

Mainstreaming International Forestry Related Agreements at National Level

Jones Kamugisha-Ruhombe

GAF COSULT LTD., Plot 9, Mutesa Road, Buziga Hill, P.O. Box 11105, Kampala, Uganda

Email: Ruhombe@africaonlineco.ug

Abstract

The case study provides in-sights on initiation, negotiation and implementation of International Forestry Related Agreements (IFRAs). It is observed and concluded that (i) there is low and inconsistent participation by Africa in international forest processes that lead to IFRAs, ostensibly due to lack of funds, (ii) Africa is not influencing the outcomes of the processes, (iii) African national institutions face challenges in mainstreaming outcomes IFRAs, not only due to lack of capacity, but also because of poor ownership of the outcomes, (iv) African forestry institutions have many overlapping international and regional initiatives to deal with that require substantial resources, which are not readily available, (v) there is inadequate participation by the private sector, (vi) countries send different individuals to successive forums resulting in lack of institutional and policy memory and hence continuity. In extreme cases, this has resulted in countries taking contradictory positions on specific issues in successive sessions, (vii) many countries send delegations without adequate preparation, and (viii) many countries lack competent resource persons to handle issues under discussion. In some cases, there is little understanding and consensus at national level on issues under international debate. As a result of the foregoing, there is limited awareness and appreciation within African governments on existence of the instruments and countries lack a critical mass of people knowledgeable on them. Accordingly, it is not easy to mainstream IFRAs into national policies, laws and strategies. A structured layered approach for participation and feedback is proposed to expedite effectiveness and implementation.

Key words: International Forestry Related Agreements, mainstreaming, participation, national forestry programmes, Africa

Introduction

This case study presents a typical situation and provides detailed in-sights regarding initiation, discussion, negotiation and implementation of International Forestry Related Agreements (IFRAs). It is necessary to track, briefly, the evolution of the IFRAs before any discussion on how they have and/or can be mainstreamed in national-level policies, laws and strategies. A typology of what the IFRAs are is also needed in order to gain a fuller internalisation of what they imply. An understanding of the whole procedure should result in a better appreciation of how hard or easy it is to mainstream them into national policies, laws, strategies and processes in Africa.

Evolution

Global interest in forestry increased in the 1970–1980s, in response to the rapid deforestation and forest degradation in the tropics. The past two decades have witnessed unprecedented flux in global forestry dialogue. Early interest in forestry led to development of the Tropical Forestry Action Plan (TFAP) in the

mid-1980s. This interest gained thrust together with one on broader issues of conservation of natural resources and environment, culminating in the 1992 Earth Summit organised by the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil (see Box 1).

At UNCED forestry became politicised, divisive, acrimonious and contentious and debate shifted focus from “tropical forests” to “all types of forests”. There were clear “battle lines” between developed and developing countries, the latter insisting that nations have sovereign rights over their forests and must use them for socio-economic development. The former tended to view forests as “global commons”. UNCED was a watershed for forestry. For the first time ever, forest issues became priority on international policy and political agendas. Attempts were made to reach agreement on a forest convention, but instead, the ‘*Non-Legally Binding Authoritative Forest Principles*’ were agreed (see Box 1).

Other multilateral environmental agreements (MEAs) relevant to forestry that were reached at UNCED include the *Convention on Biological Diversity* (CBD), the *United Nations Framework Convention on*

Climate Change (UNFCCC) and the United Nations *Convention to Combat Desertification* (UNCCD). There are also the *Convention on Trade in Endangered Species* (CITES), the World Trade Organisation (WTO) negotiations and other protocols and processes relating to forestry including, the Montreal Process, FAO's Committee on Forestry (COFO) and African Forestry and Wildlife Commission (AFWC), International Tropical Timber Organisation (ITTO), African Tropical Timber Organisation (ATTO), World Forestry Congress, Economic Commission for Africa (ECA) and *Conférence des Ministres en charge des Forêts d'Afrique Centrale* (COMIFAC), that some African countries are signatory to and/or have participated in. In particular, a number of African countries have been active in the *Intergovernmental Panel on Forests* (IPF), *Intergovernmental Forum on Forests* (IFF) and the *United Nations Forum on Forests* (UNFF) processes of the United Nations Commission on Sustainable Development (CSD), which have been and still remain the main and most influential meeting place for world forestry. Box 1 depicts the milestones in the evolution of key IFRAs.

