

Status of Implementation of Forest-Related Clauses in the CBD

AN INDEPENDENT REVIEW AND RECOMMENDATIONS FOR ACTION

March 2002



Global Forest Coalition

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Printer: Macula, Boskoop, the Netherlands

Printed on: Cyclus print (100% recycled paper)

Photographs: Bruno Manser, Greenpeace, David Boerma (NCIV), Willem Ferwerda, Daan van Beek

This report is based on 21 country case studies, including Australia, Brazil, Cameroon, Canada, Chile, Colombia, Czech republic, Ghana, India, Indonesia, Kenya, Malaysia, the Netherlands, New Zealand/Aotearoa, Papua New Guinea, Russia, South Africa, Suriname, Uganda, United Kingdom, and Uruguay.

Fern would like to thank Ricardo Carrere, Marcus Colchester, Peter Herkenrath, Anna Lawrence, Fergus MacKay, Bansuri Taneaja, Sandy Gauntlett, Simone Lovera and Miguel Lovera for their valuable comments on the drafts of this report.

The Global Forest Coalition wishes to thank the following organisations for their financial support: the Netherlands Directorate General for International Co-operation (DGIS); the United Kingdom Department for International Development (DfID) and the Swedish Society for Nature Conservation (SSNC).

Fern wishes to thank DG Environment of the European Commission for its financial contribution.

This report and the 21 country case studies are available at www.fern.org and www.wrm.org.uy

Fern advocates changes in EU activities to achieve the sustainable management of forests and respect for the rights of forest peoples.

The GFC has been established by a group of NGOs and indigenous peoples organisations (IPOs) to facilitate the informed participation of NGOs and IPOs in intergovernmental meetings related to forests, such as the United Nations Forum on Forests (UNFF) and the Convention on Biological Diversity (CBD).

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List of Abbreviations

CCD	Convention to Combat Desertification
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of Parties
DfID	UK Department for International Development
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
GFC	Global Forest Coalition
IBAMA	Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis
IFF	Intergovernmental Forum on Forests
IPF	Intergovernmental Panel on Forests
IPO	Indigenous Peoples Organisation
IP	Indigenous Peoples
ITTO	International Tropical Timber Organisation
IUCN	World Conservation Union
IUFRO	International Union of Forestry Research Organisations
NBS	National Biodiversity Strategy
NBSAP	National Biodiversity Strategy and Action Plan
NFP	National Forest Programme
NGO	Non governmental Organisation
NTFPs	Non Timber Forest Products
PROFOR	The UNDP Programme on Forests
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SEA	Strategic Environmental Assessment
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNFF	United Nations Forum on Forests
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organisation
WWF	World Wild Fund for Nature

1 The Purpose of this Report

The Convention on Biological Diversity (CBD) has been in existence since 1992, i.e. for nearly ten years. For the world's forests, the CBD is potentially a very important instrument, since the majority of the world's biodiversity lies in forests.

To date, forests have not received the attention in the CBD that they deserve, despite the fact that the groundwork for successful action to protect forest biological diversity has been laid in several key decisions and processes within the CBD. Among these are the definition of the ecosystem approach for sustainable forest management, a research-oriented three-year rolling programme on forest biodiversity (1998-2001), the establishment of an ad hoc technical expert group on forests, and the review of the impact of climate change on forest biological diversity. As yet, however, these have all failed to deliver significant results for the Earth's forests.

Ten years after the UNCED meeting in Rio, forest biological diversity and the adoption of an eight-year, action-oriented work programme on forests are priority items on the



agenda of the sixth meeting of the CBD Conference of Parties (COP) in April 2002 in The Hague. Given this, the Global Forest Coalition felt it was important to take stock of the current situation and research the implementation of commitments under the CBD that are most relevant to forests.

This report presents the results of research co-ordinated by Fern on the implementation, in 21 countries, of those CBD commitments. Of the 21 countries studied, fourteen are in the South, two are countries with economies in transition and five are in the North. Together, the forests in these countries comprise over half of the Earth's forest area.

The heart of the report provides a synthesis of the 21 country reports, all based on a questionnaire that was first sent to governments (and governments' comments were peer-reviewed by civil society) investigating whether and how governments have implemented the most relevant commitments contained in the Convention. Information in the report reflects the information provided by the relevant Ministries and the civil society participants in the study. All country reports are available on www.fem.org and on www.wrm.org.uy.

In an attempt to make the report as readable as possible, many answers have been reported in tables and graphs, specific positive and negative notes have been indicated, and explanatory boxes with supplementary information have been added where needed. The conclusion section at the end of the report provides a summary of the outcome and is followed by a section with recommendations.

It is our hope that this report will contribute positively to the evaluation of the progress made since Rio and that it will help guide policy makers towards increased protection and sustainable use of the remaining forests of the world.

2 Methodology

In June 2001, the Global Forest Coalition asked Fern, on the basis of its experience with a similar exercise to look at the implementation of the proposals for action of the Intergovernmental Panel on Forests (IPF)¹, to carry out a review on the implementation of forest-related CBD commitments.

First, a group of 25 countries was selected. For financial reasons, emphasis was placed on Southern countries; the funding sources were available principally for Southern country reports. The following criteria were used to select the countries:

- 1 together, the countries studied should comprise at least 50 percent of total terrestrial forest area;
- 2 the countries should be spread equally across different regions (taking the restriction on Northern countries into account);
- 3 key forest countries in every region should be included;
- 4 a suitable country monitor should be available.

Ultimately, 21 of these countries delivered a report on time.

Second, for each of the 25 countries a 'country monitor' was selected based on the following criteria: the country monitor should live in the country concerned²; have proven knowledge about domestic forest issues; have the skills to work with relevant government officials; have good working contacts with NGOs and/or indigenous groups in the country; have experience in writing reports; be able to prepare the report in English; be able to devote two full weeks, spread over a period of three months, to the project. Annex 1 contains the list of country monitors that have contributed to this report.

As in the previous project, the primary mechanism for this review was a questionnaire, attached in annex 2. The questionnaire was composed of 21 questions based on CBD articles or COP decisions. The questions were divided into ten groups relating to

- 1 reporting,
- 2 implementation and integration,
- 3 negative impacts on biodiversity and monitoring,
- 4 participation,
- 5 protected areas and biodiversity conservation,
- 6 indigenous peoples' rights,
- 7 threatened species,
- 8 customary use and local support,
- 9 incentives,
- 10 environmental impact assessment and strategic environmental assessment.

The questionnaire was developed by a committee of environmental NGOs, indigenous peoples organisations and scientists, and peer reviewed by the regional focal points of the Global Forest Coalition.

*1 Keeping the Promise, 2000. Available at www.forestpolicy.org
The implementation of the IPF Proposals for Action in Europe. Available at www.fern.org*

2 In one case (Papua New Guinea) we decided to choose a country monitor no longer living in the country concerned as there was no in-country monitor available that met the rest of the criteria.

The country monitor was fully responsible for conducting national research into the implementation of the forest-related commitments of the CBD and for presenting a factually correct national report. The research consisted of:

- Translating the questionnaire into the national language, if necessary;
- Sending the questionnaire to the relevant contact people in the government;
- Contacting the relevant government officials to obtain a clear indication of when they would respond to the questionnaire;
- Contacting at least three representatives of three different relevant civil society groups, such as
 - 1 environmental NGOs,
 - 2 industry groups,
 - 3 indigenous peoples,
 - 4 farmers groups,in order to obtain their reaction to the government's response to the questionnaire.
- Drafting the country report, based on the answers received from the government and the reactions of civil society groups to the governments' response;
- Returning the draft country report, incorporating civil society comments, to the government representatives for final comments;
- Presenting the final report to Fern for editing and publication.

Based on the 21 country reports, Fern drew up a draft synthesis report, which was sent to a review committee, the country monitors and to GFC focal points in order to ensure that no factual mistakes remain and to obtain comments, before being finalised.

3 The Results



3.1 Reporting

Has the government sent its national report on the implementation of the CBD to the CBD secretariat? If yes, when?³

Has the government sent its thematic report on forest ecosystems to the CBD secretariat? If yes, when?⁴

3 CBD COP decisions II/17 and III/9 decided that Parties would prepare a national report focusing in so far as possible on measures taken for the implementation of Article 6 of the Convention and urged Parties to submit such report on time. CBD COP decision V/19 requested Parties to submit a second national report by May 2001 to measure the state of national implementation of the Convention and to review national priorities and actions. The same decision recommended that Parties prepare their national report through a consultative process involving all relevant stakeholders.

4 COP V/19 Parties were required to submit detailed thematic reports on items to be considered in depth at future COP meetings. For COP VI, Parties were thus invited to submit a detailed thematic report on forest ecosystems by May 2001. Guidelines for the preparation of the thematic report recommended that Parties involve a wide range of stakeholders in the report's preparation to ensure participation and transparency of its development.

The objective of national reporting, as specified in Article 26 of the Convention, is to provide information on measures taken by the Parties to implement the Convention, and their effectiveness in meeting the objectives of the Convention. Governments were required to prepare two general national reports (due in January 1998 and May 2001), and one report specifically on forest ecosystems (due in May 2001). Of the 21

Reporting problems

The 21 countries researched in this report exhibit the same trend as that which exists among all the Parties to the CBD: of the 171 Parties in 1998, 129 have submitted the first national report, of the 182 Parties in 2001, only 69 have submitted the second national report and only 40 have submitted the thematic report on forests *See graph 1*. Clearly, the widespread failure to report is a problem, as is the quality of those reports that are submitted. So far, the reporting exercise required by the CBD secretariat has served mainly to inform the COP regarding what government officials think is appropriate information to include in a report. Most reports are not elaborated through a consultative process that includes civil society actors, despite this being required by the COP (COP V/19).

As yet, no adequate process exists to assess, verify or discuss the CBD national reports at the international level. Other Conventions, such as the Convention to Combat Desertification, have more comprehensive assessment procedures. However, new

Table 1 Country reporting status

Country	Year of ratification	First National Report	Second National Report	Report on forest ecosystems
Australia	1993	Yes	Yes	Yes
Brazil	1994	Yes	No (under preparation)	No
Cameroon	1994	Yes	Yes	No
Canada	1992	Yes	Yes	Yes but not available
Chile	1994	No	No (under preparation)	No (under preparation)
Colombia	1994	Yes	No (under preparation)	No
Czech	1993	Yes	No (under preparation)	No
Ghana	1994	No	No	No
India	1994	Yes	Yes	No
Indonesia	1994	Yes	Yes	No
Kenya	1994	Yes	No	No
Malaysia	1994	Yes	No	No
Netherlands	1994	Yes	Yes	Yes
New-Zealand/ Aotearoa	1993	Yes	Yes	Yes
Papua New Guinea	1993	No	No	No
Russia	1995	Yes	No	Yes
South Africa	1995	Yes	No	No
Suriname	1996	Yes	No	No
Uganda	1993	Yes	Yes	No
UK	1994	Yes	Yes	Yes
Uruguay	1993	Yes	Yes	No

countries researched, most have submitted the first national report, roughly half have submitted the second national report, only six have submitted a thematic report on forests. These are Australia, Canada, New Zealand, the Netherlands, Russia and the United Kingdom. See table 1.

developments may emerge as the CBD Secretariat has undertaken a quantitative analysis of the second national reports. This analysis, available at <http://www.biodiv.org/reports/nr-02.asp>, is the first effort to present general information provided in the reports in a more user friendly form while focusing mainly on quantitative rather than qualitative analysis.

Furthermore, the reporting process is very cumbersome: over 350 questions were to be answered for the second national report, and many of these repeated other reporting commitments. Today, countries are overburdened by forest-related reports required by several Conventions, such as the Convention on Biological Diversity, the Convention to Combat Desertification, CITES, the United Nations Framework Convention on Climate Change, the World Heritage Convention, and the Ramsar Convention. Moreover forest information is also required by the FAO, ITTO, IUFRO and the IUCN to feed into several databases.

Graph 1

Number of countries that have completed the first national report

18 out of the 21 studied here

129 out of the 171 Parties (1998)

Number of countries that have completed the second national report

10 out of the 21 studied here

69 out of the 182 Parties (2001)

The figure of 69 includes Thailand that is not party to the CBD.

Number of countries that have completed the Forest Ecosystems report

6 out of the 21 studied here

40 out of the 182 Parties (2001)

3.2 Implementation and Integration

Has a national biodiversity strategy been developed, adopted and implemented? If yes, on which date was it adopted? If adopted, please give a brief description of the state of implementation.⁵

Has a national forest plan/programme been developed, adopted and implemented, as part of the government's commitment to the IPF process?⁶

Is the national biodiversity strategy integrated in the national forest plan/programme? If yes, describe in what way. If no, is there an explanation why not?⁷

Is the national forest plan/programme integrated in the National Biodiversity Strategy and Action Plan? If yes, describe in what way. If no, is there an explanation why not?⁷

5 Article 6 of the Convention calls for Parties to develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or to adapt for this purpose existing strategies, plans or programmes.

6 The IPF proposal for action 17 encourages countries to develop, implement, monitor and evaluate National Forest Programmes, which include a wide range of approaches for sustainable forest management, including ecosystem approaches that integrate the conservation of biological diversity and the sustainable use of biological diversity. National Forest Programmes should address the underlying causes of deforestation, based on a cross-sectoral approach, and ensure stakeholder participation.

7 Article 6b of the CBD requires Parties, in accordance with its particular conditions and capabilities, to integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral and cross-sectoral plans, programmes and policies. Article 10a requires parties, as far as possible and as appropriate, to integrate consideration of the conservation and sustainable use of biological resources into national-decision making.

Under the CBD all Parties are required to develop National Biodiversity Strategies and Action Plans⁵. These plans should recommend institutional and legal reforms, guidance on decision-making processes and management structures, and should encourage stakeholder participation. Articles 6b and 10a⁷ indicate clearly that National Biodiversity Strategies and Action Plans should be mainstreamed into other policies and strategies. This, in turn, implies the need for coordination between National Biodiversity Strategies and Action Plans and National Forest Programmes. The practical relevance of such integration is underscored when taking into consideration the fact that, in most cases, the National Forest Programme heavily emphasizes the economic value and commercial potential of forests. In addition, the current CBD work programme on forest biological diversity refers to the IPF proposal for action number 17⁶. To date, only 53 of the 182 CBD Parties have completed their National Biodiversity Strategies and Action Plans.

Of the countries researched, all have developed a National Biodiversity Strategy and Action Plan or are currently developing such documents. Most also have a National Forest Programme, some of which are currently being revised. In all but two cases, there has been no, or insufficient, integration of the National Biodiversity Strategy and the National Forest Programme. Unfortunately, despite CBD provisions and COP decisions, National Biodiversity Strategies and Action Plans seem to be the preserve of the Ministries of Environment, while National Forest Programmes seem to be the preserve of Ministries or Departments of Forestry, falling generally under Agriculture, Natural Resources or Trade. The expected synergy has not occurred. Notably, even at international level the main financial instruments to support National Biodiversity Strategies and Action Plans, and National Forest Programmes are not integrated, ie. the GEF and the PROFOR-FAO National Forest Programme Facility.

