodiversity in degraded forests are explicitly addressed in Vienna Resolution 4 on the conservation of forest biological diversity.

The commitment towards SFM in Europe is generally matched by information derived from forest inventories. According to the State of Europe’s Forests 2007, the area of forests under sustainable management has further increased in the European region by almost 13 million since 1992 (MCPFE, 2007a), reflecting the effectiveness of policies and practices for SFM.

Afforestation and reforestation, forest degradation

The concept of SFM agreed by the MCPFE also embodies forest protection (H1 General Guideline 6), reforestation and afforestation (H1 General Guideline 8, Future Action 14) and degradation (H1 General Guideline 1). In this context, the MCPFE explicitly also recognises the interlinkages with the commitments expressed in the UN Framework Convention on Climate Change and its Kyoto Protocol (Vienna Resolution 5 and Vienna Resolution 4, Annex 1, Warsaw Declaration, Warsaw Resolution 1). Pan-European Guidelines for Afforestation and Reforestation with a special focus on the provisions of the UNFCCC were developed by the MCPFE and EfE/PEBLDS and adopted by the ELM on 12-13 November, 2008 and by the PEBLDS Bureau on behalf of the PEBLDS Council on 4 November, 2008.

So far, the MCPFE has not developed political commitments on reversing the loss of forest cover and preventing forest degradation in regions other than Europe. However, a number of MCPFE commitments address underlying factors of deforestation and forest degradation, such as governance and forest sector reform (Warsaw Declaration, paragraphs 23 and 28; Vienna Resolution 4, paragraph 7; Vienna Resolution 2, paragraph 7). In 2005 the MCPFE organised a “Workshop on Combating Illegal Harvesting of Forest Products and Related Trade in Europe” in Madrid, Spain were the issue of underlying factors of deforestation were addressed. The workshop adopted a number of recommendations to be taken into consideration by governments and stakeholders, including the private sector. The workshop also suggested addressing illegal harvesting of forest products and related trade at the Warsaw Ministerial Conference. Accordingly, the pan-European ministers expressed their commitment in Warsaw to further strengthen efforts to promote good governance and forest law enforcement to combat illegal logging and related trade of forest products, inter alia by cooperating on and promoting public procurement policies that demand timber and timber products from legal and sustainable sources (Warsaw Declaration, paragraph 23).

Global Objective 2

Global objective 2 aims at enhancing forest-based economic, social and environmental benefits, including by improving the livelihoods of forest dependent people.

Enhancing multiple benefits provided by forests

A substantive body of commitments has been adopted by the MCPFE since 1992 aiming to maintain and enhance the multiple benefits provided by forests. Helsinki Resolution 1 sets out the general approach for the balanced provision of forest benefits. It states that “forest management should provide, to the extent that it is economically and environmentally sound to do so optimal combinations of goods and services to nations and to local populations.

Multiple-use forestry should be promoted to achieve an appropriate balance between the various needs of society” (H1 General Guideline 5).

This general approach has been further developed throughout the MCPFE process. While Lisbon Resolution 1 stresses the societal benefits of SFM, Vienna Resolution 2 places particular emphasis on economic benefits and viability. Both resolutions contain specific commitments aimed at enhancing the provision of forest goods and services. Warsaw Resolutions 1 and 2 focus on two key services provided by forests, namely energy and water. Lisbon Resolution 1 and Vienna Resolution 2 refer to the contribution of SFM to sustainable development and human livelihoods, especially in rural areas and Vienna Resolution 3 addresses the social and cultural benefits of SFM. In this context the livelihoods of people depending on forests are implicitly addressed. However, no MCPFE commitment makes specific reference to “forest dependent people”.

Recognising the value of forest goods and services

The NLBI also tackles an underlying aspect of enhancing forest-based economic, social and environmental benefits, namely the recognition of the range of values derived from forest goods and services (NLBI OP 6(j)). Related MCPFE commitments aim at strengthening the scientific basis for the assessment and valuation of forest goods and services (Lisbon Resolution 1, Future action 9), working towards common approaches for the practical application of the valuation approaches (Vienna Resolution 2, OP 10), and at incorporating the outcomes of the valuations into national economic and natural resource accounting systems (Lisbon Resolution 1, Future Action 10).

Global Objective 3

Global objective 3 combines three interrelated policy objectives, namely (i) a significant increase in the area of protected forests worldwide, (ii) an increase in other areas of sustainably managed forests, as well as (iii) an increase in the proportion of forest products from sustainably managed forests.

(i) Area of protected forests

In Vienna Resolution 4, the MCPFE member states and the European Community expressed a commitment to analyse and further develop protected forest networks, taking into account existing networks, in terms of their comprehensiveness, representativeness and adequacy relative to forest types and the effectiveness of their management with regard to the conservation goal. By adopting the MCPFE Assessment Guidelines for Protected and Protective Forest and Other Wooded Land in Europe as Annex to the same resolution, the MCPFE put in place an effective tool for classifying and presenting information about the extent of protected forest areas in Europe according to management objectives.