Box 1. Evolution of IFRAs

1. Road to Rio

- First World Conference on Environment—1972, Stockholm;
- Brundtland Commission—1983;
- Report "Our Common Future"—1987; and
- Preparation for Rio—1989.

2. Conference on Environment and Development (UNCED)

- Rio Declaration on environment and development;
- "Agenda 21"—a plan for, *inter alia*, conservation and management of natural resources for development;
- Statement of Non-legally Binding Authoritative Forest Principles for Sustainable Management of Forests (SFM);
- Agreeing the MEAs; and
- Establishment of the CSD under the Economic and Social Council (ECOSOC) of the UN.

3. Initiation of the IPF/IFF/UNFF process—resulting in 270 "proposals for action".

4. The World Summit on Sustainable Development (WSSD)—Johannesburg 2002—Brought together thousands of participants, including heads of State and Government, national delegates and leaders from NGOs, businesses and other major groups to focus world attention and direct action toward, *inter alia*, improving and conserving natural resources in a world that is growing in population, with ever-increasing demands for food, water, shelter, sanitation, energy, health services and economic security.

Participation in IPF/IFF/UNFF Process

The IPF/IFF/UNFF process started in 1995 and it has so far held 15 sessions and several government-led inter-sessional initiatives in support thereof, resulting in 270 "proposals for action". At its first session in New York, Uganda and Gabon were the only African countries that sent participants from capitals. The few other African representatives came from their Permanent Missions in New York. As a result, the IPF Secretariat integrated those participants into the process. Consequently, the New York-based African diplomats became a permanent fixture in the process, rather than expertise from the capitals.

During the IPF/IFF/UNFF process, there has been a lot of lobbying by developed countries for support of issues of interest to them, especially through sponsoring "inter-sessionals". The agenda for inter-sessional meetings is set by developed countries and issues addressed are not necessarily priority issues for Africa, although African countries are co-sponsors. Such countries have had limited leverage to influence issues to be discussed. For example, while South Africa, Senegal and Uganda co-sponsored IPF inter-sessionals, they contributed little more than legitimacy to the process as they had limited influence on the choice of the "topic" for the inter-sessional.

It is also observed that during the entire process, Africa was given a back seat in the Bureau, which is the most important unit in the process since issues to be considered as global priorities emanate from it. The trend continued up to UNFF3. The Chair and co-Chair of IPF and IFF rotated to all the regions of the world except Africa. Probably if Africa had been given the opportunity to co-Chair the Bureau, its priorities could have found their way onto the agenda. For instance, issues of woodfuel, agroforestry and forest plantations are important to Africa. At IPF4, Uganda and Zimbabwe frantically manoeuvred to get these issues included in the text using a "British Commonwealth" connection to co-sponsor a motion during a plenary after all other means had failed.

UNFF was established in 2001 to continue the international dialogue on forestry, building on the IPF/IFF process. It has a small Secretariat in New York. UNFF1 adopted the UNFF Plan of Action (PoA) and the Multi-Year Programme of Work (MYPOW). These are products of the UNFF Secretariat and the Collaborative Partnership on Forests (CPF) (FAO, World Bank, ITTO, CIFOR, ICRAF, UNEP, IUFRO, IUCN, UNDP and secretariats for MEAs), which is the successor of the Interagency Task Force on Forests (ITFF) of IPF/IFF. The ITFF/CPF members made sure that issues of interest to their agencies were integrated into the global priority issues. Africa was not part of the process leading to the PoA and the MYPOW and only became involved in approval.

The structure of the negotiations at these processes has not given room to African experts to

fully participate. Negotiations take place primarily within and by regional groups – European Union (EU), the Japan, United States of America, Canada, Australia, and New Zealand caucus (JUSCANZ), Group of 77 and China (G77 and China) and some other influential countries (Brazil, India, Malaysia, Indonesia and lately South Africa). Moreover, the lead negotiator for G77 and China is always the Chairman of G77 and China from the New York Permanent Missions to the UN. African countries belong to the Group 77 and China. A diplomat from the G77 and China makes statements on behalf of over 100 diverse countries.