Table 2 Countries that have developed a National Biodiversity Strategy and a National Forest Programme

(March 2002)

<i>Country</i>	<i>National Biodiversity Strategy and National Action Plan</i>	<i>National Forest Programme</i>
<i>Australia</i>	<i>Yes</i>	<i>Yes</i>
<i>Brazil</i>	<i>Under preparation</i>	<i>Yes</i>
<i>Cameroon</i>	<i>“Yes?”</i>	<i>Yes</i>
<i>Canada</i>	<i>Yes</i>	<i>Yes</i>
<i>Chile</i>	<i>Under preparation</i>	<i>No</i>
<i>Colombia</i>	<i>Yes</i>	<i>Yes</i>
<i>Czech republic</i>	<i>Under preparation</i>	<i>Under preparation</i>
<i>Ghana</i>	<i>Under preparation</i>	<i>Yes</i>
<i>India</i>	<i>Under preparation</i>	<i>Yes</i>
<i>Indonesia</i>	<i>Yes</i>	<i>Under preparation</i>
<i>Kenya</i>	<i>Under preparation</i>	<i>Unclear</i>
<i>Malaysia</i>	<i>Yes</i>	<i>Under preparation</i>
<i>The Netherlands</i>	<i>Yes</i>	<i>Yes</i>
<i>New Zealand/Aotearoa</i>	<i>Yes</i>	<i>No</i>
<i>Papua New Guinea</i>	<i>Under preparation</i>	<i>Yes</i>
<i>Russia</i>	<i>Yes</i>	<i>No</i>
<i>South Africa</i>	<i>Under preparation</i>	<i>Under revision</i>
<i>Suriname</i>	<i>Yes</i>	<i>Under preparation</i>
<i>Uganda</i>	<i>Under preparation</i>	<i>Under preparation</i>
<i>United Kingdom</i>	<i>Yes</i>	<i>Under preparation</i>
<i>Uruguay</i>	<i>Under preparation</i>	<i>No</i>

Australia The National Strategy for the Conservation of Australia’s Biodiversity was developed in 1996. It is merely a statement of intent, lacking clear targets and a plan for action that includes a timeframe, actors, and ways and means of implementation. As regards forests, the National Forest Policy Statement and the related Regional Forest Agreements are the primary means by which objectives of the National Biodiversity Strategy and Action Plan are to be accomplished in forest habitats. No amendments and/or additions have been made to the Regional Forest Agreements to address specifically the sustainable use and conservation of forest biological diversity. Integration is far from effective since, for example,

- 1 areas covered by Regional Forest Agreements are exempted from the threatened species provisions of the Environmental Protection and Biodiversity Conservation Act, thus contravening Article 8k of the CBD;
- 2 perverse incentives to convert natural forest and woodlands into plantations still exist.

Brazil With support from the GEF and UNDP, Brazil is developing a National Biodiversity Strategy to be adopted in December, 2002. The strategy is being developed on the basis of a three-stage national consultation process that includes:

- 1 research, workshops and taking stock of data,
- 2 a national consultation process,
- 3 development of the national policy.

The process has included many environmental and social groups, but no indigenous peoples. The country monitor stresses that the Brazilian government’s CBD priorities are the implementation of the Biosafety Protocol and the development of a law to regulate access and benefit sharing of traditional knowledge.

The Brazilian National Forest Programme, in place since 2000, was elaborated through consultations with stakeholders and various Ministries. It takes into account the necessity to

Although it is available on the CBD website, a hard copy of Cameroon's National Biodiversity Strategy and Action Plan could not be found by the country monitor in Yaoundé, indicating the shortcomings of access to information. The National Biodiversity Strategy has been developed in a top-down, donor-driven manner, and only one NGO has been associated with the process.

In Colombia, both the National Forest Policy and the National Biodiversity Policy recognize that the conservation and protection of biological diversity depends directly on the country's forests and in general on the protection of ecosystems.

8 CBD, Article 18.3: "The Conference of the Parties, at its first meeting, shall determine how to establish a clearing house mechanism to promote and facilitate technical and scientific cooperation"

address the protection of biodiversity and sustainable use of natural resources. However, in its guidelines, the National Forest Programme fails to include the CBD ecosystem approach as one of its main principles. The country monitor assesses that the National Forest Programme is more concerned with direct production return from forests to supply domestic and international markets and business as usual, than with applying the ecosystem approach to forests.

Cameroon Cameroon has published a National Biodiversity Strategy ("Biodiversity Status Strategy and Action Plans", UNEP, Yaoundé, 1999). Interestingly enough, a workshop held in Yaoundé in April, 2001 with the participation of senior staff of the Ministry of Forests and Environment, identified the absence of a National Biodiversity Strategy as a major constraint to the implementation of the Clearing House Mechanism⁸ in Cameroon. This situation demonstrates that there is a serious problem of information flow in addition to a deficit in civil society participation. The National Forest Programme was developed within the framework of the Tropical Forest Action Plan in 1995. However, forest policy is constantly being reformed due to donor pressure from such institutions as the World Bank.

Canada The federal government released the Canadian Biodiversity Strategy in 1995. Canada's country monitor cites "This framework provided a vision for conserving biodiversity but failed to set parameters for action. No deliverables and timelines were assigned to jurisdictions... Canada has failed to translate planning into action. Countless Task Forces have generated numerous reports and recommendations but the conservation measures... are largely uncoordinated efforts at local scales." (Laura Telford, 2001)

The government admits that the programmes and initiatives in place address only the first two objectives of the CBD; it has not yet decided the approach to the third objective: the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. This indicates a permissive official attitude to the failure to share equitably benefits of resources.

Chile In Chile, the adoption of the National Biodiversity Strategy is expected in the second semester of 2002; it has been based on regional governments' diagnoses of issues, priorities, and actions to be taken. No formal document exists that defines a National Forest Programme. The government is using the outcome of the IPF in the elaboration of strategic features for the development of the forests sector.

Czech Republic The National Biodiversity Strategy is being drafted and should be finished "soon". The National Forest Programme is being developed in cooperation between the Ministry of Agriculture and the Ministry of Environment and should be completed by late 2002.

Colombia The National Policy on Biodiversity developed by the Ministry of Environment and the Department of National Planning has been approved in 1995; its implementation started in 1997. It is built upon the concept that biodiversity is a national heritage and has a strategic value for the present and future development of the country. The policy defines three basic strategies to ensure the adequate management of the national resources: to develop knowledge, to conserve and to use biodiversity. The National Forest Policy (1996) has been developed by the Ministry of Environment and the Department of National Planning through a consultative process involving both public and private stakeholders. As the forest policy was developed to ensure the integration of the forestry sector in the country's economy, it focuses mainly on sustainable use and doesn't emphasise biodiversity conservation.

Ghana In Ghana, a draft Biodiversity Strategy is currently being developed. The master plan for the forestry sector (1996) was developed before the outcome of the IPF process (1997). The master plan is a comprehensive forestry document focusing principally on economic aspects and consisting of strategies, inputs, outputs, and timeframes for implementing the Forest and Wildlife

Policy. The master plan for the development of the forestry sector has integrated some biodiversity concerns, although biodiversity is not a cross-cutting issue within the entire plan.

India A National Biodiversity Strategy and Action Plan is currently under preparation and is expected by mid 2002. The process is being co-ordinated by both the Ministry of Environment and Forests, and by an Environmental NGO. The consultative process has been extensive, involving grassroots organisations, NGOs, community-based organisations, government departments, etc. Once completed, India's National Biodiversity Strategy and Action Plan will comprise twenty local-level action plans, 30 state-level plans, ten inter-state eco-regional plans and thirteen national thematic plans. An overarching national plan will draw from each of these detailed reports and provide summary positions. The Ministry of Environment and Forests formulated a National Forestry Action Programme that was adopted in 1999. The Plan comprises 25 State level plans and one Union Territory Plan. The National Biodiversity Strategy and Action Plan, being a more comprehensive document, will incorporate the major objectives of the National Forestry Action Programme.

Indonesia A Biodiversity Action Plan was adopted in June 1993 and its implementation is currently under review. This review reveals that there is a clear lack of co-ordination among government agencies due to a sectoral and very restricted perspective. This, coupled with insufficient policy implementation and poor law enforcement, adds to the complexity of addressing biodiversity-related issues. The Ministry of Forestry is developing a National Forest Programme. A consultation process with stakeholders has been established to ensure multi-level participation. However, the co-ordination process seems to be inadequate, since the CBD focal point at the Ministry of Environment is poorly informed about the development of the National Forest Programme. Some biodiversity considerations will be included in the National Forest Programme.

Kenya A National Biodiversity Strategy and Action Plan was developed and published in March 2000. However, it has neither been officially approved by the government yet, nor implemented. In 1994, a two-year project was started to develop Kenya's Forestry Master Plan. Within the Forestry Department some see the Master Plan as the outcome of the IPF process, while others mention that a new IPF-led plan is under preparation. The National Biodiversity Strategy and Action Plan recommends the implementation of the Kenyan Forestry Master Plan as part of the country's commitment to the IPF process.

Malaysia The National Policy on Biological Diversity was developed by a Task Force and reviewed by representatives from government ministries and departments, research institutes, universities, state governments and certain NGOs. It was endorsed by the Malaysian Cabinet in October 1997 and was officially launched in March 1998. The policy outlines fifteen strategies and action plans for the effective management of biological diversity. Biodiversity concerns have been incorporated into the five-year national development plans. The Eighth Malaysia Plan (2001-2005) states that the Biodiversity Action Plan will be implemented in the various States. Integrating biodiversity considerations into development plans, policies and legislation, however, will require intense efforts as the pressure for economic development and consumptive patterns are far greater than existing environmental awareness and concerns. In addition, given that the federal government is responsible for the implementation of the CBD and that the state governments have significant discretion on how to implement it, it is critical that an effective cooperation and transparent arrangements exist between the two levels.

Due to recent emphasis on environmental issues, particularly relating to global warming and biodiversity, the National Forestry Policy and the National Forestry Act were revised in 1992 and 1993 respectively. In addition, it is understood that the first draft of a new National Forest Plan is being circulated to relevant agencies for comments as part of the government's commitment to the IPF process.

The absence of a National Biodiversity Strategy and of a National Forest Programme in Chile reflects the fact that government efforts for the conservation and sustainable management of forests are marginal and isolated. They focus mainly on individual species or specific geographical areas and lack strategic vision. Consequently, threats to forest ecosystems and causes of forest biodiversity loss are not efficiently or sufficiently addressed.

Despite a vast territory and population spanning a variety of languages and heritages, and its complex administrative system, India's method of elaborating its NBSAP has been one of the most inclusive. It provides a positive example of partnership between government and civil society, and of extensive consultation across administrative levels and sectors of society.

In Indonesia, to ensure the integration of the National Biodiversity Strategy and Action Plan and the National Forest Programme, intensive communication and coordination between the Ministry of Environment, the National Planning Agency, and the Ministry of Forestry need to be provided for as soon as possible.

In Malaysia, almost all of the NGOs and the indigenous and local communities' organisations contacted for this review were not aware how the action plans for the effective management of biodiversity are being implemented; they have not been consulted or invited to participate in their development and implementation.

The Netherlands The Dutch Plan for Nature, Forests, and Landscape in the 21st Century was developed in 2000. The Dutch National Forest Programme is included within this plan. National Forest Policies and National Nature Policies are thus fully integrated. It will be implemented over a period of ten years. The budget is currently available, and implementation of projects and programmes has begun. About 95 percent of the area of the National Ecological Network is supposed to be protected in the practical sense and 80 percent of the species living in it.

New-Zealand / Aotearoa The implementation of a National Biodiversity Plan, adopted and released in 2000, is on-going. The strategy recommends 147 actions over a twenty-year timeframe. Priority actions to be implemented first have been identified and should yield results by 2005. Funding for implementation has been reserved. There is no National Forest Programme, as the existing legislative policies and provisions are considered adequate to manage forestry activities.

Papua New Guinea No strategy has yet been published. Immediately after PNG signed the CBD in 1993, local groups began stocktaking activities, the development of a framework document, and were generally eager to develop the National Biodiversity Plan. However, the funding that was to be made available from the GEF to establish the strategy was not forthcoming. Since efforts by the World Bank to facilitate and provide funding for the strategy began belatedly some three years ago, little progress has been made. The current status is that documents soliciting bids by consultants have been drawn up. Further, this delay of nearly a decade is largely due to lack of capacity in country, lack of political commitment to biodiversity conservation by the World Bank and government, and the Bank's greater interest in reforming commercial logging rather than protecting biodiversity per se. The country monitor has no reason to believe that a National Forest Plan incorporating the IPF proposals for action has been published. The existing National Forest Plans are principally concerned with facilitating commercial, large-scale logging – though this is rhetorically couched in terms of protecting biodiversity.

Russia With GEF funding, a Biodiversity Strategy was developed, adopted and is currently being implemented. No overall National Forest Plan exists. The Russian Federal Forest Service has been dismissed and its remnants put under the authority of the Ministry of Natural Resources.

South Africa A draft National Biodiversity Bill has been under development since 1997. Its sixth draft will soon be released for public scrutiny and comment. Once adopted by the parliament, it is hoped that a National Biodiversity Strategy will be developed by following a broadly consultative process. In terms of the draft Biodiversity bill, the South African National Biodiversity Institute (SANBI) will be established as a central advisory and consultative body on matters relating to biodiversity. The National Forestry Action Plan of 1997 is being revised (with DfID support). The original document makes no reference to the CBD. It focuses on sustainable management practices and policies that emphasise the economic utilisation of goods and services provided by forests and plantations.

Suriname The National Strategy for the Sustainable Use and Conservation of Biological Diversity was developed in 1998, involving civil society with the exception of indigenous peoples and Maroons. A National Biodiversity Action Plan aimed at prioritising actions necessary to implement the strategy has been written and awaits implementation. Biodiversity concerns are also included in another policy document: the National Environmental Action Plan (NEAP) of 1996.

A National Forest Plan is being developed by the Foundation for Forest Management and Production Control. The process of finalizing this has been delayed because of a lack of coordination and cooperation between the two governmental institutions concerned, the

Foundation and the National Institute for Environment and Development of Suriname. Environmental management falls, since 1998, under shared responsibility of the environment unit of the Ministry of Natural Resources and the National Council for the Environment with the National Institute for Environment and Development of Suriname (NIMOS established 1998) as its working arm. However, this Institute has not been able to produce tangible results yet and has not gained much political influence. At the change of government in September 2000, the Ministry of Labor has got a new responsibility, namely for the environment.

Uganda A draft National Biodiversity Strategy and Action Plan has been prepared through a process initially involving wide stakeholder consultation; it awaits approval. The main goal of the National Biodiversity Strategy and Action Plan is to enhance biodiversity conservation, management and utilisation at all levels and with all actors (local governments, NGOs, private sector, individuals). A National Forest Plan is being developed by the Forest Sector Umbrella Programme, and a draft is currently circulating for consultation by stakeholders. The National Forest Programme takes into account biodiversity issues and some of the National Biodiversity Strategy and Action Plan goals.

United Kingdom In 1994, the United Kingdom Biodiversity Action Plan (BAP) was developed through a consultation exercise that included contributions from government, statutory conservation agencies, the academic world and the voluntary sector. Under this umbrella, a total of 391 Species Action Plans (SAPs) and Habitats Action Plans (HAPs) have been agreed upon. The United Kingdom Biodiversity Group (now United Kingdom Biodiversity Forum) has been established to oversee and co-ordinate the BAP process and it reports directly to the government. Four Country Biodiversity Groups (England, Northern Ireland, Scotland and Wales) are responsible for the implementation of the individual action plans, raising public awareness, encouraging implementation at the local level and promoting environmental education.

The government has not developed a National Forest Programme. It is, however, in the process of drawing a number of key policy documents and processes into a cohesive programme by developing a United Kingdom Statement on Sustainable Forestry. The NBS (National Biodiversity Strategy) will take the United Kingdom Statement into account. The priorities and targets of the NBS have been integrated into forest policies and programmes at United Kingdom and country level.

Uruguay Uruguay has developed a National Biodiversity Strategy Proposal but because it has not been further developed into a plan of action, the strategy cannot be implemented. Inaccurate information and an inadequate process of consultation have led to a toothless National Biodiversity Strategy Proposal, consisting mainly of a diagnosis with few proposed treatments or instruments to carry them out. The government claims that lack of funds prevent the organisation of a multi-stakeholder process to build a national consensus; other stakeholders refer to the lack of political will to see that a sufficient National Biodiversity Strategy and Action Plan is developed for Uruguay. The self-labelled National Forest Programme carried out constitutes principally a national forestry export scheme, prioritising plantations of alien, fast-growing tree species. At the moment, no national plan exist for native forests. No integration of the National Biodiversity Strategy Proposal and the National Forest Programme has taken place, as each plan falls within the purview of different Ministries. The lack of integration, some comment, is deliberate and, again, results from the absence of political will: the government has prioritised a monoculture forestry model over forest biodiversity conservation.