As indicated in the report on the State of Europe’s Forests 2007, the area of protected forests has been expanding by about 455 000 ha annually over the past five years. In total, about 3 percent of Europe’s forests, including Russia, are protected with the main objective of conservation of biodiversity and another 1.7 percent with the main objective of conserving landscapes and specific natural elements. Concerning the management effectiveness of protected areas studies show that the mean average score for European assessments is well over world average. Only 6% of the protected areas scored in the bottom third (clearly unacceptable management effectiveness), while 27% showed sound management8 (Leverington et al, 2008)9.

8 There are no comprehensive data on forest protected areas only available.
As has been stated already, the MCPFE took a leading role in defining the SFM concept and in developing guidelines for implementation of SFM at the policy and operational level, as well as for monitoring, assessment and reporting. 98 percent of all European forests are covered by a forest management plan or equivalent for their long-term management.

At the Warsaw Ministerial Conference, the MCPFE expressed its commitment to further promote effective implementation of sustainable forest management at all levels and contribute to the international forest policy dialogue by continued cooperation on forest issues in Europe and by sharing European achievements and Commitments of MCPFE mainly related to European region experiences with other regions (Warsaw Declaration, paragraph 27). This paragraph provides a basis for a stronger engagement of the MCPFE in promoting SFM globally as well as in other regions. More specifically, there is an opportunity to share experiences gained with formulating and implementing SFM in Europe, and to work towards a global consensus on the definition and key characteristics of SFM.

MCPFE Helsinki Resolution 1 specifies that “the Signatory States and the European Community will collaborate in order to develop common measures consistent with these guidelines (i.e. those of H1) that would favour the production, use and marketing of products from forests under sustainable management”. (Future action 15, Helsinki Resolution 1) The Warsaw Declaration sets out the more specific commitment to create enabling conditions in order to increase the mobilisation of wood from sustainably managed forests for all uses. In addition, a number of other MCPFE commitments aim at furthering the production of forest products from sustainably managed forests.

As stated earlier, the vast majority of forests in Europe are indeed managed according to SFM. The volume of harvested wood – which continues to be the most important marketed product derived from forests – remains considerably below increment. In addition, a large portion of European forests is certified according to internationally accepted standards for forest certification.

Although figures on illegal harvesting are not common in national reports, recent estimates suggest that up to 15% of internationally traded roundwood might originate from illegal timber sources\textsuperscript{10}. In 2006, the World Bank reported that US$ 10 billion of revenue is lost each year from illegal logging and US$ 5 billion in lost taxes and royalties\textsuperscript{11}. Other estimations even suggest that governments lose US$ 15 billion a year in royalties and taxes due to illegal logging, mostly in developing countries\textsuperscript{12}.

In the past five years, the MCPFE has adopted a number of commitments aimed at promoting compliance with regulatory frameworks for SFM also outside Europe. In 2003, at the Vienna Conference, the signatory states and the European Community committed themselves to contribute to international efforts aimed at promoting good governance and


\textsuperscript{12} CBD (2007a). UNEP/CBD/SBSTTA/13/3: In-Depth Review of the Expanded Programme of Work on Forest Biological Diversity.
Global Objective 4

In Global Objective 4, UNFF member states committed themselves to reversing the decline in official development assistance for sustainable forest management and mobilizing significantly increased, new and additional financial resources from all sources for the implementation of sustainable forest management. Other than the first three Global Objectives, the Global Objective 4 addresses a means of implementation, namely finance. In addition, five other operational paragraphs of the NLBI refer directly to finance.

In this context, it is notable from the analysis that the MCPFE has developed few commitments addressing financial resources for the implementation of SFM. Existing commitments call for creating enabling conditions for private sector investment in SFM (Lisbon Resolution 1, Future action 3; Vienna Resolution 2, para 7; Warsaw Resolution 1, para 15). No MCPFE commitment specifically refers to Official Development Assistance.

2.3 Role of MCPFE in addressing other NLBI commitments

Some of the NLBI commitments are not directly linked to any of the four shared Global Objectives. These commitments relate to (i) procedural instruments as well as to various aspects of (ii) informational instruments. The analysis of the MCPFE contribution to the implementation of these commitments is summarised in the following.