In essence, the G77 and China is another UN minus developed countries and it is as difficult to get African forestry priority issues included in G77 and China statements as it is in the plenary sessions. The result depends very much on which country chairs the group at a particular session. The posturing and grandstanding in G77 and China, the manipulative tendencies based on the colonial history and bilateral ties and the behind-the-scenes “trading” are serious problems that beleaguer the process. Worse still, while participation in the group is voluntary, the group often takes binding positions for all “developing countries” and even negotiates on behalf of them. In this vein, it is difficult for example, to see what forestry priorities Argentina and Burkina Faso have in common or China and Uganda. This process masks Africa’s interests and undermines its negotiating power.

It has been argued that the intergovernmental dialogue has not benefited at all from African experts or inputs and *vice versa*. Many African “forest” countries do not send professionals from the capitals and do not even order the local ambassador to participate. Of course, it may be argued that IFP/IFF/UNFF were/are, after all, discussions of forestry issues and may, therefore, not be of great interest to all of Africa, given that many countries in Africa do not have significant forests. Still, there ought to be at least 20–25 countries forming a “natural” African group participating in the meetings. Many Africans who have participated and followed the IFP/IFF/UNFF feel the process is a waste of time and resources and a tactic to keep people talking “sustainably” to avoid taking bold decisions in favour of SFM. Generally, it has been observed that:

- (i) There is a very low and inconsistent participation of African countries in the various international forest processes, ostensibly due to lack of funds;
- (ii) Africa is not influencing the outcomes of the processes, yet any resulting decisions bind or affect it;
- (iii) National institutions in Africa face severe challenges in mainstreaming the outcomes of the international processes, not only due to lack of financial and technical capacity, but also because of poor ownership of the outcomes resulting from inadequate involvement in their evolution;

- (iv) African forestry institutions are faced with many overlapping international and regional initiatives requiring substantial human and financial resources to be adequately covered;
- (v) There is inadequate participation by some important players in the forest sector, particularly the private forest industry, in addressing key issues affecting the sector;
- (vi) Countries nominate different individuals to successive forums resulting in lack of institutional and policy memory and hence continuity. In extreme cases, this has resulted in countries taking contradictory positions on specific issues in successive sessions;
- (vii) Many countries send delegations without adequate preparation. Delegations often lack technical capacity to meaningfully contribute to the debates; and
- (viii) Many countries lack resource persons who are “on top” of issues under discussion. In some cases, there is little understanding, dialogue and consensus at national level on the issues under international debate.

The climate of debate and number of African participants seem to have improved in recent years. Also, there is possibly no longer a pronounced North-South conflict, although the debate continues to be heavily influenced by the North, given especially that still many developing African countries do not take part. In view of the lopsided attendance, it is plausible to question the legitimacy of the IFRAs. Table 1 and 2 show the statements made in meetings they attended as an indicator of effective participation.

Africa’s participation is essential as there are potential benefits, such as exposure to new concepts and approaches to forest management and making contacts. This helps the continent to understand the global dynamics of the sector and to shape its own destiny thereof. Contacts with the rest of the world also help Africa to get information on technical and financial opportunities and develop its own professionals and systems. Other countries would also benefit from a greater African presence, not least because African delegations often bring realism to the meetings.

Mainstreaming IFRAS in National Processes

Introduction

It has been shown that there is low participation and input from Africa in the development of IFRAs. There is also limited awareness and appreciation within African governments on existence of the instruments and countries lack a critical mass of people knowledgeable on them. Accordingly, it is not easy to mainstream IFRAs into national policies, laws and strategies. Countries that have developed national

Table 1. Number of statements by African participants in IPF/IFF/UNFF—Country Details