In Suriname, there are currently three government departments dealing with environment but none have yet produced any substantial policy document to ensure proper management of the country natural resources.

In the United Kingdom, thanks to the consultative process for the development of the Biodiversity Action Plan for the first time, targets have been provided, as have a clear definition of nature conservation objectives and priorities, a focus for action and an adequate method for measuring achievements. The Biodiversity Action Plan has also helped to target resources to areas of highest priorities.

3.3 Monitoring and Addressing Negative Impacts on Biodiversity

Has an inventory taken place of all activities that are likely to have significant negative impacts on the conservation and sustainable use of forest biological diversity? If yes, describe these activities.⁹

Are these activities monitored? If yes, describe briefly the monitoring process?⁹

If a significant negative effect of a particular process or activity has been determined, has that activity or process subsequently been regulated or managed?⁹

The CBD requires parties to identify processes and activities that are likely to have significant negative impacts on biodiversity; notably, this leaves considerable discretion regarding which activities are viewed as likely to cause harm, as well as regarding the threshold of damage that will be considered “significant”. The CBD further requires parties to monitor these impacts and take action to regulate or manage activities that are likely to lead to biodiversity loss⁹. Identification and monitoring of activities that threaten biodiversity are an essential first step to maintain biodiversity. Regulating those activities that have a significant negative impact is a crucial second step.

Sadly, one must conclude that very few countries researched have carried out a full inventory or have developed a monitoring programme, including those that have developed National Biodiversity Strategy and Action Plans. *See table 2.* Somewhat more positively, most governments have adopted legal texts to regulate certain recognised harmful activities, often based on ad hoc inventories. Nonetheless, because in most countries no full inventory exists, certain potentially harmful activities are not regulated and are even sometimes actively promoted.

⁹ Article 7c Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques.
Article 8l Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities.

Australia The government has stated that an inventory of activities likely to have significant negative impacts exists as part of the Regional Forest Agreements. There is an Environmental Protection and Biodiversity Conservation schedule of key threatening processes that, combined with the comprehensive regional assessment process under the Regional Forest Agreements, provides an inventory. Environmental NGOs argue that this does not constitute a comprehensive inventory of threats, given the irregularities in the data and the lack of third-party review. Furthermore, environmental NGOs argue, the Regional Forest Agreements process excludes significant forest areas, such as woodland ecosystems. A programme to monitor negative impacts has been developed and adopted, but it fails to include all forest types. The government argues that measures are taken if threatening processes have been identified; environmental NGOs argue that, in many cases, they are not.

Brazil No inventory of activities likely to entail significant negative impacts exists. A monitoring programme is in place to follow the deforestation process via satellite remote-sensing. Although the system can record forest clearcuts, it cannot identify degradation processes taking place below the canopy cover, such as selective logging that leaves the entire forest vulnerable to fire. The system therefore cannot accurately measure how much biodiversity is lost in relation to the deforestation. Also, no monitoring system is in place to evaluate impact of human activities on fauna although the pressure on wildlife has increased. On those occasions when negative activities have been identified, often by environmental NGOs, projects are sometimes halted or modified. For instance, at present IBAMA, with the participation of environmental NGOs, is reviewing its criteria for forest management plans in order to approve new forest management plans on a sustainable basis.

Cameroon The government claims that inventory is carried out on a case-by-case basis (which appears to be somewhat of a contradiction in terms); that a monitoring programme covering some of the negative impacts has been developed, adopted and is being implemented; and that action is being taken when needed. This is disputed by the country monitor who found that, although the forestry law lists certain activities that have significant negative impacts, none of the NGOs are aware of a relevant monitoring programme. Forestry laws have been adopted that would allow for action to restrict harmful activities, but in many cases the laws are neither implemented nor enforced. Major threats to forest biodiversity include the large-scale legal and illegal logging, the uncontrolled exploitation of non-wood products (particularly the hunting of bushmeat), the conversion of natural forest land to industrial plantations (oil palm and rubber), and smaller-scale plantations and cultivation.

Canada No overall inventory has taken place. Certain regions have elaborated status reports on forest biodiversity. The Forest Health and Biodiversity Network is preparing a scoping paper on the impacts of forest practices on biodiversity. However, the government examines only forestry activities, disregarding the potential impacts of other development activities. A framework of research sites across Canada exists to monitor biodiversity issues. Stakeholders comment that the monitoring projects do not detect all of the threats to forests, such as harmful harvesting practices. Funds have been cut to environment ministries, and as a consequence there is insufficient funding for monitoring at the provincial level. Without a permanent inventory in place, monitoring is by definition, ad hoc.

Chile No inventory has been carried out in Chile. However, different studies and projects have identified certain activities such as logging and increased demand for forests products on the international market likely to cause significant negative impacts. Regional government inventories exist but are not always accessible to the public. Although some monitoring of activities that have negative impacts on forests (such as forest fires) takes place, no overall monitoring programme exists. For the most part, monitoring is carried out by NGOs.

Graph 2

Number of countries that have carried out a full inventory



Number of countries that have not carried out any inventory



Number of countries that have partly carried out an inventory



Graph 3

Number of countries that have a comprehensive monitoring programme in place



Number of countries that have no monitoring programme in place



Number of countries that have a monitoring programme partly in place



Many development projects in the Amazon are creating corridors between densely populated areas and the remote Amazonian frontier, a process that initiates colonization, logging and mining activities, that are difficult for the government to control. The result is massive forest loss.

In Amapá, Brazil, the exceptionally environmentally conscious governor with the support of local communities has taken the political decision that not a single soybean will be planted for many years to ensure the sustainable use of natural resources.

Colombia No detailed inventory has been drawn up, although there are some monitoring activities. Some of the identified causes of forest biodiversity loss are the expansion of agriculture, infrastructure development, and timber production. Some underlying causes have also been identified such as the lack of institutional integration, an inefficient system of licensing concessions, and lack of recognition of indigenous peoples' rights.

Czech Republic The Ministry of Environment and Ministry of Agriculture have developed lists of harmful activities. They claim that some monitoring takes place within the framework of these lists and that action depends upon the forest's classification. The country monitor comments that no comprehensive, systematically compiled inventory exists. Although an overall national programme is in place addressing, for example, air pollution and game-related damage, many damaging activities go unrecorded and unmonitored.

Ghana Agricultural encroachment, bush fires, mining, over-hunting and illegal logging are activities recognised as having significant negative impacts on forest biological diversity. Nonetheless, no inventory has been drawn up, nor is a monitoring programme in place. Only mining and logging activities have been regulated to some extent.

India The following activities have been identified in the National Forestry Action Programme (1999) as putting pressure on forests: shifting cultivation, fuel wood collection, grazing, forest fires, legal and illegal diversion (conversion) of forest lands. Non-government experts hold other, less widely agreed factors also to be detrimental to forest biological diversity: habitats destruction for development projects; tenure insecurity; the disempowerment of communities by taking control and regulation of natural resources away from these communities, and handing it over to vested interests that have the right to use the resources but no responsibility to ensure their sustainability; and international organisations such as the WTO that promote privatisation and private ownership of natural resources as opposed to communal ownership and use. The official monitoring process consists of a forests inventory report, published every two years, presenting forestry-related data both at national and state level. Other independent organisations (government and non government) also regularly publish reports on various activities affecting forests, such as the "Citizen's Report on the State of India's Environment" (Center for Science and Environment).

Indonesia No inventory has been drawn up, although an instrument (environmental impact assessment) for monitoring of impacts is in place. The government claims that the 20 million hectares of Protected Areas are undisturbed and form the reference by which to assess changes occurring in forest production areas. However, many Protected Areas are subject to massive illegal activities deployed by mining, logging, oil palm plantation, tree plantation, and pulp and paper companies, in addition to the effects of trans-migration programmes and dam development. The absence of political will to ensure monitoring of harmful activities is demonstrated by the very small budget allocated to monitoring strategies and activities.

Kenya The Kenyan government has not carried out inventories of all the activities likely to have negative impacts on the biodiversity. However, in 1999 the Kenya Wildlife Service carried out aerial surveys of two forests in Kenya. The published reports of the surveys indicated that devastating activities were being carried out. To date, some of these activities are still underway, such as non-residential cultivation, initiated to assist in the establishment of new forest plantations, which in turn damage and encroach upon the indigenous forests. Logging industries were logging and indiscriminately harvesting both exotic and indigenous trees. Although a ban was officially adopted in the form of a presidential directive, the activities are on-going. There has been little or no effort to enforce the ban, since most top government officials have vested interests in the logging companies.

Malaysia The Ministry of Science, Technology and the Environment carried out an assessment of biological diversity in 1996 that concludes that the main threats to biodiversity come from pollution. Where forests are concerned, NGOs believe that conversion of forests to monoculture plantations, unsustainable logging, dam building, highland tourist resorts and infrastructure projects all have major impacts on forest biodiversity. Although some of these activities are monitored, the NGOs believe the monitoring process is not effective and, despite the existence of certain legal requirements to halt or modify negative projects, lack of enforcement is a serious problem.

The Netherlands An inventory has been elaborated in successive national environmental policy plans, and policies have been developed to counteract the negative effects stemming principally from agricultural, transport and industrial activities. Several monitoring networks are in place. Biological monitoring is carried out by professional organisations as well as by 30 000 volunteers from so-called Private Data Collectors, organized in several networks to carry out ecological monitoring. The National Reference Centre, under the Ministry of Agriculture, Nature and Fisheries, is the main collector of data. Policies and regulations are in place to stop harmful projects, but many large-scale projects (infrastructure, urbanization, intensification of agriculture) continue to cause serious problems. Economic interests have won the battle to some extent, since in the latest National Environment Programme the goal for the extent of protected areas unaffected by acidification, nitrogen deposition and excessive drainage has been lowered. The aim is to protect 70-75 percent of the National Network from nitrogen deposition, and 30 percent of the surface area against acidification.

New Zealand/Aotearoa No single comprehensive inventory has been carried out, but many monitoring processes exist. Some NGOs claim that all negative activities are being monitored and controlled/regulated where possible, and that alien species are the main problem. Other NGOs comment that some monitoring occurs, but that it is ad hoc. There is agreement that, in general, action is taken when needed.

Papua New Guinea In 1994 and with assistance from UNEP, Papua New Guinea carried out a country study on national biodiversity that made preliminary investigations into factors having negative impacts on biodiversity. Commercial logging for export by foreign companies is, by far, the largest threat, but the political will to reign in this industry and to consider options for biodiversity conservation that limit this activity is lacking both on the part of government and donor institutions. There is no monitoring programme, due mostly to the Department of Environment and Conservation's low level of resources and limited capacity, and to its political marginalization within the PNG government.

Russia No full inventory of harmful activities exists, because of the lack of political will to allocate limited resources to this exercise. A set of indicators for Sustainable Forest Management (SFM) has been developed. No integral monitoring system exists, although certain national forest inventories are drawn up every five years. Action being taken to modify or halt damaging projects is insufficient. For example, about 35,000 accidents involving oil pipelines occur each year, many leading to ecological disasters.

South Africa No inventory exists, nor does a monitoring programme. There are regulations covering harmful activities such as logging, but their implementation has been poor. Forests outside of Protected Areas are extremely vulnerable to encroachment by agriculture and timber plantations.

Suriname No inventory has been drawn up and there is no monitoring programme covering all activities likely to cause significant harm. In recent years, vast areas of the rainforest interior –

The government of Canada comments that forestry practises are regulated, but does not acknowledge that industrial logging itself poses a serious threat to biodiversity, although this is stated in the Canadian Biodiversity Strategy.

In India, the presence of a strong NGO movement working at national, regional, and local level, acts as a watchdog and lobbying instrument with regard to the various activities carried out in forest areas.

Between 1970 to 1992, the natural forest area in Malaysia was reduced by 19.3 percent, due to conversion to oil palm and rubber plantations.

The United Kingdom is now developing a framework for surveillance and monitoring of biodiversity, and has created a Trust in order to develop a comprehensive web-based information source.

some of them ancestral lands of indigenous peoples and Maroons – have been parceled out by the government to multinational mining and logging companies. Although some of these concessions were cancelled due to enormous international condemnation and pressure in 1997, recent evidence shows that a large number of logging concessions have again been granted. Small-scale and large-scale mining have brought social and environmental problems in their wake, due to the massive influx of miners to the interior. An estimated 40 tonnes of mercury was released into the environment in 1998 and 1999 alone, and certain waters in the interior are unfit for human consumption due to sedimentation and other pollution.

Uganda The government has carried out an inventory of certain activities, but this is incomplete. Certain monitoring programmes exist and, to some extent, action is taken when needed. The country monitor comments that, despite the existence of the inventory and several monitoring programmes, many of the Protected Areas are not covered by active monitoring systems.

United Kingdom Over the last ten years, a variety of means have been used to identify threatening activities. At the creation of each of the woodland Habitat Action Plans, an assessment of threats was undertaken. Recently a group of NGOs assessed the threats to biodiversity from land change, environmental pollution, et cetera. It concluded that 41 percent of all priority species were threatened by habitat destruction, 29 percent were threatened by agricultural intensification, and 35 percent by lack of appropriate management. These threats apply particularly to privately owned woodland habitats that are not covered by current legislation. If action needs to be taken, the government maintains that the United Kingdom Forestry Standard provides the basis for regulation, as well as guidance and incentives for mitigating negative effects and achieving best practice. However, the country monitor comments that this standard, again, applies to forestry activities only and does not cover threats from outside the forest stand. Also, in the absence of some form of management agreement or forestry licence requirement, the government has no power over privately owned semi-natural woodlands, which form the bulk of the targeted priority woodlands habitats.

Uruguay No full inventory exists apart from a 1980 aerial photographic survey (despite the fact that NGOs continue to demand the elaboration of such an inventory). The University and some NGOs have carried out ad hoc inventories. The government contends that an official monitoring process exists but has not described it; NGOs believe that there is none (just as there is no full inventory). Certain threatening practices were highlighted as badly needing to be monitored on a case-by-case basis, including cattle ranching in palm groves and the deliberate setting of forest fires. The government maintains that no significant negative effects have been identified so far, and therefore no action is needed. NGOs disagree and refer to such negative activities as the logging of native forests (which is legally banned), and the invasion of forests by a large number of alien tree species. There are no studies on the impact of large-scale monoculture tree plantations on the part of the government.

3.4 Participation

Have all stakeholders, including indigenous peoples and environmental NGOs been invited to contribute to the assessment of status and trends, including gaps and priority actions needed to address threats to forest biological diversity?

Although the text of the CBD itself is not strong on participation, legally binding decisions made by the COP have repeatedly required that relevant organisations and forest-related bodies, as well as indigenous peoples organisations and community-based organisations, be asked to contribute to various processes.^{3,4}

In most cases, governments view participation as important but have not yet developed methods for inclusive processes. In four countries, all stakeholders agree that participation has been sufficient, notably the United Kingdom, New Zealand/Aotearoa, The Netherlands and India. However several reports highlight that, although the importance of participation is very often quoted, its implementation is completely misunderstood or misinterpreted and consists merely of a consultation or invitation to attend a meeting. Even countries that have sufficient processes do not always support certain stakeholders' participation, specifically NGOs and IPOs; significantly these frequently do not have the administrative and financial support to participate otherwise. In other cases governments themselves do not have sufficient funds to ensure adequate integration and communication even within the different Ministries and Departments, much less NGOs and IPOs. Indigenous peoples are under-represented in almost all cases.

Many country reports (Brazil, India, Indonesia, Malaysia) also highlight that civil society is active in its attempt to influence policies and their impact on forests and forest peoples. This generally refers to action at all levels, from the local farmers' community fighting a shrimp farm development in a mangroves area, to indigenous peoples organisations confronting the government directly.

Graph 4

Number of countries with adequate participation



Number of countries with no participation



Number of countries that exclude IPO participation



Number of countries with some but inadequate participation



In Brazil, despite the ongoing consultation process for the development of the National Biodiversity Strategy and Action Plan, the majority of the environmental NGOs have criticized the process, noting marked reluctance and even nervousness on the part of authorities to the idea of incorporating NGO proposals.

