

**The Need for the Review of the UNFCCC's Forest-Related
Terms, Definitions and Classifications**

Civil Society Submission
to the
People's World Conference on
Climate Change and Mother Earth's Rights

On Behalf of:



**HUMANE SOCIETY
INTERNATIONAL**



Introduction

On around 16 February 2010, it was reported in the international media that the Indonesian Forestry Ministry is:

“...drafting a decree to include oil palm plantations in the forest sector to comply with international standards in mitigating climate change.....By definition, oil palm plantations will be defined as forest.....to anticipate the implementation of the REDD scheme”.

In response to the reaction of civil society to this proposal, on 14 April 2010, the Indonesian Government announced that this controversial initiative will not be pursued.

This development on the part of the Indonesian government must also be considered in the context of developments within the European Commission developing a biofuels policy that similarly classifies oil palm as forest. Earlier this year the EU Observer reported that the European commission has drafted a similar rule change in European law, potentially paving the way for future EU purchases of palm oil-based carbon credits to be considered to comply with the sustainability criteria under the Renewable Energy and the Fuel Quality Directives.

Allowing plantations to be classed as forests for the purpose of enabling engagement with emerging carbon trading markets will create perverse incentives that actually finance conversion of natural forests by wood / paper product and oil palm plantation companies with the associated significant loss of biodiversity¹. The conversion of natural forests, whether to wood plantations or oil palm plantations, creates substantial greenhouse gas emissions, with up to 80% of carbon lost to the atmosphere depending on the type of forest ecosystem and the type of plantation which replaces it.

The emissions are particularly massive from conversion of carbon-rich peatswamps in Indonesia and Malaysia, due to ongoing and continuous drainage of wet peatsoils for palm oil and pulp wood plantations. It is these massive emissions from deforestation, drainage and associated fires in peatlands that is widely regarded as being the reason why Indonesia is the world's third largest carbon emitter, after China and the United States.

¹ Most urgently in Indonesia where the continued survival of endangered and critically endangered orang-utans in the wild hangs in the balance;

The current draft REDD text² contains a safeguard against conversion and affirms that safeguards should be promoted and supported where:

“actions³.....are consistent with the conservation of natural forests and biological diversity, [and] are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits”

It is very important that this text is supported throughout the UNFCCC negotiations and remains in any final outcome on REDD.

Inclusion of Forest Biomes in Definitions – Long Overdue

A recent study of the various definitions of forests (Lund 2008) found that more than 800 different definitions for forests and wooded areas were in use around the world – with some countries adopting several such definitions at the same time⁴. The need for clarity and cohesion in terms of the definitions of the term ‘forest’ is long overdue.

The issue of clarifying natural forest definitions on a biome basis has been on the UNFCCC agenda for a number of years. Part K, Decision -/CP.7 of the Marakesh Accords states:

“The Conference of the Parties,

2. Requests *the Subsidiary Body for Scientific and Technological Advice (SBSTA)*:

(a)

(b) ***To investigate the possible application of biome-specific forest definitions for the second and subsequent commitment periods with a view to the Conference of the Parties at its tenth session recommending a decision for adoption on the use of such biome-specific forest definitions for future commitment periods to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its first session;***”

(emphasis added)

² Document FCCC/CP/2010/2 at Page 28;

³ Actions are specified under proposed part 3 as mitigation actions in the forest sector by Reducing emissions from deforestation, Reducing emissions from forest degradation, Conservation of forest carbon stocks, Sustainable management of forest and Enhancement of forest carbon stocks;

⁴ <http://www.unep.org/vitalforest/>, Chapter 1, Forest Definition and Extent. United Nations Environment Programme (UNEP), United Nations Food and Agriculture Organisation (FAO) and United Nations Forum on Forests (UNFF);

No such recommendations were made at the 10th Session of the Conference of the Parties (“COP 10”), nor at any other COP since 2004.

It has now become necessary to make sensible biome specific forest definitions a priority.