Country	IPF1	IPF2	IPF3	IPF4	IFF1	IFF2	IFF3	IFF4	UNFF 0	UNFF 1	UNFF 2	UNFF 3
Angola								0			1	
Benin				0			3	1			2	
B. Faso			0							1	0	
Cameroon			3	0		3	0			0		0
Congo				4								7
Ethiopia												1
Gabon	1	8	9	12	0	14	3	2	2	1	0	
Ghana		3	0	0			1	5	1	4	5	
Kenya		5	2									0
Lesotho											0	2
Malawi		0									1	
Mali		0	5			0	0	1			0	
Mauritius								0			1	
Namibia							5	1				0
Niger				1		5		1			0	0
Nigeria					0		7	1	1	13	2	0
SA		2	5				1	0		8	7	3
Senegal			4	4		1	2	2			5	11
Sudan			0	0			0	0		1	0	0
Tanzania		5	0		0						0	
Togo		0	0	0							0	4
Uganda	7	11	10	8	0		0		1	1	0	0
Zambia			0				0	2				
Zimbabwe		10	9	4	0	6		1		0	0	1

Table 2. Number of Statements on Regional Basis

	IPF1	IPF2	IPF3	IPF4	IFF2	IFF3	IFF4	UNFF0	UNFF1	UNFF2	UNFF3
Statements	204	414	504	572	805	615	341	100	638	269	484
US	24	22	36	105	111	77	41	8	118	32	61
EU-chair	20	21	38	51	104	74	26	10	117	22	56
EU-countries	27	59	61	3	7	6	0	0	0	21	20
JUSCANZ	44	91	121	130	181	176	109	28	172	55	140
Sum OECD	115	193	256	289	403	333	176	46	407	130	
% Total ¹	56	47	51	51	50	54	52	46	64	48	57
G77-Chair	33	17	40	78	107	57	14	14	113	24	72
Africa	8	44	47	33	29	22	17	5	13	23	29
% Total ²	3.9	10.6	9.3	5.8	3.6	3.6	5.0	5.0	2.0	8.6	6.0

forestry programmes (NFPS) have had the opportunity to internalise the IFRAs. But still implementation of NFPS is proceeding very slowly in many countries largely because of lack of political goodwill and commitment arising from the weaknesses aforementioned.

It should be noted that, locally, the instruments are handled in an extremely *ad hoc* manner, as there are no designated repositories. It is not clear whether the

repository is the ministry responsible for justice, foreign affairs or forestry. In many countries, responsibilities are scattered in different ministries and this confounds coordinated implementation. The absence of a dedicated office hampers consistent action and quite often the ministry responsible for foreign affairs plays a more technical role than it probably should. There is often stiff competition in some countries between

¹ The number of "statements" from US and JUSCANZ in relation to all statements

² The number of statements by African countries in relation to all statements

national agencies to host secretariats for international instruments and it seems the agency that defends its interests best ends up taking responsibility.

Probably the foregoing would not pose problems if there were formal mechanisms for co-ordination and co-operation. Any of such that exists depends on quasi-formal individual contacts and goodwill and is, therefore, neither institutionalised nor binding. In view of all these, ratification of IFRAs is never technically informed and occurs rather haphazardly without any form of national consensus. Under the circumstances, implementation of most international instruments is often by default. It is necessary to identify one institution in each country to host the IFRAs for better coordination of dialogue on these issues, mainstreaming the outcomes into national processes and monitoring of implementation. Measures outlined below may expedite mainstreaming at national level.

Representation from home offices

The IPF/IFF/UNFF, Conference of Parties (CoPs) meetings for the MEAs and meetings of other processes (*vide para. 4*) have been, and are still, a mixture of technical and political matters, which makes it difficult to determine the right type of participation. UNFF is still very much dominated by diplomats. They easily take over and dominate sessions. In due course, much effort is dissipated discussing words. While diplomats are expert negotiators on text, they are often deficient on substance. African experts from the capitals end up as spectators. Even when they intervene substantively, their views never make it into the negotiated text.

The foregoing begs the question whether Africa should be represented by forest administrators, diplomats, who belong to ministries responsible for foreign affairs and, hence, have limited ability to influence mainstreaming in national level forestry processes or by experienced technical professionals, who may have the disadvantage that their "convening power and authority" is limited. Many forestry administrators in Africa do not necessarily reach the top on merit but through years of employment. Some are political appointees. They may not, therefore, possess what it takes for effective representation and active participation in international negotiating processes. At any rate, there is a demand for a combination of competencies that naturally cannot be possessed by one individual or official. Thus, a deliberate mix of administrators, technically qualified people, skilled negotiators and others with institutional and policy memory is not only desirable but essential. This is the case with delegations from developed countries.