Australia Both government and NGOs agree that there has been no participation or integration of environmental NGOs into processes related to the maintenance of forest biodiversity (e.g. Montreal Process).

Brazil The Brazilian process for the adoption of the national biodiversity strategy has been slow but participatory. Over one hundred organisations were involved. The process took place in three stages:

- 1 research, workshops and taking stock of data,
- 2 a national consultation process,
- 3 development of the national policy.

In some regions, the national consultation process was led by social or environmental NGOs, and in all regions environmental and social NGOs participated. However, indigenous peoples participated in only the first stage of this process. This is due to the absence of political will and lack of understanding of the importance of including indigenous peoples in such processes.

Cameroon Although the government contends that local communities have participated on several occasions, and that they will be consulted in the implementation of the National Biodiversity Strategy and Action Plan, the country monitor was unable to locate a single environmental NGO, local community or indigenous peoples group that had been involved in the process of its development.

Canada The government maintains that it is consulting all stakeholders; however some stakeholders hold that this is not the case or, in the case of the aboriginal groups, that they are consulted but their views are often ignored. Nonetheless, the government seems to be making a serious attempt to consult all groups as part of the current revision of the National Forest Strategy.



Chile The government states that participation is the explicit intention of the regional phase of the formulation process of the Biodiversity Strategy and Action Plan that will be initiated in March 2002. The author notes, however, that IPOs have not yet been consulted.

Colombia The government claims to have consulted all sectors and interested parties. However, the NGOs and IPOs consulted all felt their point of view had not been seriously considered or incorporated. They feel the approach used in the development and implementation of policies and projects is still top-down.

Czech Republic The process of drafting the National Biodiversity Strategy did not allow adequate involvement of all stakeholders: NGOs were invited to a round-table discussion in February, 2001 – very late in the process to incorporate their comments seriously. Only one environmental NGO has been involved at some stage of the development process of the National Forest Programme.

Ghana The government indicates that, when the process was initiated, all stakeholders were earmarked for participation. The country monitor notes that no information regarding participation of stakeholders is available.

India Under the National Biodiversity Strategy and Action Plan, there are twenty micro-planning processes ranging from the village to district level; 33 states and union territory-level planning processes; and ten ecological regions are being worked upon. Each of these processes has involved a variety of stakeholders, including local communities, indigenous peoples, NGOs, community-based organisations, farmers organisations, fisherfolk organisations, scientists, government departments, industry, et cetera. The National Biodiversity Action Plan has thus proven to be one of the most comprehensive processes involving the participation of hundreds of individuals and organisations.

Indonesia The government indicates that full participation is not required under the CBD and still employs a top-down approach to decision-making. Meanwhile in 2001, Forest Watch Indonesia, a coalition of individuals and NGOs, carried out an open and participatory process for the independent assessment of the status and current trends of forest resources, including forest biological diversity.

Kenya The Kenya Forest Policy does not present an opportunity for communities' and other stakeholders' collaboration in the elaboration of forest management and forest policy in Kenya. The lack of involvement of indigenous peoples in the management of forest biodiversity has created conflicts of interests. For example, the Ogieks, an indigenous group living in the Mau forest in Kenya, are dependent upon the diverse flora and fauna in the forest for their livelihood. This community has suffered the loss of their source of livelihood, and is suing the government.

Malaysia A slight improvement regarding participation in environmental governance has occurred recently, but this is still limited to specific projects. Indigenous peoples and local community organisations have never been invited to participate in biodiversity management and policy-making.

The Netherlands Every year an assessment of needs takes place, and every programme has a steering committee in which stakeholders are asked to participate, including environmental NGO's.

New Zealand/Aotearoa A level of participation that can be considered almost full exists.

“Participation makes sense if they call us in the phase of designing and making plans, but they call us only to inform us of decisions already taken and order us what to do” – a group of Malaysian NGOs.

The United Kingdom has used private sponsorship of Species and Habitats Action Plans to finance the Biodiversity Action Plan. Thus, 25 species are being sponsored and nearly 1.5 million pound has been earmarked for conservation from sponsorship.

Papua New Guinea The government has shown little interest in consulting major stakeholder groups, nor have such donors as the World Bank insisted on this. Large, well-financed international NGOs have access to decision-making processes, while the local groups that carry out most of work on the ground are neither contacted nor involved. Groups that question the assumption that reforming continued commercial logging for log exports should be the primary focus for biodiversity conservation are systematically excluded. Local communities, who own and control most of the country's forests, are not involved at all. The National Biodiversity Plan that is currently under production is likely to be drafted by the World Bank, a few government staff persons, and international consultants. There has been a gross failure to integrate broad-based participation into CBD-related processes.

Russia NGOs are not really involved in biodiversity policy and strategy development and preparation, and indigenous peoples are not consulted and do not participate in discussions related to forest biodiversity. In certain field projects, environmental NGOs are involved. The All-Russia Nature Protection Society has maintained its tradition of attracting the public to nature sites since the Soviet era, and local chapters of this society are involved in identification and conservation of specific habitats. The Wild Nature Centre, WWF and Socio-Ecological Union are all involved in conservation projects, consultations for networks of protected areas, et cetera.

South Africa The government states that a new sub-directorate has been established that will oversee stakeholder involvement in the development of policy. The Wildlife Society (WESSA) indicates that it was consulted concerning a report titled 'The state of the forests', but no version of that report has been seen since the comments were made a year ago. It appears that none of the other NGOs were consulted. The revision of the National Forestry Action Programme (NFAP) has involved a consultative process, but this was not a wide process.

Suriname No participatory process exists although the stakeholders will apparently have the opportunity to contribute their opinion through a workshop that is still to be organised. Some consultation has taken place at national level on an ad hoc basis in national workshops on biodiversity and forestry. There has been no meeting in which indigenous peoples and local communities could voice their concerns on environment management issues.

Uganda The government states that there has been some stakeholder involvement in assessments, but not on the part of IPOs. The country monitor feels that IPO participation in conservation has increased but is still not satisfactory. As a relevant aside, land right issues are not currently being addressed.

United Kingdom The government has taken an inclusive approach in developing relevant policies; a recent independent report indicates that this involvement is 'welcomed and productive'. A problematic issue for NGOs, however, is that they do not always have enough administrative and financial support to participate and as a result are suffering from 'consultation and participation overload'. The private sector is involved also in sponsoring threatened wildlife and habitats; 25 species are being sponsored by companies, which having dedicated nearly £1.5 million for conservation.

Uruguay The government claims that several workshops were carried out with ample participation from all sectors. However, some NGOs maintain that they were not invited, while others mention that forests were just one issue in a large agenda. The process was later aborted because of lack of funding. The environmental network of NGOs has proposed to create a commission in the Department of the Ministry of the Environment, and some have called for more direct contact as opposed to contact via intermediaries.

3.5 Protected Areas and Biodiversity Conservation

Has a system of protected areas been established?¹⁰

If yes, are there any land-right claims or disputed areas in the protected areas? If yes how has the government dealt with these?¹⁰

Is there a system in place to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas?¹⁰

Forest biodiversity is lost through deforestation, fragmentation and degradation of forests. In addition to CBD obligations¹⁰, COP IV¹¹ clearly states that “*conserving the biological diversity of forests should be carried out both by establishing protected areas and by taking into account biological diversity conservation in all types of forests outside the protected areas...*”. The research shows that all countries studied here have some sort of network of protected areas. However, in many cases the country monitors comment that actually no comprehensive system of protected areas covering all representative ecosystems are in place. Also the protected areas are, in practice, encroached upon by industry and individuals, both rich and poor. In none of the countries studied was the network of protected areas and the regulatory framework in place viewed as sufficient to maintain existing forest biodiversity within and outside protected areas.

In virtually all countries researched, conflicts between local people and protected areas exist. Indigenous peoples’ rights have been violated with the development of national parks in most countries. Only recently have some governments started to negotiate with indigenous peoples and local communities prior to the creation of national parks. First steps towards joint management of national parks with local communities and indigenous peoples have been set in Canada, Brazil, Chile, India, New-Zealand/Aotearoa, and Suriname.

10 Article 8a and b requires parties to establish a system of protected areas and to develop guidelines for their selection, establishment, and management of these areas; Article 8c addresses the fact that the majority of forest biological diversity components are found outside protected areas.

11 COP IV/7, Annex, work programme for biological diversity, 52

Most of the Brazilian protected areas are “paper parks”: only 5 percent of the existing Brazilian National Parks have developed and implemented management plans.

Australia The country has a system of protected forest areas, although it is not comprehensive the bulk of Australia’s ecosystems are excluded. Disputes over protected areas have arisen, such as that surrounding the Barmah State Forest (Northern Victoria), which is claimed by the Yorta Yorta people. A regulatory framework is in place for conservation in and outside protected areas, although the framework does not cover all the resources.

Brazil In July, 2000, Brazil enacted a new law establishing a national system of conservation units (Law 9.985). The new law put an end to an old problem relating to social participation and the transparency of the process to identify and create new protected areas. On the other hand, it does create more stages and obstacles to the creation of these areas. In January 2002, a Commission for Protected Areas in the Amazon region was created to meet every time a new protected area is proposed in the Amazon. The world’s largest protected area (Tumucumaque National Park) is to be created (tentatively March 2002) comprising 3.8 million ha – larger than Belgium. Many of Brazil’s current protected areas were created during the military regime with no consideration for local or indigenous peoples’ rights. Therefore many conflicts have arisen between indigenous peoples and authorities concerning protected areas, which has translated also into conflicts between relevant government agencies, i.e. National Foundation of Indigenous People (FUNAI) and Brazilian Institute of Environment and Renewable Resources (IBAMA). Today, the great challenge is to demarcate indigenous territories and protected areas in order to protect them against all kind of degradation.

Cameroon The law on forest wildlife stipulates that 30 percent of forest areas should be set aside for protection. The law recognises two main categories of protected area: wildlife-protected areas and flora-protected areas. The most recent source available estimates that 14 percent of the forest areas are actually designated as protected areas, while other estimates vary from 9 percent to 18 percent. The quality and effectiveness of the conservation is questionable, and illegal logging operations have been reported within protected areas. Land claims and disputes are also frequent within protected areas. Local communities may invade the protected area or, in other cases, ignore its existence, carrying out traditional activities as usual. Such conflicts mostly result from the failure to consult and negotiate appropriately prior to the establishment of the protected areas. Although the forestry laws recognise the right of local communities to use biological resources according to traditional practices, such rights might be restricted or suspended within protected areas.

The out-dated model of protected areas

The model of conservation through the establishment of “protected areas” was built upon the concept that humans are inherently threatening to nature. It therefore sought to exclude them by placing large areas under State control. Such models have posed serious problems, as the great majority of protected areas are in fact inhabited, notably by indigenous peoples¹² and local communities. Because many national laws were based on this earlier concept, the establishment of protected areas often required the removal of indigenous peoples and local communities or the denial of their traditional rights.

Recent experiments demonstrate that, subject to their consent, indigenous ownership and management of protected areas, or in some cases co-ownership and co-management of these areas, must be considered a viable and appropriate means of resolving disputes, should they arise.

Colchester, M. (1994) and IWGIA (1999)

¹² Stephan Amend and Thora Amend (eds.), 1992, *Espacios sin habitantes? Parques nacionales de America del Sur*, IUCN, Gland (as quoted in Colchester 1994)

Canada Although 7,6 percent (roughly 32 million ha) of Canada's forests are protected by legislation, no system of protected areas exists, as such. Existing parks are fragmented and put the survival of wildlife in peril. The government reports many claims and disputes involving protected areas mainly in Canada's Northern Region. It addresses such situations at all levels by negotiating and signing agreements with relevant aboriginal groups prior to the establishment of the protected area and during the land claims settlement. The process of negotiating with Aboriginal communities with regards to parks and protected areas (co-management agreements are being developed) is fairly recent, and as a result there are still outstanding claims concerning parks and protected areas established earlier.

Chile Chile has a National System of Wildlife Protected Areas, 31 national Parks, 40 National reserves, and fifteen natural heritage sites that covers 19 percent of the national territory. This permits the protection of some forest types, such as the Araucaria forest, the evergreen forests and temperate evergreen forests of the Southern Zone. However, the system does not provide for the protection of large areas of threatened native forest (Hualo oak tree). Illegal activities, principally logging and hunting, have been reported to the agency in charge of managing protected areas. Land rights conflicts also exist. For example in Rapa Rui, Villarica, and Chiloe national parks, as in Ralco and Galeetue national reserves, Mapuches and Huilliches indigenous communities believe that their territorial rights have been violated and their traditional activities curtailed. In Chiloe and Rapa Rui, the government has given land back to the communities. Elsewhere, co-management arrangements are being sought. A legal framework exists for the management and exploitation of forest resources based on a forest law from 1931.

Colombia Strategic areas were delineated for protection in 1959. Not much happened since. Following the ratification of the CBD, an administrative unit was created in the Ministry of Environment to manage the system of national parks. However the resources allocated in the national budget for the administration and management of the parks are insufficient. The National Biodiversity Policy proposes to consolidate the national system of protected areas by not only increasing the area under protection at national, regional, and local level but also by addressing the causes of their degradation such as agricultural conversion and colonisation. Some ownership conflicts exist and the government has reported that lack of funds does not allow the State to buy the contested land.

Czech Republic A network of protected areas exists that covers 15.5 percent of the country's total area. The network is, however, irregularly distributed and therefore does not cover the entire range of biotopes. Unresolved claims exist in a few protected areas lying on community or private lots, and the issue of financial compensation has not been appropriately addressed. A legal framework for the protection of forest biological diversity exists, based mainly on the Act on Nature Protection and Landscape Preservation and related executive directives. Management conflicts arise between the regulation and protection of biological resources through binding management plans for protected areas, land-use plans, and the forest management plans.

Ghana In conformity with IUCN recommendations, the government has established a network of protected areas covering 1,306,100 ha (6 percent of the land area). Most of the conflicts arising from land claims in protected areas have reportedly been resolved. Settlement has been reached through Protected Areas Committees and compensation has been paid on occasion.

India India possesses a network of 89 national parks (no human use, or private land holding or rights allowed) and 496 sanctuaries (grazing and some community and individual rights are allowed), covering 4,3 percent of the land area. In addition, twelve Biosphere Reserves and 25 Project Tiger Reserves have been established, though they are not legally established protected areas. Most protected areas (as well as other forest areas) are confronted with the problem of

Canada has not accomplished its goal of protecting biodiversity through the establishment of national, provincial and territorial networks of representative protected areas. All jurisdictions were committed to completing this goal by the year 2000, and all have failed to adequately protect all ecosystems types.¹³

In Sumava National Park in the Czech Republic, unresolved claims by communities and unclarified ownership issues have led to negative perceptions; villagers have requested that their village lands are taken out of the protected park area.

¹³ Canadian Environmental Network Forest Caucus, *Walking the Talk, Canadian Environmental Network Forest Caucus final draft*, January 2002.

In Indonesia, mining permits released prior to the Forestry Act (no 41/1999) that prohibits mining activities in protected areas have not been revoked (e.g. Gag Island, Sorong Protected Forests In Irian Jaya and Kerinci Seblat National Park, Sumatra Island).

In Malaysia Protection Forests have been degazetted (although the exact size of these is not known). According to the Conservation and Environmental Management Division, Ministry Of Science, Technology and the Environment (MOSTE), between 1978 and 1994, approximately 1.4 million hectares of permanent forest estate were degazetted.

encroachment resulting from a complex set of social, economic, and political conditions. The Wildlife Protection Act that provides the legal mandate for the establishment and administration of the protected areas requires a multi-step procedure to be followed in order to legally establish a protected area: this ranges from a government declaration of intention to create a national park or a sanctuary, to the publication of a final gazette notification. In 1989, a study showed that the legal procedures for many national parks and sanctuaries had not been completed, as the government was unable to deal with the many claims that were filed. In the 1990s, the Supreme Court of India put pressure on the Ministry of Environment and Forests to address this issue. Although the Forest Department now claims rapid progress in compliance with the provisions of the Wildlife Protection Act, many NGOs, human rights and tribal organization have complained that the process was flawed and that it has dealt inadequately with issues such as local communities and indigenous peoples' land rights and alternatives to forest-based livelihood. There is an extensive regulatory and institutional framework to address biodiversity conservation both within and outside protected areas. The general NGO view is that implementation is lacking, there is not enough concern for biodiversity outside protected areas; the government says, in most documents, that protection is adequate, but at the same time, thankfully, recognises some problems.