Procedural instruments

Four sub-paragraphs of the NLBI refer to national forest programmes or other strategies for cross-sectoral policy and programme coordination aiming at sustainable forest management (OP 6(a), (k), (l) and (w), 7(c)). Building on the consensus achieved by the Intergovernmental Panel on Forests (IPF) and its successor, the Intergovernmental Forum on Forests (IFF), the MCPFE is the only regional process which has adopted at ministerial level a common approach to nfps (Annex to Vienna Resolution 1: “MCPFE Approach to National Forest Programmes in Europe”). This MCPFE Approach reaffirms that all general elements and principles of national forest programmes (nfps) agreed upon by the IPF are generally of relevance in the European context and further specifies them in the European context. In addition the outcomes of nfp processes should be considered in national sustainable development strategies and other relevant processes and strategies. At the Warsaw Conference, the ministers responsible for forests reaffirmed their commitment to promote nfps (Warsaw Declaration, paragraph 22).

The strengthening of cooperation and partnerships to promote SFM is addressed in some sub-paragraphs of the NLBI (6(m), 7(q), 7(r), 7(s)). The MCPFE emphasises their importance in several commitments aiming at enhanced cooperation and partnerships at national, regional and international levels, including public-private partnerships (Warsaw Declaration, Warsaw Resolution 1, Vienna Declaration, Lisbon Resolution 1). The MCPFE has established
partnerships with regional organisations in Europe, for example the UNECE/FAO and Environment for Europe/PEBLDS, and is cooperating with forest processes in other regions. In addition, MCPFE is contributing to the implementation of global forest related commitments and supports the UNFF and its Collaborative Partnership on Forests.

Informational instruments

Science and technology

Several commitments of the NLBI address science and technology (OPs 6(o), 6(r), 6(s), 7(k), 7(l), 7(m), 7(n), 7(o), 7(p)). These commitments aim at strengthening forest research and development, enhancing scientific cooperation and facilitating access to scientific innovations and their application as well as integrating scientific knowledge in SFM and forest policy development.

The ministers responsible for forests in Europe have continually expressed their commitment to support research, improve the science-policy interface (Warsaw Declaration, paragraph 24; Vienna Declaration, paragraph 17) and integrate scientific knowledge in policy development, particularly in the nfp process (Vienna Resolution 1). Five international science organizations (EFI, IIASA, Bioversity International, IUFRO and UNU) participate in the MCPFE process and also provide written input supporting policy formulation and implementation in the framework of the MCPFE. This is e.g. reflected in the fact that 13 actions included in the MCPFE Work Programme 2003-2007 have been assigned to one or more of the science organizations participating in the MCPFE, partly in collaboration with other actors.

Public awareness, education and training

Promoting public understanding of the benefits of forests and SFM and respective education is addressed in OP 6(t) of the NLBI. OPs 6(u) 6(v) refer to the access to formal and informal education, extension and training programmes on SFM and to support for education, training and extension programmes involving local and indigenous communities, forest workers and forest owners, in order to develop resource management approaches that will reduce the pressure on forests, particularly fragile ecosystems.

The MCPFE addresses the enhancement of public awareness of benefits of forests and SFM (Warsaw Declaration paragraph 16 and 39, Lisbon Resolution 1, General Guidelines 1 and Future Actions 1) and the signatories agreed to develop a dialogue with the public as well as efficient programmes to raise awareness. Several commitments promote education and training, especially directed to forest owners, managers and workers in order to develop a highly skilled, multidisciplinary workforce, also enhancing the involvement of women in forest related activities (Warsaw Declaration paragraph 25, Vienna Resolution 2, paragraph 13, Lisbon Resolution, Future Actions 4 and 5).

Monitoring, assessment and reporting

Two OPs refer to monitoring, assessment and reporting on progress in achieving the purpose of the NLBI (Ops 8 and 9). The NLBI does not define any further commitments regarding the monitoring, assessment and reporting on sustainable forest management. The MCPFE has adopted numerous commitments aimed at monitoring, assessing and reporting on progress in SFM and the implementation of MCPFE commitments. Reports on the State of Europe’s Forests and on Implementation of MCPFE Commitments constitute an integral part of the Ministerial Conferences. In 2008 the MCPFE has began a review process in order to assess by the Sixth Ministerial Conference the progress made and obstacles faced in the implementation of its commitments (Warsaw Declaration, paragraph 40).
No MCPFE commitment explicitly refers to monitoring, assessment and reporting on progress in achieving the purpose of the NLBI.

Closing remarks

The NLBI aims to strengthen political commitment and action at all levels towards SFM and the four Global Objectives, and to enhance the contribution of forests to the achievement of the internationally agreed development goals.

Regional processes, including the MCPFE, play a key role in facilitating multi-level coordination of implementation activities in Europe, and in facilitating and supporting the implementation of NLBI commitments. In recognition of that, the ministers responsible for forests in Europe have expressed their commitment to support objectives and actions at the Pan-European level that enhance the regional contribution to the achievements of the Four Global Objectives on Forests and other relevant global commitments (Warsaw Declaration, para 31).

The following Annex presents a detailed analysis of the NLBI provisions and MCPFE commitments.