Role of African political groupings

The many African political and economic groupings (SADC, EAC, ECOWAS, COMIFAC, AU) are so far playing no significant role in the global forestry

dialogue and yet they could justifiably be seen as equivalent, to say, the EU. Forest goods and services are trans-boundary in nature and herein rest their attribute as "global commons". The global dialogue on forestry hinges on this. Although the thinking is necessarily global, action eventually has to be local. Thus, to make the global dialogue relevant to local action, it is necessary to engage African political blocs and organs. For example, it would be good if UNFF was preceded by a "national conference" to discuss the issues, followed by regional meetings and then followed by a continent-wide meeting of regional representatives at the AU level to hammer out continental consensus and positions. This way, one gets a political backing of the process, not only for the purpose of authoritative negotiations but also to secure commitment to results from the international forum and hence enhancing domestic ownership and prospects for national level action. Through such a procedure, it would not even be necessary for every country delegation to make a statement or even for every country to send a delegation for that matter.

Feedback and follow-up of decisions

Delegates participating in the process do not communicate outcomes to relevant national agencies and interest groups back home. In many cases, therefore, national agencies responsible for implementation are unaware of the outcomes and are unable to appropriately feed into national processes. There is little policy advocacy at national and regional levels to ensure that process outcomes are mainstreamed even into NFPs. As such IFRAs are not very well known in the capitals, not even among foresters. It is necessary for each of the global forestry dialogue processes, at least the UNFF, to establish a procedure for tracking in-country follow up, preparing back-to-office reports and organising formal meetings for reporting back. The processes should also guarantee a minimum set of documents to be given to each delegation, documents that will then be essential in reporting back and sharing at home.

Effective African participation

Statements are made on a voluntary basis and this is why some African delegations attend the entire session but make no statements at all as this depends on the individual's capability, experience and confidence. Plenary sessions and working groups should be structured in such a way that time slots are provided for each delegation to make a statement. This would force passive delegates to be under obligation to prepare and say something. Unless one has great personal confidence and technical experience and is comfortably in command of one of the UN languages, it is difficult to come from a poor African country

and make a statement in a UN plenary. Technical people, who may not be very apt in negotiation, can be effective behind the scenes and provide inputs to those that speak and negotiate on behalf of Africa. A well-composed and technically and regionally balanced pan-African delegation can easily resolve the issue of effective participation. USA and EU use such supplementary skills most effectively.

An ideal international process should follow a political pathway and have a good mix of administrative, diplomatic and technical cadres in the national/regional delegations. National conferences could be dominated by technical people and as one moves up to sub-regional, continental and, finally, the international levels, politicians, diplomats and administrators could gradually become more dominant in the teams. Inter-sessional meetings and supplementary processes are essential to elaborate and prepare the technical issues and they often provide good fora for frank and analytical work, a domain for technical people. Therefore, in any meaningful global dialogue on forests and forestry, technical people should be encouraged and supported and their views respected.

Today in Respect to Foregoing Issues

The foregoing prompted the SFM Project in Africa Phase I to facilitate setting up of a Technical Support Team (TST) of African experts to:

- (i) Assist countries with analyses of African concerns in international forest processes;
- (ii) Mobilise and co-ordinate enhanced participation of Africa; and
- (iii) Provide technical backstopping and guidance to the "African Group" (AG)—a caucus of diplomats in N. York—to negotiate better.

The AG, with support from TST, operated at UNFF5 and opportunistically gained visibility and recognition when discussions within the G77 and China collapsed. At UNFF6 the AG conducted its business outside the G77 and China and was very effective in negotiations, thanks also to the logistical and moral support from the AU Observer Mission to the UN in New York. The SFM Project also facilitated strategising Africa for UNFF7 through various dialogues on the continent and supported the TST at UNFF7, where the performance of the AG and TST show-cased Africa at its best. Indeed the continent has to find ways and means of institutionalising and sustaining the work of the AG and the TST. In this regard, the formation of the Africa Forestry Forum offers exciting prospects.