Indonesia A system of protected areas (national parks, nature reserves, protected forests, animal sanctuaries) covering about 20 million hectares of forest areas has been established as per IUCN categorization. The system, although established, is not properly maintained or monitored. Many protected areas are threatened by illegal activities such as oil palm plantations, timber tree plantations, illegal logging, mining, dam development and transmigration programmes. The current system was established without consulting local communities and indigenous peoples who traditionally use and inhabit those areas, leading to open conflicts as they are now considered forest encroachers. The government deals with these conflict situations in a coercive manner rather than through participatory dialogue. There are many tragic cases of indigenous peoples and local communities being jailed or violently dislocated from forest areas they traditionally occupied and managed. Recently however, managers of a few protected areas have initiated a dialogue with indigenous peoples and local communities and have recognised and demonstrated increased respect of their rights, one of them is the Lore Lindu National Park in Central Sulawesi. The established system of protected areas alone is insufficient for ensuring the conservation of forest biological diversity: most of the high-value biodiversity is located outside these areas in forest production areas where industrial logging and mining are allowed. Regulations to control forest activities in production areas have been enacted but they are either not enforced or too cumbersome to be implemented (more than 150 regulations must be followed by a logging company). They are therefore, habitually violated.

Kenya A system of protected areas has been established under the management of the Kenya Wildlife Society. However NGOs are concerned that the Kenya Wildlife Society is only interested in the protection of wild animals in the forest. Protection of these areas is unworkable due to political interference: many individuals (especially influential politicians and senior government officials) and private developers claim ownership of land within protected areas, which have been and continue to be allocated to them illegally. The government has established a land commission to hold public hearings and inquiries on land disputes, including protected areas. Many NGOs fear that the commission has not addressed past wrongs, but has simply reviewed the land law system in Kenya in order to make proposals for formulating a land-policy framework. The commission report has not been made public, hence its recommendations are unknown, as yet.

Malaysia A system of protected areas is in place, representing 4.88 percent of the land area. Nonetheless, certain forest types are under-represented and worse, in the Peninsula, certain

protected areas have been degazetted for development and logging, undermining the purpose of the protected area designation.

The Netherlands The main focus of the protected area policy is on developing a National Ecological Network of connected nature areas to be realised by 2018. This aims at a protection level of about 95 percent of the network area and of 80 percent of the species therein. The network comprises: areas designated under the Nature Protection Act, the European Birds and Habitats Directives; areas owned by nature conservation organisations (e.g. National Forest Service, the Dutch Society for the Preservation of Nature); and areas that are privately owned. Increasing land prices are of concern for the development of the network in view of the relatively limited size of the reserves, which does not permit natural processes to occur undisturbed.

New Zealand/Aotearoa A system of protected areas exists that was established before the country ratified the CBD. New-Zealand Maori have brought claims on land and resources in protected areas. A commission of inquiry has been established to investigate and report to the government regarding claims under the Treaty of Waitangi¹⁴. A tribunal, the Waitangi Tribunal, hears claims lodged by Maori. Although the administration of the protected areas network is required to give effect to the principles of the Treaty of Waitangi, those principles are still being developed as part of the protracted Treaty settlement process. The government also negotiates co-management options and the presence of Iwi (“tribal” groups) on conservation boards directly with Iwi.

Papua New Guinea There is a legal blanket requirement that all logging areas set 10 percent aside for conservation purposes. The requirement is widely flouted, does not focus upon areas rich in biodiversity, and frequently targets already degraded lands that lack commercially

Legal settlements in New-Zealand have formally recognised the Maori’s historical and ongoing relationship with protected lands.

14 The Treaty of Waitangi signed by the Crown and the Maori in 1840 sets out the rights of the signing parties.



In PNG, an inordinate amount of attention is given to reforming commercial logging operations as a “biodiversity conservation strategy”, while downplaying strict protection of large habitats.

South Africa’s provincial governments are responsible for the management and protection of considerable areas of land. The challenge is to find ways of involving communities in the sustainable use and conservation of forest biological diversity outside protected areas, particularly on communally owned land.

viable forest resources. It is known that 10 percent protection would not conserve viable populations of most species, nor maintain healthy habitats. The customary land-tenure system whereby Papua New Guinea’s tribal clans control the land communally offers tremendous opportunities to develop culturally appropriate conservation models. There has nevertheless been a remarkable lack of imagination in adapting customary land tenure for the benefit of biodiversity conservation. Policy which empowers landowner clans to declare their lands a conservation area, thus removing it from pressure for commercial logging and makes the area eligible for small-scale biodiversity conservation funding, is desperately need.

Russia A system of protected areas exists, as does an old presidential decree to expand the existing network to 3 percent of the total national land area. No land claims have been brought by indigenous peoples as such, although Russia does use the ‘old fashioned’ western protected area model that excludes humans. Claims concerning illegal resource extraction within many of protected areas have been brought.

South Africa Protected areas such as national parks and provincial nature reserves exist but are not integrated into a comprehensive network. Efforts to rationalise the legislation and management of protected areas are ongoing. Although, land claims have been brought, the government policy is that protected areas must continue to be managed for conservation only. Compensation settlements for the loss of land or of access to land often allows free access for the purpose of visiting sacred sites and for harvesting non-timber forest products for personal use. Participatory forest management processes implemented throughout the country, aim to ensure sustainable management and flows of benefits to communities. The principles, criteria, indicators, and standards for sustainable forest management currently being developed will be used as tools to promote good practice for the sustainable use and conservation of forests biological diversity. It will however be necessary to provide comprehensive education to rural communities if this is to make any impact

Suriname There is a system of protected areas, and the government is fully aware of its importance. Suriname has recently expanded its system of nature reserves from 5 percent to 12 percent of the country area. However, these areas are not representative of all the main forest ecosystems. The 1954 Nature Protection Law provides the legislative base for the establishment of nature reserves, and prohibits any kind of activity that may affect the integrity of the reserve. As Maroons are located within the existing reserves, conflicts have arisen surrounding the failure to recognise the communities’ traditional rights and customary uses. The current state of Surinamese law precludes any meaningful recourse to the legal system to defend their rights. Disputes are addressed on an ad hoc basis when tensions arise or, on occasion, through a more structured commission process (e.g. Galibi Nature reserve). Joint management initiatives are also being implemented.

Civil war, poor governance and limited enforcement of existing rules means that forest areas within and outside of protected areas in Suriname are in reality not protected. Where legal rules exist (e.g. Game and Fisheries laws), executive guidelines for their implementation outside protected areas is absent.

Uganda Several categories of protected areas ensure in situ conservation in the country: strict nature reserves, Sites of Special Scientific Interest, national parks, wildlife areas, and a biosphere reserve have been established. The Wildlife Protected Area System Plan sets out guidelines for the establishment of a protected areas system wherein each unique ecosystem type is represented. Many of the claims have been resolved through degazettement and compensation, although problems persist in Lake Mburo and Mount Elgon National Park. A regulatory framework has been developed for timber harvesting that aims to ensure the sustainable supply of forest products. Wildlife and hunting regulations also exist. Law enforcement is reportedly a problem.

United Kingdom The United Kingdom had a statutory system of protection for areas of nature conservation or scientific interest in place before its ratification of the CBD. However, as the system is based on representative samples rather than on the inclusion of sites of high conservation value, many important ancient woods have no protected area status. Although no land rights claims have been brought as such, significant cultural resentment persists because of land appropriation “some for forestry purposes” during the 19th century in Scotland. The resentment has been translated into demands for land reform. New legislation addressing the issue is to come into effect in Scotland only in 2002.

Uruguay A law passed in February 2000, after an eight-year consensus-building process, establishes a National System of Protected Natural Areas. However, the absence of implementing directives means the law is not implemented. At the moment protected areas are scattered under different administrations, and mechanisms are not in place to ensure the protection of natural resources. Conflicts have arisen in several protected areas between private vested interests and environmental interests. The high percentage of privately owned lands (more than 90 percent) poses major challenges when proposing strategies for the sustainable use and conservation of forest biological diversity. The National Biodiversity Strategy Proposal underlines that the country’s legal framework regulating the use and management of natural resources to ensure their preservation is insufficient. Rules for in situ conservation of biodiversity exist, but there are no reliable monitoring mechanisms to ensure compliance. Furthermore, administrative clashes of interest arise between different Ministries and different levels of governments.

In Uganda, despite various positive efforts surrounding designation of protected areas, poor management of biodiversity outside protected areas has a large impact on these areas, and initiatives are needed to address the sustainable use of forest biodiversity outside protected areas.

The Uruguay National Biodiversity Strategy Proposal notes that “in situ” sustainable use and conservation cannot be constrained only to protected areas; they cannot stand as “islands” in a territory degraded by unsustainable development.

3.6 Indigenous Peoples' Rights

Has action been taken towards the implementation of Article 8j and related provisions?¹⁵

Is there a programme to strengthen indigenous and local communities participation in the National Biodiversity Strategy and Action Plan?^{3,4}

15 Article 8j Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Work Programme on Forest Biological Diversity: A3e. To identify traditional forest systems of conservation and sustainable use of forest biological diversity and to promote the wider application, use and role of traditional forest related knowledge in sustainable forest management and the equitable sharing of benefits, in accordance with Article 8j and other related provisions of the Convention Decision V/16 of COP V/2a Provide opportunities for indigenous and local communities to identify their capacity needs with the assistance of governments and others, if they so require.

Decision V/16 of COP V/12c Provide for sufficient capacity in national institutions to respond to the needs of indigenous and local communities related to Article 8j provisions

It is widely acknowledged that the involvement of local communities and indigenous peoples is an essential condition for the conservation of biodiversity. Indeed, several studies have shown that management by indigenous peoples leads to an increase in biodiversity rather than a reduction, as was often assumed. Adequate understanding and preservation of traditional management methods and knowledge are therefore vital to the progress of biodiversity conservation.

Many indigenous peoples organisations have viewed the CBD with suspicion and, as this research shows, some of them still do. Nonetheless, a great deal of progress has been made, and most countries now realise the importance of understanding and preserving traditional knowledge and of involving indigenous peoples and local communities intensively in the process. Despite this, in only a few cases have such considerations been translated into concrete action.

Much remains to be done to ensure the adequate implementation of Article 8j¹⁵ and the full involvement of IPOs and local communities at all levels of development, planning and implementation of Biodiversity Strategies and Action Plans.

Australia The government maintains that it has implemented Article 8j; environmental NGOs dispute this. Consultation of indigenous peoples has been haphazard and sporadic. Programmes have been elaborated to strengthen indigenous and local community participation, notably the Indigenous Protected Areas Programme, the Indigenous Advisory Committee under the Environmental Protection and Biodiversity Conservation Act, and Australian And New Zealand Environment and Conservation Council. Yet by the government's own admission, Australia's biodiversity strategy has not achieved its objectives relating to indigenous peoples.

Brazil The government lists progress made in demarcation of indigenous lands as a first and major step towards implementing Article 8j. In the last four years, the number of demarcated lands has increased from 158 to 361, covering 85.202.993 ha. However, a proposed law to regulate access to traditional knowledge and sharing of benefits was rejected by environmental NGOs and indigenous peoples organisations: in their view, it represented a violation of indigenous peoples' and local communities rights, opening their lands and territory to biopiracy and usurpation of their knowledge. Despite this rejection, the Provisional Act was edited in a hurry to "legitimate" the agreement between the social organization Bioamazônia and the multinational Novartis Pharma (May 2000) that foresees the dispatch of 10 thousand bacterium and fungi from the Amazon to the Novartis Laboratory, in Switzerland, in violation of Article 231, paragraph 2, of the Federal Constitution: *"The traditional lands occupied by indigenous peoples are designated as their permanent property, falling to them the exclusive usufruct of the existing richness of the forests, soil, rivers, and lakes"*.

There is no programme to facilitate the participation of indigenous peoples; the absence of this group in the two last stages of consultation process for the National Biodiversity Strategy was striking.

Cameroon The government maintains that it has taken steps to implement Article 8j. Others comment that the promotion of indigenous knowledge is a point of action, yet that it is still insufficiently recognized and protected. There is a need to better understand indigenous knowledge and practices in the conservation of biological diversity.

Canada The government indicates that it has committed funds to the implementation of Article 8j and has carried out considerable work in the field of traditional knowledge. Stakeholders point out that aboriginal and treaty rights, since they concern the continued use of the forest, are basically forest rights. There are no laws at federal or provincial level that protect and recognise the rights of the owners of traditional knowledge, nor are there any policies on equitable sharing of benefits. Consequently, aboriginal groups are reluctant to share knowledge. Current practices for the licensing of public resources place rural communities at a disadvantage.

Chile Various initiatives concern implementation of Article 8j. No plan of action has been adopted to strengthen the participation of IPOs and local communities in elaborating the National Biodiversity Strategy and Action Plan. The existing plans centre almost exclusively on the acquisition of private lands in order to regulate the communities' land and water rights.

Colombia Although there is a recognition in several strategies and programs documents of the importance of traditional knowledge for sustainable use of natural resources and of benefit sharing mechanisms, IPOs consider that many of the projects carried out by the government and research institutes are extractive, taking advantage of indigenous peoples' and local communities' knowledge without providing the benefits.

Czech Republic The protection of indigenous peoples does not apply easily to the Czech context. The preservation of traditional methods of cultivation and uses of biological resources, and co-operation at the local level does apply in few special cases. No government policy supports

In January 2002, more than 30 indigenous leaders, indigenous organizations and respective shamans accused the Brazilian government of not taking into account their demands related to the rights of their people to patent their own traditional knowledge, which is not possible under existing laws. They demanded the creation of an alternative system of patents of protecting their traditional knowledge that could guarantee total control of the existing genetic resources on their lands and the knowledge associated with this, their prior informed consent for its use, clear information regarding the results of its use, equitable distribution of the benefits from its use and freedom to exchange of traditional knowledge among the indigenous peoples.

the involvement of local administrations in the decision-making process in cases affecting biodiversity. Neither local associations nor councils were involved in the formulation of the National Biodiversity Strategy.

Ghana The government responded to this question by mentioning that the Forest and Wildlife Policy recognises that forest resources should be managed with local communities. However, no programme exists to strengthen the participation of local communities, although the National Biodiversity Strategy and Action Plan is currently being prepared. The country monitor notes that the will to increase participation exists; and one consultative meeting has taken place.

India The government has decided upon various initiatives to comply with issues relating to Article 8j: Ayurvedic medicine formulations, information on patents and sources of indigenous knowledge. The biodiversity bill envisages, among other things, the creation of a National Biodiversity Authority to oversee all matters related to biodiversity conservation and utilisation. Various non-government initiatives are also undertaken, including the creation of a People's Biodiversity Register, Medicinal Plants Conservation Areas, and the Honey Bee Network as an attempt to record innovations and practices, especially in agriculture and natural resources management (in India and 75 countries).

Indonesia The government indicates that action is underway to implement Article 8j and that, in reviewing the National Biodiversity Strategy and Action Plan process, the participation concerns of local communities and indigenous peoples are being taken into consideration. Specific programmes and actions are integrated in resources use and development plans. NGOs and research agencies have long promoted the existing traditional forest systems of local communities



and indigenous peoples all over Indonesia. Responses from government agencies vary, but have very often been non-supportive.

