

The interface between Sustainable Forest Management and ABS

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The interface between forests and ABS at the international level

Synergies between UNFF and CBD Processes

- The CBD and UNFF have two separate but parallel processes dealing with forests and forest biological diversity, as well as other cross sectoral issues like access and benefit sharing
- However, there are significant areas of synergy between the CBD Programmes of Work on ABS, Art. 8(j), and Forest Biodiversity, and the UNFF *Non-legally binding instrument on all types of forests*

Non-legally binding instrument on all types of forests (NLBI)

- The NLBI addresses the management, conservation and sustainable development of forests.
- Article 6(f) : national policies should “support the protection and use of traditional forest-related knowledge and practices in sustainable forest management, with the approval and involvement of the holders of such knowledge, and promote fair and equitable sharing of benefits from their utilization, in accordance with national legislation and relevant international agreements.”

Forest Certification Schemes

- Certification is both a market-based instrument and a ‘soft’ policy tool for promoting positive social and environmental outcomes
- Certification schemes could be useful in the ABS context by setting voluntary standards for bio-prospecting, which might complement ABS laws and policies by fostering greater confidence between users and providers (see Union on Ethical BioTrade’s Verification Framework on Native Natural Ingredients, Principle 3 “Fair and equitable sharing of benefits derived from the use of biodiversity”)

Reducing Emissions from Deforestation and Forest Degradation (REDD)

- While REDD and ABS are two distinct mechanisms, synergies could exist between the two, particularly in relation to the concept of REDD-Plus first put forward in the UNFCCC Bali Action Plan.
- The Bali Action Plan requested action on policy approaches and positive incentives relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries [REDD-Plus] (para. 1(b)(iii))

The interface between forests and ABS at the national level in Africa

Forest Tenure

- National forest tenure schemes may raise ABS considerations when they define customary forest ownership rights and arrangements for the access, management and use of forest resources
- Several countries have initiated progressive tenure reform through the transfer of management and use rights from the state to local communities, indigenous groups, local governments, and private owners

Forest Management

- A number of national forestry measures stipulate that usage rights must be exercised through participatory forest management, and define how benefits from use of TFRK are to be shared with its holders. The main dilemma is how to write access to forest resources into legislation.

Issues relating to forest tenure

- The following issues must be considered under national legislation:
 - no security of tenure on communal land
 - no exclusivity of user rights
 - lack of community rights to the use of natural resources other than game on communal land
- Thus, there is a need for countries to begin clearly defining ownership of resources (domesticated and wild), user rights, and tenure or ownership of communal land, commercial land and State land, including in protected forest areas

National Considerations

- As long as the issue of land ownership or tenure is not adequately addressed, benefit sharing from access and sustainable use of biodiversity will be problematic
- It is thus instrumental that national forest and ABS legislation be designed in a harmonized and mutually supportive manner to ensure that ABS and forest considerations are mutually taken into account

Conclusions

Conclusions on Benefit Sharing

- Benefit-sharing is already widely used in the trade of wood products, NWFP and forest services through mechanisms like trust funds, ethical trade agreements, and certification
- Benefit sharing can also be addressed through collaborative approaches to forest management, such as community forestry, social forestry and joint forest management.
- These approaches, combined with a strong international instrument on ABS, have great potential for strengthening local communities and inducing environmentally sound and economically viable use of forest products and services