Kenya The government is developing an Indigenous Knowledge Strategy and Action Plan. The National Biodiversity Strategy and Action Plan clearly includes the support and utilization of indigenous knowledge in collaboration with community-based organisations and NGOs. Indigenous systems should be incorporated into national development plans, and the invaluable relationship of the peoples' cultures with biodiversity conservation recognized. The country monitor comments that the Kenyan government is good at developing documents to conform to the obligations of international agreements but does not usually translate them into reality – a sentiment echoed by many NGOs. The development of the Indigenous Knowledge Strategy Action Plan may succumb to this routine, as the term “indigenous” is not even well understood in the Kenyan context.

Malaysia The national policy on biological diversity makes very little mention of respect for indigenous peoples' knowledge. Furthermore, indigenous peoples have not been consulted regarding implementation of Article 8j. There is concern that Article 8j could be interpreted to facilitate the commercialisation of traditional knowledge rather than to protect the integrity of such knowledge. No programme exists to strengthen participation of indigenous peoples.

The Netherlands There are no indigenous peoples in the Netherlands. However, the Netherlands does take Article 8j into account in the activities of its Overseas Development Agency.

New Zealand/Aotearoa The government states that it has taken action to implement

In India, Peoples' Biodiversity Registers attempt to encourage local communities to record their own resources and resource conservation use and practices. This information is then shared with other local communities. However, there are clear dangers associated with these registers, in that there is, as yet, no legal clarity on their status, in that bioprospectors can use the information and in that it becomes more easily accessible to the commercial interests without providing the benefits to local communities.

Forest biodiversity and indigenous peoples

Most of the world's forests are inhabited by indigenous peoples. An estimated 300 million indigenous people live in tropical forests and, in fact, no large areas of tropical forests are uninhabited or unclaimed by indigenous peoples (FPP, 2000). Tropical moist forests alone, covering just 7 percent of the Earth's land surface, are home to at least 1,400 distinct indigenous and traditional peoples, if areas only under current forest cover are considered; and about 2,500 peoples if the original extent of tropical moist forest region is considered (WWE, 2000).

A recent joint report by the Worldwide Fund for Nature and Terralingua examines the relationship between indigenous peoples, cultural diversity and biodiversity. Between 4,000 and 5,000 of the 6,000 languages in the world are spoken by indigenous peoples. Taking language diversity as a measure of cultural diversity, it is clear that indigenous peoples constitute a large proportion of human cultural diversity. The co-occurrence of cultural diversity and biodiversity can be quantified by comparing the distribution of language richness and species richness. There is a striking overlap between countries with high numbers of endemic languages and high numbers of endemic vertebrates, birds and flowering plants. There is also a large overlap between biodiversity hotspots and land owned or claimed by indigenous peoples. This is not coincidental. Based on a decade of research, it is now widely accepted both in environmental and social sciences, that conserving biological diversity is directly related to the maintenance of cultural diversity and vice versa: the loss of cultural diversity is part and parcel of the same socio-economic and political processes that lead to biodiversity loss.

In Indonesia, a Ministerial Decree (No. 47/Kpts-II/1998) has been released on January 23, 1998 for the recognition of 29,000 hectares of community forests to be managed using the customary Krui forest management system in Lampung Province, Sumatra Island. The enactment of this decree is quite important to the process towards recognition and respect of the rights of indigenous peoples and local communities over lands, natural resources, and natural resources management systems.

In Sarawak, Malaysia, indigenous communities have for many years complained about the highly destructive nature of logging operations. According to recent sources, 16 million cubic meters were extracted yearly from natural forests from 1994 to 1997, still roughly double the yearly rate recommended by an ITTO mission of 1990. The intensity of logging only reduced in 1998 due to the financial crisis.

Article 8j, a statement that is supported by four of the six stakeholder groups. Of the remaining two, one feels that such implementation is unlikely and the other comments that it has been minimal. The government claims that there is a plan to strengthen indigenous and local community participation in the implementation of National Biodiversity Strategy and Action Plans, a position supported by three NGOs including one Maori.

Papua New Guinea Papua New Guinea's indigenous peoples, who are also forest owners, have not been engaged in planning processes related to the CBD to any meaningful extent. While Article 8j may rhetorically be governmental policy, little actual implementation has occurred. There is no formal programme to improve participation.

Russia No programme exists to strengthen participation of local and indigenous communities. The government has not implemented Article 8j.

South Africa The government says that action has been taken to implement Article 8j. Stakeholders comment that, while partnerships exist between communities and park management, no formal programme strengthens indigenous and local communities' participation in the development of National Biodiversity Strategy and Action Plans policy and legislation. Support in capacity building and encouragement is needed to make indigenous communities feel that they are able to participate fully – Involvement needs to be perceived both as a right as well as a responsibility.

Suriname No action has been taken to implement Article 8j to date. However the government stresses that the issue will be addressed in the National Biodiversity and Strategy Action Plan currently under development. According to Articles 1 and 2 of the Nature Preservation Law (1954), the government must take into account the traditional rights and interests of the interior peoples, the Maroons and indigenous peoples. However, the country monitor comments that the government is not sufficiently consulting the interior peoples with views including respect for their traditional knowledge and their customs, in relation to sustainable use of biological diversity.

Uganda The government says that a start has been made on implementing Article 8j, and although no specific programme exists, the issue is being incorporated into other programmes. The country monitor comments that, although the issue of involving local communities is crucial to the success of biodiversity conservation, the open-access use is difficult to regulate. Lack of tenure rights and security of access are among the many institutional problems confronting peoples and government alike.

United Kingdom There are no indigenous peoples recognized in the United Kingdom but the involvement of local communities, including local authorities, is seen as crucial to the successes of the biodiversity process. Local Biodiversity Action Plans involving local communities have been developed in support of the National Biodiversity Action Plans.

Uruguay The government states that it seeks the widest possible participation of all concerned parties, including local communities. The country monitor comments that, while most recognise the genuine attempts made by some government officials in this regard, participatory techniques must be refined. The difficulty local communities encounter regarding adequate and appropriate representation, even by their own local governments, must also be acknowledged.

3.7 Threatened Species

Has legislation been developed for the protection of threatened forest species and populations?¹⁶

The relative lack of COP guidance and supporting COP documentation surrounding CBD Article 8k is striking when compared to other provisions of the Convention on Biological Diversity. This is perhaps partly the result of the fact that some legislation dealing with taking, trapping, injuring, killing, and trading in animals, and taking and destroying plants from the wild is already in place in most countries. However, such legislation differs from rules regarding habitat protection and conservation, which are appropriate to ensure the protection of the habitats necessary to threatened species and populations.

The research shows that the majority of the countries have some sort of legislation in place for the protection of threatened species. There is however insufficient information on laws with regard to the protection and conservation of threatened habitats. The lack of information acquired may in part be due to the formulation of the question. More research is needed to develop a better understanding on whether ratification of the CBD has improved the legal protection of threatened species and habitats.

16 Article 8k Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.

3.8 Customary Use and Local Support

Is there a programme in place to protect and encourage customary use of biological resources in accordance with traditional cultural practices? If yes describe the programme. If not, why not? Is such a programme planned for the future?¹⁷

Are local populations supported to develop and implement remedial action in degraded forest areas? If yes, give examples. If no, why not?¹⁷

Despite the existence of a clear CBD obligation virtually none of the countries has elaborated a programme to protect and encourage customary use of biological resources. Although the role of local communities is recognised in most cases, few governments have taken steps to carry out this action point. If they have taken some action, this is always on a rather ad-hoc basis.

Recent government recognition of indigenous peoples' land-rights and devolution has created a situation in which now nearly one fourth of the forest areas in the most forested countries in the South is officially owned or administrated by indigenous peoples or local communities (*Scherr et al 2002*). With an increasing area of high biodiversity forest-lands in the hands of local communities and indigenous peoples, the recognition of the rights of these groups is an essential precondition for biodiversity conservation. Implementation by the Parties of the articles 8j and 10c is therefore crucial to the effective implementation of the CBD. Our research shows that in all countries much remains to be done before article 10c is fully implemented. Unfortunately in most cases governments have not even started implementing this article

Remedial action is needed almost everywhere. Some donors have funded relevant activities in a range of countries, notably Chile and India. But again, much more needs to be done.

17 Article 10c Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements; (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced.

Australia The government states that it encourages customary use and cultural practices; however, environmental NGOs indicated their belief that this is limited to documenting ethnobiological knowledge.

Brazil There is no specific programme to protect and encourage customary use of biological resources. But there are hundreds of successful experiments implemented by various programmes. Unfortunately, these are only specific pilot projects not yet integrated in current public policies or in mainstreamed forest management practice; public policies by the federal and states governments are lacking.

Canada The government contends that numerous relevant programmes exist, including the First Nations Forestry Programme. However none of these programmes is viewed by indigenous peoples as protecting and encouraging customary use. Funding is available for aboriginal people to become involved in remedial action, but as they have little input into governmental or private planning and management decisions regarding harvesting plans or programmes that may avoid degrading these areas in the first place, the effectiveness of participation at the end of the process is questioned.

Cameroon Local populations are being supported in the development of remedial action in degraded forests. The country monitor cautions that the protection of customary use of biological diversity is mostly limited to areas with NGO projects and that community forestry, as promoted in Cameroon to date, neither protects nor encourages customary use of biological resources in accordance with traditional cultural practices.

Chile There is no national programme to encourage customary use of biological resources, although there have been some successful instances of cooperation between Chile's National Forestry Service (CONAF) and indigenous peoples organisations. Certain projects support remedial action by local groups; these are often funded by foreign donors.

Colombia There is no programme to encourage customary use of biological resources. Restoration projects are in place though there is a lack of financial resources. Impacts of such projects are minimal.

Czech Republic A programme, the Village Renewal Programme, supports traditions and customs. Other programmes exist but lack financial resources.

Ghana No programme encouraging customary use is in place, but communities are encouraged to protect traditional conservation systems. In some cases, the actions of local populations (Community Forestry Committees) to restore degraded areas have been supported.

India There is no specific programme to protect customary uses. Customary uses are vast in number and differ widely across communities and regions. Programmes such as Joint Forest Management, implemented in 27 States across India, involve local communities in the management and utilisation of their degraded and good forests

Indonesia A programme exists encouraging customary use but was not specifically formulated for this purpose. In 1995, the State Ministry for Environment with one NGO (Konphalindo) published a document entitled "The Map of Biological Diversity in Indonesia" that, for the first time, officially took account of the customary use of biological resources. In 1997, the Executive Summary of Agenda 21, prepared by the same Ministry, called for legal support to protect and encourage customary use of biological resources in keeping with traditional cultural practices. These texts, however, have not been translated into action.

Graph5

Number of countries with programme in place

none

Number of countries with some activities in place

9

Number of countries with no programme and no activities in place

11

Number of countries to which it does not apply

1

In Indonesia many of the direct causes of forest degradation are activities carried out by state-owned and private companies with official permits to “manage” forest areas. At the same time, the Indonesian forestry law denies the traditional rights of local communities and indigenous peoples. Consequently, there is little desire on the part of these communities to become involved in remedial action. In addition, there is no trust that benefits and gains from rehabilitating forest resources will be secured for these communities.

Kenya Although some legislation exists regarding customary use, it has not been translated into programmes and action.

Malaysia No such programme exists. Forest management is tightly controlled by the government, leaving little or no space for community management. Even when there are initiatives undertaken by local communities on their own to restore degraded areas, they are often faced with obstacles.

Netherlands It is difficult to define the customary use of biological resources in the Dutch context.

New Zealand/Aotearoa Regarding protection and encouragement of customary use of biological resources, the Treaty of Waitangi must be taken into account; also, several statutory commitments and government initiatives exist, including provisions in conservation legislation. The New Zealand Conservation Authority has undertaken to review customary-use issues and provisions in Treaty Settlement legislation. The government claims that there is a plan to strengthen indigenous peoples and local community participation in the development and implementation of elements of the National Biodiversity Strategy that relate to Maori, but not all Maori NGO's surveyed felt they had been adequately consulted or that government had maximised buy-in to the process.

Papua New Guinea No such programme exists.

Russia There is no financial support for local populations to carry out remedial action.

South Africa There are a few examples of projects encouraging and supporting traditional cultures and customary use of biological resources. The National Forest Act makes extensive provision for the recognition and protection of the rights of communities concerning the sustainable use of biological resources. Stakeholders comment that the principle has been accepted and that implementation is progressing. Local populations are employed and trained in alien invasive tree eradication, and in water-catchment protection projects; however, more encouragement and support is needed to involve people specifically in forest rehabilitation.

Suriname There is no such programme in place, although the Forest Law provides the opportunity for community forestry. Any remedial programmes that may be in place stem from private initiatives.

Uganda There is no such programme, although the country monitor comments that customary uses have been permitted in some forest reserves. On a case-by-case basis, local communities are supported in their efforts to take remedial action. The country monitor cautions that these concern mainly plantation projects with exotic species to supply wood requirements.

United Kingdom No formal programme exists, but customary use is protected, encouraged and in some cases adapted to modern circumstances through a variety of means. Traditional coppicing of native woodlands is one example where help with marketing and developing new markets is being given by various regional initiatives. Forest owners, individuals and communities can receive support to restore degraded woodlands through the Woodland Grant Scheme.

Uruguay A programme exists but has not yet been implemented. The proposed National Biodiversity Strategy identifies traditional family producers as the actors that have contributed for generations to conserve agricultural diversity. The proposal supports these producers; however, no support is reserved for local populations to develop remedial action in degraded forest areas.

3.9 Incentives

Have incentives been developed, adopted and implemented for the conservation and sustainable use of forest biological diversity? If yes, describe these incentives.¹⁸

COP IV recommended “to identify threats to biological diversity and underlying causes of reduction or loss of biological diversity and relevant actors, as a step towards formulating incentives measures” This is in line with article 7 of the CBD that requires Parties to identify processes and categories of activities, which are likely to have negative impacts on biodiversity conservation. Article 7 has not been well implemented and the same goes for article 11, which urges governments to develop incentive measures for the conservation of biodiversity.

Our research shows that in some countries a limited incentive scheme for the conservation and sustainable use of biodiversity has been developed; in some cases by environmental NGOs with private entities, in other cases by governments. Incentives developed by governments focus both on community forest management and the promotion of non-timber forest products, and consist of tax exemption, grants and subsidies as well as national awards and awareness-raising activities. Some country monitors note that there are more financial incentives for afforestation and reforestation projects, benefiting large companies establishing large-scale tree plantations, with negative biodiversity impacts.

It must be noted that regarding incentives, adequate information was particularly difficult to obtain. More research into different incentives that governments have developed to conserve biodiversity would be recommended, specifically as positive activities in one country could stimulate positive developments in another country.

18 Article 11: Each contracting party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity. The COP has adopted three decisions to guide the implementation of this article: decisions III/18, IV/10A, V/15. The COP has extended its consideration of incentives measures beyond the economic valuation of biological diversity to “market and non market values” (III/18) and “economic, social, cultural, and ethical valuation”(IV/10A). COP V has established a work programme on incentives measures in order to support Parties in developing practical policies and projects....(V/15) that should ultimately lead to the development of methods to promote information on biodiversity in consumer decisions, for example through ecolabelling and consideration of biodiversity concerns in liability schemes.

Australia Australia's National Biodiversity Strategy and Action Plan mentions that about 70 percent of Australia's land area is controlled by private landholders and resource managers, including indigenous peoples. It is thus important that incentives measures be developed to address the sustainable use of forest biological diversity.

Incentives vary from place to place and time to time. Under the federal government's natural heritage trust and regional forest agreement, and private land conservation programmes, incentives have been developed to encourage the placing of high conservation value native vegetation under conservation covenants.

Brazil Some incentives have been established, but most of these are indirect, such as total exemption from payment of rural territorial taxes for those who convert their properties into Private Natural Heritage Reserves, and The Ecological Tax over the Circulation of Goods and Services. What is lacking is a specific formal fiscal incentive to conserve or stimulate sustainable use of forest biological diversity.

Cameroon The first CBD national report recognised that *"the absence of incentives to the principal actors and the custodians of the resources provokes action against conservation measures"*. The country monitor does not believe that community forest management, as practised in Cameroon, is an incentive for the conservation and sustainable use of biological diversity, for the simple reason that the process of acquisition and management of community forests has been made extremely long and complicated for local communities. Moreover, strong support of local communities from the government is lacking.

Canada The government reports that incentives are geared towards private woodlot management and afforestation of marginal lands. The relevance of these to incentives to promote forest biological diversity sustainable use and conservation still remains to be proven and requires more research.

Chile There is no strategic effort to create incentives, although a law allows for the provision of incentives for the creation of privately owned wildlife protected areas. The regulation to further elaborate this law is expected in 2002. Innovative experiments have been initiated by NGOs for the establishment of private-public mechanisms for the management and conservation of the country's natural heritage. Such projects aim to create incentives for owners of native forestland to use it sustainably and conserve it.

By contrast, incentives for the reforestation of degraded soils will almost certainly have adverse effects on biodiversity, since bonus payments are made for the plantation of fast-growing exotic species.

Colombia Incentives measures have been developed for 20 years though there has been a lack of financial resources to implement them. They consist merely of subsidies rather than tax exemption. Also it is reported that most of the incentives have not been used for conservation purposes but for reforestation projects benefiting merely the large forestry companies.

Czech Republic Incentives measures exist in the Forest Acts and, thus, concern forest management first. Monetary incentives are given to forest management for regions touched by acid rains, while direct subsidies for planting of broad-leaves trees (instead of coniferous monocultures) are nation-wide. Incentive measures are, however, deemed insufficient.

Ghana Certain incentives have been developed for communities, such as the production and sustainable management of non-timber forest products. The country monitor believes that incentives for forest communities should not be limited to the access and production of non timber forest products, but should also include transparent and equitable benefit sharing

(including royalties) generated from the areas communities have traditionally managed.

India Conservation and sustainable use of forests is a main principle of the 1988 National Forest Policy, marking a change from previous priorities that focused essentially on the exploitation of the forest resources. Joint Forest Management is one of the manifestations of this shift, and has been implemented in 27 States across India. Some 62,890 Forest Protection Committees have been established and are in charge of protecting roughly 14,25 million ha of forest land.

Indonesia At present, no structured incentive system is in place.

Kenya In the new Forest Act draft to be approved by the parliament, the government is in the process of developing incentives for conservation and sustainable use of biological resources, such as providing for community forestry in the Act. The National Museums of Kenya and the Catholic Church, among others, have also initiated programmes promoting the use of indigenous medicine and also fruit and vegetables mainly for food security purposes.

Malaysia Apparently, no incentive schemes have been developed.

The Netherlands A special subsidy programme exists to support the ecological and social functions of forests on privately owned forest lands. Landowners can also benefit from subsidies intended to mitigate the negative effects of air pollution and excessive drainage.

New Zealand/Aotearoa The government qualifies the education and ready access programmes as incentives for voluntary efforts to conserve and use forest resources sustainably, and for compliance with conservation prescriptions that do not require the investment of limited resources in financial incentives or policing. Schemes also exist for private landowners to establish protected zones on their land. Incentives to plant pine are reported to be more perverse because the pine is not a native, and can cause erosion problems.

Papua New Guinea The recently approved GEF “Mama Graun” (Mother Earth) Trust Fund has the potential to provide much-needed funding for those that wish to pursue biodiversity friendly development options. Historically, landowners have perceived commercial forestry to be their only development option. The many community-based, ecologically sensitive development options elaborated by local groups have suffered from lack of finance. Also, many community-based projects continue to be encroached upon by commercial logging. This trust fund financing will fail if community projects are not given legal status that removes them for consideration from commercial development.

Russia It appears that certain incentives have been developed, but little information regarding them is available.

South Africa Participatory forest management schemes and support for the creation of community-based enterprises providing employment for local peoples in tourism are seen as incentives to help ensure the sustainable management and conservation of forests (and not plantations). A better understanding of how communities can be encouraged to minimise their impacts on forests is needed. There is a perception that because large mining, agriculture and timber companies can destroy forests legally, that it is only fair that indigenous communities be allowed to do the same.

Suriname The government has answered that no incentive system exists. However, civil society groups report that certain indirect incentives exist. On a project basis, incentives for local

In Cameroon, some measures that were announced as incentives for the conservation of biodiversity and sustainable use of forest resources have become threats. For example: long-term forest concessions that were supposed to enable forest companies to commit themselves to manage the concession in a sustainable manner have led, in the field, to rapid forest degradation.

communities have been developed as a trade-off to support nature protection in protected areas: these include employment in eco-tourism schemes, awareness raising, income-generating activities, and donations for social and village development projects.

Uganda Collaborative management is seen as an opportunity to reduce forest biodiversity loss by associating communities in the management of protected areas and allowing them selective collection of products.

United Kingdom The Forestry Commission's Woodland Grant scheme provides financial incentives for the creation of new woodlands, the improvement of existing woodlands and the management of woodlands. The United Kingdom agricultural departments also operate the Farm Woodland Premium Scheme, which promotes new woodland planting on farms, including plantations. In some cases, nature conservation agencies have established incentive schemes to encourage positive management of ancient woodlands. These schemes are voluntary and open to the owners or managers of designated sites.

Uruguay The general incentives that Uruguay has proposed, such as a national award for sustainable use of biodiversity, eco-labels, awareness-raising campaigns regarding harmful activities, and the development of eco-tourism, do not have an actual impact on forest biodiversity since they still remain at the proposal level and isolated from the mainstream forest policy.



3.10 Environmental Impact Assessment and Strategic Environmental Assessment

Have appropriate procedures been developed and implemented that require environmental impact assessments of projects that are likely to have significant negative impacts on biological diversity? If so, briefly describe the EIA procedure. If not, why not?¹⁹

Are there any plans to expand the EIA procedure to a Strategic Environmental Assessment (SEA) Procedure?²²

Environmental Impact Assessments and, on a broader land-use planning basis, Strategic Environmental Assessments (SEAs), are essential tools for assessing projects, programmes, and policies that are likely to have negative impacts on forests. In May 2000, COP V invited Parties, governments, and other organisations to take actions at the national level to address biodiversity concerns in Environmental Impact Assessments (EIAs)²⁰. The COP also emphasized the need to ensure involvement of all interested and affected stakeholders at all stages of the assessment, including indigenous and local communities embodying traditional lifestyles and environmental NGOs²¹. Parties are also encouraged to assess not only the impacts of individual projects but also their cumulative and global effects through strategic environmental assessments, incorporating biodiversity considerations at the decision-making and planning phase²².

All countries have recognised the importance of EIAs and all have enacted legislation concerning EIAs with the exception of Suriname, where such legislation is currently under development. However in many countries, enforcement is weak, lacking or flawed. SEA legislation is under development in some countries, while others have no plans to develop SEA legislation. EU countries are required by an EU Directive (2001/42/EC, June 2001) to develop SEA legislation at the national level before July 2004.

19 Article 14.1a Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.

20 Decision COPV/18, paragraph 1

21 Decision COP V/10 C paragraph 1 and Decision V/18, paragraph 1d

22 Decision V/18, paragraph 2a

In Malaysia, logging operations can avoid undertaking an EIA if the area concerned is not larger than 500 ha; monoculture plantations require only a preliminary EIA, which is not subject to public review before approval.

Australia The Australian legal context provides for EIA procedures, although the environmental NGOs expressed the belief that they are of very little benefit to biodiversity conservation. The preparation of an environmental impact assessment does not preclude development that is harmful to the environment, and sometimes does little to attach mitigating conditions to a project.

Brazil The legislative framework provides for EIAs but not for SEAs. In the majority of cases, EIAs are merely compilations of other reports and do not reflect the reality on the ground.

Canada A Canadian Environmental Assessment Act exists that prescribes conditions under which federal departments and agencies must perform environmental impact assessments. Once a project has been identified for assessment, four types of assessment are possible, depending upon the scale of the expected impacts. Environmentalists have criticised it for looking at certain specific activities, such as bridges, while ignoring other equally harmful activities such as large forest clear-cuts. The government has recently published guidelines on the implementation of the new SEA Directive.

Cameroon Cameroon's 1996 Environmental Management Law specifies that, where a development project is likely to perturb or destroy the environment, a Prior Environmental Impact Assessment (EIA) must be carried out. Implementing texts for EIAs are still awaited. There are no plans to adopt legislation regarding SEA.

Chile EIAs are required, although not for all projects (e.g. forestry developments on less than 20 ha and housing developments). The Comisión Nacional del Medio Ambiente (CONAMA) is developing a Strategic Environmental Assessment policy.

Czech Republic Legal requirements concerning EIAs will be made stricter due to the implementation of the EU's EIA Directive. A law is under preparation for an SEA.

Colombia Legal regulations (environmental licences) are required since 1994 for projects that might affect the environment. EIAs are carried out for evaluating environmental and social impacts as well as identifying ways of mitigating these impacts. At the moment there is a request to limit EIA to areas within protected areas and not even to the zones around them (as is implied in the present regulations). There are no plans to expand EIAs to SEAs.

Ghana Provisions for EIA exist, and these might be conducted by the Environment Protection Agency. There are plans to provide for SEAs.

India Under current Indian rules, 29 categories of projects under different sectors must carry out an EIA prior to project implementation. Guidelines, checklists, and questionnaires have been developed for sectors such as: industry, mining, tourism, rail and road projects, communications and new towns. Any project involving legally designated forest land requires clearance from the Forest Department (Forest Conservation Act, 1980) prior to the proposal being forwarded to the Ministry of Environment and Forests for appraisal. There is no plan to adopt SEA legislation.

Indonesia Indonesia's EIA is based on general environmental standards; relevant biological diversity issues need to be strengthened. The EIA procedure itself lacks open public participation procedures that are a critical aspect of an EIA. It is even reported that instead of being an effective official monitoring tool, the EIA has become another "corruption tool". NGOs are unaware of any plans to expand the EIA procedure to a SEA procedure.

Kenya EIA procedures are required by the Environmental Management and Coordination Act

(2000) prior to the execution of a project in Kenya. NGOs indicate that this requirement has not been met by most government projects initiated after the establishment of the act. This is especially the case where the impacts are negative and some government officials are to benefit from such projects. There are no plans to develop SEA legislation.

Malaysia The Environmental Quality Act and the EIA Order form the cornerstone of environmental law in Malaysia. However, NGOs and IPOs point out their many weaknesses and inadequacies. Consultation hardly ever occurs, and even if it does, people feel their comments have not been taken into account. It is unclear whether Malaysia plans to adopt legislation regarding SEAs, although some studies have examined the possibility.

Netherlands The Netherlands has had a law on EIA since beginning of the 80s, which has been amended to integrate EU provisions²³. The EU Directive requiring SEA will be implemented in the Netherlands within the prescribed time frame.

New Zealand/Aotearoa Resource Management Act Regulatory procedures, and Forest Act Requirements exist that require EIAs. Current requirements include, to some extent, SEA procedures. Neither are seen as adequate by NGOs and IPOs.

Papua New Guinea The environmental legislation provides a well-developed methodology for EIAs that is beyond this country's capacity and is insufficiently funded. As a consequence, logging, mining and other harmful activities continue to take place without sufficient EIAs. No attempt to develop SEAs has been made.

Russia EIAs are required, although there is some pressure from vested interests to weaken them by applying them only at regional level. No plans for SEAs have been proposed.

South Africa Existing EIAs provisions are inadequate. In most cases, EIAs can be requested at the discretion of a government official, which lays the system open to abuse. Nonetheless, plans have been formulated to incorporate EIAs into a SEA procedure.

Suriname EIA are not required by law and the monitoring capacity is virtually non-existent. Relevant legislation is in preparation. EIAs as well as SEA procedures are being drafted and developed by National Institute for Environment and Development, but have not yet been approved.

Uganda EIA procedures have been developed and implemented, although implementation is not perfect and political issues tend to override ecological issues that need addressing. The requirement that the EIA be carried by the investor is seen as a constraint to independent decision-making. There are no plans to expand the EIAs to an SEA procedure.

United Kingdom EIA provisions exist and all forestry projects require consent from the Forestry Commission, as required by the Forestry (1999) regulations. Provisions for elaborating an SEA procedure will be implemented, in accordance with the EU Directive (2001/42/EC). NGO calls for an SEA of country forestry have not been heeded by government; concerns surround a gap in the EIA provisions that leaves changes in forest management uncovered (e.g. replacing local origin Scots pine, of high biodiversity value, with exotic conifer species).

Uruguay The Biodiversity Strategy Proposal has identified several problems with Uruguay's EIA procedures. For instance, government policies are not required to include an evaluation of their harmful effects on biodiversity, project size is frequently not identified, inter-institutional coordination is poor. SEAs are not required.

²³ EU directive on EIA (1997/11/EC)

4 Executive Summary

General Conclusions

1.

Thus far, at national level, the main outcome of ratification of the CBD has been the development of National Biodiversity Strategies and Action Plans. All countries considered in this report have adopted or are developing such plans. For virtually all countries in the South and those in transition, this would not have been possible without outside funding, in most cases from the Global Environment Facility (GEF). However, implementation of the other forest-related commitments in the CBD has been sporadic.

2.

For many countries, the lack of implementation of CBD requirements, including in many cases the implementation of a National Biodiversity Strategy and Action Plan, is partly due to lack of resources. Without the GEF, few National Biodiversity Strategies and Action Plans would have seen the light of day. GEF funding to support the development of the National Biodiversity Strategies and Action Plans has been allocated to Brazil, Cameroon, Chile, Colombia, the Czech Republic, India, Kenya, Malaysia, Papua New Guinea, Russia, South Africa, Suriname, Uganda and Uruguay. Although this funding has in most cases led to the development of a National Biodiversity Strategy, there has been no or insufficient follow-up, pointing to the need for long-term support and generating institutional, legal and political structures that last.

3.

There is a surprising lack of awareness and understanding (on the part of both government and civil society) of what the CBD requires and of which commitments relate to forest biodiversity. To many, the CBD's implications for forests relate only to conservation: to the establishment of protected areas for conserving wildlife and to ex-situ conservation of more or less rare specimens. However, the CBD's commitments are not limited to this. The three objectives of the Convention are: conservation of biological diversity, its sustainable use and the fair and equitable sharing of the benefits. Further, the CBD's ecosystem approach is holistic and inclusive. All this is obviously not yet widely incorporated into the actions and mind-set of government, academia or even civil society.

4.

Although there are differing structures from country to country, as a general rule, forest-related administrative structures are fragmented within a country: often the Department of Forestry deals with forests and production, while the Department of Environment deals with biodiversity and conservation. The two administrations are often competitors: the former aims mainly to use forests for generating income while the latter aims to

preserve and conserve forests. In addition, the environmental administration is often dependent upon money from outside sources (i.e. GEF funds) in order to carry out its activities.

5.

This administrative fragmentation, combined with a lack of communication and coordination on forest matters between different government departments, is seen as a problem for the implementation of forest-related commitments in many countries such as Uruguay, South Africa, the Czech Republic and Suriname. In others such as Russia, the Forest Service has been dismissed and its remnants put under the authority of the Ministry of Natural Resources, hindering implementation of CBD commitments.

6.

There has been a failure to identify and acknowledge the underlying causes that threaten forest biological diversity. This situation reflects the fact that policy makers are either still struggling to understand or simply ignore the link between biodiversity on the one hand and forest planning and broader economic policies and programmes on the other. At the same time, the country often lacks a general environmental and sustainable development strategy. This tends to indicate a lack of political will on the part of decision-makers in both public and private sectors to address forest conservation as a cross-sectoral issue, as well as a general tendency to favour specific, powerfully articulated vested interests and to pursue business as usual.

7.

Following the Rio Summit in 1992 and the ensuing raised awareness of environmental and forest-related issues, forest policy planning did receive greater attention from donors during the 1990s. Nonetheless, a pie-sharing attitude on the part of the recipient government (to ensure receiving as much as possible from as many as possible) combined with the absence of a framework approach on the part of donors has led to the failure to integrate policies and mechanisms developed with donor support. Many donors, including the GEF, suffice with giving money for developing projects in isolation from developing true strategies. The result is inadequate in time and scope.

8.

Generally, the COP has failed to provide the strategic planning that would have given the Parties to the CBD a comprehensive vision, adequate priorities and overall guidance to the many articles and subsequent COP decisions that are critical for effective and participatory implementation of those commitments.

9.

The research demonstrates that NGOs tend to carry out watchdog, monitoring duties that supplement government surveillance by alerting officials to problems and violations (and indeed, in some cases, constitute the only monitoring activities in practice). Also, frequently small-scale projects of interest are piloted by NGOs, occasionally in co-operation with indigenous and local communities; these could be useful in informing subsequent action by authorities. Nevertheless, government-NGO relations are often strained or marked by distrust. Sometimes relations are almost adversarial, due to the power and influence of well-articulated and well-represented economic interests – even to the detriment of existing legislation. The relationship between governments and NGOs is rarely co-operative, yet on those rare occasions where this has been the case, the positive impact on the planning process and project implementation, as well as the benefits to the agendas on both sides, is considerable.

10.

At national level, often countries that have navigated the CBD's various commitments and have successfully cleared such hurdles as the elaboration of processes and programmes, and the taking of steps to implement these, fall at the hurdle of enforcement.

Commitments made under the CBD are typically under-enforced if enforced at all, especially when enforcement would run counter to powerful economic or political interests.



Conclusions regarding the Status of Implementation of Forest-Related Clauses in the CBD

This report provides a picture of the status of the Parties to the CBD with regard to implementation of relevant CBD commitments, such as reporting requirements, implementation and integration between National Biodiversity Strategies and National Forest Programmes, monitoring negative impacts, participation of stakeholders, establishing protected areas and respect for indigenous peoples' rights. However, due to time constraints and insufficient or inadequate answers provided by certain governments, it is acknowledged that the actions surrounding EIAs, SEAs, threatened species and incentives are inadequately detailed in this report and require further research. Nonetheless, regarding the process of implementing CBD commitments, one can conclude that:

11.

The exercise of elaborating the country report has led to an increased discussion between governments and environmental and social NGOs. In Chile, South Africa and Suriname, face-to-face meetings between NGOs and governments took place to discuss the content of the country report. In some cases, this was the first time civil society had met with government representatives to discuss forest biodiversity issues.

12.

In approximately half of the cases, government officials were not forthcoming in providing the necessary information to the country monitor. In Cameroon, Chile, Kenya, and Indonesia for example, the country monitors had to go to great lengths, only to be provided with minimal answers to the questionnaire or comments on the draft country report, leaving a great deal of vagueness and uncertainty. In Russia and PNG, despite repeated requests and contacts, there was no government response at all. Possible reasons for such aloofness range from a lack of capacity within governments to deal with queries for information, to a blatant disinterest in biodiversity conservation, and or a participatory approach. Furthermore, it is our experience that many governments become defensive when approached by NGOs wishing to monitor the implementation of commitments made. Seemingly, their self-fulfilling presumption is that government-NGO relations are necessarily adversarial. *See conclusion 9.*

Reporting Requirements

13.

Full reporting requirements have only been met by less than a quarter of the countries researched: Australia, Canada, the Netherlands, Aotearoa/New Zealand and the United Kingdom.

14.

Many governments feel overburdened by the numerous reporting requirements from the international environmental agreements, which are seen to be cumbersome, uncoordinated and on occasion, repetitive. *See box at page 13.*

15.

Questions have been raised as to the quality of the current reporting system under the

CBD: no adequate process exists to assess, verify or discuss national reports. None of the Parties' reports submitted to the CBD Secretariat has been elaborated in a consultative manner that might have yielded more accurate and helpful insights.

Implementation and Integration

16.

Virtually no integration has taken place between National Biodiversity Strategies and Action Plans and National Forest Programmes; the Netherlands and the United Kingdom provide the only notable exceptions. While in some cases, the National Forest Programme is integrated in the National Biodiversity Strategy (Australia, Kenya), only in the Netherlands, India and the United Kingdom has the National Biodiversity Strategy been integrated into the National Forest Programme. The practical consequences of this become apparent when one considers that, in most cases, the National Forest Programme puts a strong emphasis on the economic value of forests.

Stock-taking and Monitoring

17.

Although most countries have some sort of monitoring system in place to monitor activities that are likely to have a significant negative impact, with two exceptions, no country has carried out a full inventory of activities likely to cause significant harm to forest biological diversity. In most countries the monitoring scheme is not seen as sufficient to monitor biodiversity loss across the country.

Participation

18.

Participation of stakeholders in the development and implementation of National Biodiversity Strategies and Action Plans, and in determining priority actions is generally inadequate. Notable exceptions are the United Kingdom, the Netherlands and to some extent, New Zealand/Aotearoa and India. Indigenous peoples specifically are excluded in countries that otherwise have participatory processes, such as Brazil.

19.

Many country reports (Brazil, India, Indonesia, Malaysia) highlight that civil society is very active in its efforts to influence policies that have impacts on forests and forest peoples, undertaking actions at all levels, from the local farmer community fighting a shrimp farming project in a mangrove area to indigenous peoples organisations addressing the government directly.

Protected Areas

20.

All countries researched have established protected areas. However, in no instance is this network of protected areas viewed as sufficient to sustain biodiversity: the network is both too small and too fragmented. Virtually all countries report conflicts between government and indigenous peoples or local communities because, in the process of

establishing protected areas, indigenous or customary rights to land have been ignored. Only now is prior informed consent with indigenous peoples and local communities being employed by a few countries in the establishment of protected areas; only now are first steps being taken towards joint management of these areas.

Indigenous Peoples' Rights

21.

According to most governments, Article 8j regarding respect for and preservation of the knowledge and practices of indigenous peoples and traditional communities, as well as the equitable sharing of the benefits of that knowledge, is well implemented. According to various indigenous groups this assertion can be debated. Whereas indigenous peoples in many parts of the world, are directly involved in biodiversity conservation and use, the lack of involvement of indigenous peoples in national biodiversity processes is noteworthy. *See conclusion 18 and 20.*

22.

Most countries have taken some limited steps to protect and encourage customary or traditional use of biological resources. However, most of these initiatives are very small and are linked to NGO activities. Virtually none of the countries has developed a full programme to protect and encourage customary use of biological resources in accordance with traditional cultural practices, as required by article 10c of the CBD. Virtually no country has recognized that compliance with article 10c requires recognition of and respect for indigenous peoples' land and resource rights, a fundamental prerequisite to protection and encouraging customary use of biological resources.

5 Recommendations

1.

It is time for the Conference of the Parties of the CBD to assert its leadership concerning forests, given the CBD's holistic mandate and binding character and, substantively, the nature of forests as the terrestrial strongholds of the Earth's biodiversity. Several key decisions and processes related to forests have laid important foundations for such a leadership role, for example, the ecosystem approach for sustainable forest management, the establishment of an ad hoc technical expert group on forests, the review of the impact of climate change on forest biological diversity, as well as the action-oriented holistic work programme on forests (2002-2010) prepared by SBSTTA 7 and the Strategic Plan, both for adoption at COP VI.

2.

The Conference of the Parties must provide better guidance to the Parties to ensure the Convention's adequate implementation at national level. Particularly recommended are:

- The adoption by COP VI of a strategic plan that focuses on the integration of biodiversity into other sectors, including the forestry sector; guidance on development, implementation and review of the National Biodiversity Strategies and Action Plans and full participation of all stakeholders in implementing CBD commitments;
- The adoption by COP VI of a holistic work programme on forest biological diversity prioritising: the identification and elimination of perverse incentives leading to forest loss; the establishment of a comprehensive and effective network of protected areas, based upon the ecosystem approach (which may include trans-border regions), subject to the prior, free and informed consent of indigenous peoples, should these areas overlap their traditional territories as well as the prior resolution of territorial rights issues in those areas; the recognition and establishment of indigenous owned and managed protected areas; mechanisms to recognize and incorporate indigenous or local community management and co-management of all protected areas that affect their traditional territories;
- A commitment to start a review process by the Parties on protected area laws and policies, especially their current ability to facilitate or hinder prior informed consent and joint management with local and indigenous peoples;
- The adoption and implementation of binding rules related to mandatory and equitable sharing of benefits derived from exploitation of genetic resources with specific regards to the rights of indigenous peoples and local communities;
- A commitment to develop and implement mandatory social and environmental regulations for companies, foreign direct investment and export credit agencies;
- A commitment to separate national reporting on forests from reporting on large-scale industrial tree plantations. The latter report should include both positive and negative impacts on forest biological diversity;
- A commitment to create national-level forest biodiversity working groups to follow-

- up and monitor the implementation of forest related commitments at that level;
- A commitment to generate increased understanding by governments and NGOs concerning the three objectives of the CBD: conservation, sustainable use, and benefit sharing, as well as the ecosystem approach as a vehicle for attaining these three objectives;
- The creation of a forest biodiversity focal point/ administrative helpdesk within the CBD Secretariat to support national implementation of forest-related commitments.

3.

Today, nearly one fourth of the forest areas in the most forested countries in the South is owned (14 percent) or officially administered (8 percent) by indigenous peoples or local communities, as a result of recent government recognition of local claims and devolution²⁴. The discussion of recognition of indigenous peoples' rights (including land-rights) has reached a new dimension and taken on increased urgency. With an increasing area of all high-biodiversity forest-lands in the hands of indigenous peoples, the recognition of indigenous peoples' rights is an essential precondition for biological conservation. Clearly, there is a need for increased political will and greater openness on the part of government actors to involve civil society generally, and still more urgently, indigenous peoples and local communities, in forest policy-making fora and groups. In accordance with article 8j, 10c and others, it is recommended that COP VI:

- Establish binding procedures, consistent with international human rights guarantees, for addressing indigenous peoples' territorial rights as part of recognizing that indigenous territories provide the material and spiritual foundation for their traditional knowledge systems and customary tenure over and use of biological resources;
- Recognize and establish procedures recognizing the existence and applicability of indigenous peoples' legal, political and cultural institutions and systems, as a fundamental and inextricable prerequisite, to protection and encouragement of customary use of biological resources and the maintenance and further development of indigenous knowledge systems.

4.

The Conference of the Parties should elaborate guidelines for procedures acceptable to indigenous peoples and local communities to facilitate participation of these groups in developing and implementing CBD commitments, specifically at the national level. A lead in this direction can be provided by building on approaches adopted by some countries for preparation of National Biodiversity Strategy Plans and National Forest Programmes. In particular COP VI should:

- Ensure that the principle of prior free and informed consent is required for all actions taken under the Convention that may affect the rights of indigenous peoples and local communities and their interests.

5.

The CBD should establish a mechanism to verify the proper development and implementation of National Biodiversity Strategies and Action Plans. Issues to be addressed include:

- Adequate resources for countries to develop and implement National Biodiversity Strategies and Action Plans, ensuring adequate participation of all relevant parties, and especially of indigenous peoples and local communities;

- The development of guidelines to establish national monitoring processes of actions undertaken to implement National Biodiversity Strategies and Action Plans and methods for reporting to the COP on the implementation process;
- Effective participation and capacity building of civil society. Increased efforts must be made to include indigenous peoples; experience has shown that, to date, they have been systematically excluded in many countries;

6.

Efforts must be renewed to integrate reporting requirements and information sharing with the secretariats of other international environmental agreements in a more rationalized procedure. The CBD should take the lead to develop, with other conventions and agencies innovative and specific reporting procedures by:

- Developing a forest-reporting format common to several instruments (UNFF-CBD-UNFCCC, CCD). This could be based on the model of the common reporting instruments between the Ramsar Convention and the CBD;
- Actively including civil society in reporting procedures.

7.

The widespread attitude that failure to fulfil reporting requirements does not constitute a serious infringement of the obligations of the Convention must be adjusted to reflect the serious consequences in terms of implementation of the CBD.

8.

In the name of information-sharing, examples of good practice in implementing the CBD on the national level should be better highlighted and made available through the CBD Clearing House Mechanism.

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Annex 1 Country Monitors

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Annex 2 Questionnaire

REPORTING

- 1 Has the government sent its national report on the implementation of the CBD to the CBD secretariat? If yes, when?
- 2 Has the government sent its thematic report on forest ecosystems to the CBD secretariat? If yes, when?

IMPLEMENTATION AND INTEGRATION

- 3 Has a national biodiversity strategy been developed, adopted and implemented? If yes, at which date has it been adopted? If adopted, please give a brief description of the state of implementation
- 4 Has a national forest plan/programme been developed, adopted and implemented, as part of the governments' commitment to the IPF process?
- 5 Is the national biodiversity strategy integrated in the national forest plan/programme? If yes, describe in what way. If no, is there an explanation why not?
- 6 Is the national forest plan/programme integrated in the national biodiversity strategy and action plan? If yes, describe in what way. If no, is there an explanation why not?

Article 6

Each contracting party shall in accordance with its particular conditions and capabilities develop:

- a Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the contracting party concerned; and*
- b Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.*

NEGATIVE IMPACTS ON BIODIVERSITY AND MONITORING

- 7 Has an inventory taken place of all activities that are likely to have significant negative impacts on the conservation and sustainable use of forest biological diversity? If yes, describe these activities.
- 8 Are these activities monitored? If yes, describe briefly the monitoring process?
- 9 If a significant negative effect of a particular process or activity has been determined, has that activity or process subsequently been regulated or managed?

Article 7

- c Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques.*

Article 8

- l Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities.*

PARTICIPATION

- 10 Have all stakeholders, including indigenous peoples and environmental NGOs been invited to contribute to the assessment of status and trends, including gaps and priority actions needed to address threats to forest biological diversity?

Decision V/4 of COP V, no 15

Requests the Executive Secretary to invite relevant organisations and forest related bodies, institutions and processes, including criteria and indicator processes, as well as indigenous and local communities, non-governmental organisations and other relevant stakeholders to contribute to the assessment of status and trends, including gaps and priority actions needed to address threats to forest biological diversity.

PROTECTED AREAS, AND BIODIVERSITY CONSERVATION

- 11 Has a system of protected areas been established?
- 12 If yes, are there any land-right claims or disputed areas in the protected areas? If yes how has the government dealt with these?
- 13 Is there a system in place to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas?

Article 8

- a Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity*
- b Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity.*
- c Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use.*

INDIGENOUS PEOPLES' RIGHTS

- 14 Has action been taken towards the implementation of Article 8j and related provisions?
- 15 Is there a programme to strengthen indigenous and local communities participation in the National Biodiversity Strategy and Action Plan?

Article 8

- j Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous*

and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Work Programme on Forest Biological Diversity: A3e.

To identify traditional forest systems of conservation and sustainable use of forest biological diversity and to promote the wider application, use and role of traditional forest related knowledge in sustainable forest management and the equitable sharing of benefits, in accordance with article 8j and other related provisions of the Convention

Decision V/16 of COP V, 2a

Provide opportunities for indigenous and local communities to identify their capacity needs with the assistance of governments and others, if they so require.

Decision V/16 of COP V, 12c

Provide for sufficient capacity in national institutions to respond to the needs of indigenous and local communities related to Article 8j provisions

THREATENED SPECIES

16 Has legislation been developed for the protection of threatened forest species and populations?

Article 8

k Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.

CUSTOMARY USE AND LOCAL SUPPORT

1. Is there a programme in place to protect and encourage customary use of biological resources in accordance with traditional cultural practices? If yes describe the programme. If not, why not? Is such a programme planned for the future?

18 Are local populations supported to develop and implement remedial action in degraded forest areas? If yes, give examples. If no, why not?

Article 10

c Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

d Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced.

INCENTIVES

19 Have incentives been developed, adopted and implemented for the conservation and sustainable use of forest biological diversity? If yes, describe these incentives

Article 11

Each contracting party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

ENVIRONMENTAL IMPACT ASSESSMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT

20 Have appropriate procedures been developed and implemented that require environmental impact assessments of projects that are likely to have significant negative impacts on biological diversity? If yes, briefly describe

21 Are there any plans to expand the EIA procedure to a Strategic Environmental Assessment (SEA) Procedure?

Article 14.1

a Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.