The Current Definition of ‘Forest’

The current UNFCCC definition of ‘Forest’ as adopted in 2005 for land use, land use change and forestry (“LULUCF”) purposes, in Decision 16/CMP.1 states:

A. Definitions

1. *For land use, land-use change and forestry activities under Article 3,1 paragraphs 3 and 4, the following definitions shall apply:*
 - a. *“Forest” is a minimum area of land of 0.05–1.0 hectare with tree crown cover (or equivalent stocking level) of more than 10–30 per cent with trees with the potential to reach a minimum height of 2–5 metres at maturity in situ. A forest may consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground or open forest. Young natural stands and all plantations which have yet to reach a crown density of 10–30 per cent or tree height of 2–5 metres are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention such as harvesting or natural causes but which are expected to revert to forest*

The forest definitions currently used by the UNFCCC, fail to recognize different biomes and importantly, do not distinguish natural forests from plantations. It is critical this definitional anomaly be rectified as a part of the current negotiations so as to ensure that the current problems associated with LULUCF do not negatively affect the outcome on REDD,

An Important Overlap between LULUCF and REDD

Obvious overlaps as between LULUCF and REDD should be considered and **any definitions which are of relevance to both, must be consistent with one another**. Large scale conversion of natural forests and peatsoils to plantations is also going unreported and unaccounted for in developed countries because of the current LULUCF forest definitions, resulting in huge emissions loopholes. This cannot be permitted to continue to occur under either the LULUCF or REDD framework.

The UNFCCC definition has already led to significantly perverse accounting and reporting outcomes. For example, where primary natural forests are cleared and converted to short rotation fuel and cellulose fibre crops, this land cover change is not classed as deforestation. Of course emissions increase whether or not they are accounted for; leading to increased radiative forcing that will take hundreds of years to reverse.

A solution, such as the review of the definitions and replacing the current use of activity based accounting by Annex 1 countries with land-based accounting for all countries will prevent ongoing perverse outcomes associated with plantation development in the second commitment period under LULUCF rules and will prevent similarly perverse outcomes becoming entrenched under future REDD mechanisms.

UN Food and Agricultural Organization Definition of ‘Forest’

The UN Food and Agriculture Organization (“FAO”), at the request of its member countries, monitors the world’s forests and their management and uses through the Forest Resources Assessment Program. The Global Forest Resources Assessment 2010 (FRA 2010) has been requested by the FAO Committee on Forestry, 2007.

The FRA 2010 will provide information that is relevant for many other forest related international processes and agencies. For example, the reporting tables on biomass and carbon follow the reporting requirements established by the IPCC. Consistency between UN organs is important, in particular concerning matters of an urgent nature, such as climate change.

The November 2007 FAO Publication, entitled Global Forest Resources Assessment 2010, Specification of National Reporting Tables for FRA 2010 includes a number of important tables, namely, the most recent version of the definitions to guide countries in their reporting to the FAO. In this context, we submit that the FAO’s inclusion of ‘planted forest’, being plantations managed for wood production, within a broader definition of ‘forest’ is inappropriate. While the high level definition of forest used by the FAO has little ecological utility and is largely based around concepts of forest use tenure and management aspirations, the categories of forest identified present a significant opportunity to improve the environmental outcomes from a number of UN deliberative processes.

The FRA 2010 definitions are set out below with text suggestions:

“Categories and definitions

Category	Definition
Forest	<p data-bbox="500 262 1365 394"><i>Land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or urban land use.</i></p> <p data-bbox="500 432 716 464"><i>Explanatory notes</i></p> <ol data-bbox="548 501 1393 1776" style="list-style-type: none"> <li data-bbox="548 501 1393 596">1. <i>Forest is determined both by the presence of trees and the absence of other predominant land uses. The trees should be able to reach a minimum height of 5 meters in situ.</i> <li data-bbox="548 634 1393 867">2. <i>Includes areas with young trees that have not yet reached but which are expected to reach a canopy cover of 10 percent and tree height of 5 meters. It also includes areas that are temporarily unstocked due to clear-cutting as part of a forest management practice or natural disasters, and which are expected to be regenerated within 5 years. Local conditions may, in exceptional cases, justify that a longer time frame is used.</i> <li data-bbox="548 905 1393 1035">3. <i>Includes forest roads, firebreaks and other small open areas; forest in national parks, nature reserves and other protected areas such as those of specific environmental, scientific, historical, cultural or spiritual interest.</i> <li data-bbox="548 1073 1393 1136">4. <i>Includes windbreaks, shelterbelts and corridors of trees with an area of more than 0.5 hectares and width of more than 20 meters.</i> <li data-bbox="548 1173 1393 1268">5. <i>Includes abandoned shifting cultivation land with a regeneration of trees that have, or is expected to reach, a canopy cover of 10 percent and tree height of 5 meters.</i> <li data-bbox="548 1306 1393 1369">6. <i>Includes areas with mangroves in tidal zones, regardless whether this area is classified as land area or not.</i> <li data-bbox="548 1407 1393 1438">7. <i>Includes rubber wood, cork oak and Christmas tree plantations.</i> <li data-bbox="548 1476 1393 1539">8. <i>Includes areas with bamboo and palms provided that land use, height and canopy cover criteria are met.</i> <li data-bbox="548 1577 1393 1776">9. <i>Excludes tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations and agroforestry systems when crops are grown under tree cover. Note: Some agroforestry systems such as the “Taungya” system where crops are grown only during the first years of the forest rotation should be classified as forest.”</i>

The FAO definition provides only for the purposes of 'classification' and is lower legal standing to the definition used by the UNFCCC. It is, however, a more advanced and appropriate definition and ought be seriously considered if not adopted as the UNFCCC definition with amendments. Further useful definitions contained in this publication that are likely to assist with the UNFCCC review of definitions are as follows and which include further suggested text.

<p>Other wooded land</p>	<p>Land not classified as “Forest”, spanning more than 0.5 hectares; with trees higher than 5 meters and a canopy cover of 5-10 percent, or trees able to reach these thresholds <i>in situ</i>; or with a combined cover of shrubs, bushes and trees above 10 percent. It does not include land that is predominantly under agricultural or urban land use.</p> <p>Explanatory notes</p> <ol style="list-style-type: none"> 1. The definition above has two options: <ul style="list-style-type: none"> • The canopy cover of trees is between 5 and 10 percent; trees should be higher than 5 meters or able to reach 5 meters <i>in situ</i>. <p>or</p> • The canopy cover of trees is less than 5 percent but the combined cover of shrubs, bushes and trees is more than 10 percent. Includes areas of shrubs and bushes where no trees are present. <ol style="list-style-type: none"> 2. Includes areas with trees that will not reach a height of 5 meters <i>in situ</i> and with a canopy cover of 10 percent or more, e.g. some alpine tree vegetation types, arid zone mangroves, etc 3. Includes areas with bamboo and palms provided that land use, height and canopy cover criteria are met.
<p>Other land</p>	<p>All land that is not classified as “Forest” or “Other wooded land”.</p> <p>Explanatory notes</p> <ol style="list-style-type: none"> 1. Includes agricultural land, meadows and pastures, built-up areas, barren land, land under permanent ice, etc. 2. Includes all areas classified under the sub-category “Other land with tree cover”.
<p>Other land with tree cover</p>	<p>Land classified as “Other land”, spanning more than 0.5 hectares with a canopy cover of more than 10 percent of trees able to reach a height of 5 meters at maturity.</p>

<p><i>(sub-category of “Other land”)</i></p>	<p>Explanatory notes</p> <ol style="list-style-type: none"> 1. The difference between “Forest” and “Other land with tree cover” is the land use criteria. 2. Includes groups of trees and scattered trees in agricultural landscapes, parks, gardens and around buildings, provided that area, height and canopy cover criteria are met. 3. Includes tree stands in agricultural production systems, for example in fruit tree plantations and agroforestry systems when crops are grown under tree cover. Also includes tree plantations established mainly for other purposes than wood, such as oil palm plantations. 4. Excludes scattered trees with a canopy cover less than 10 percent, small groups of trees covering less than 0.5 hectares and tree lines less than 20 meters wide.
<p>Primary Natural forest</p>	<p>Naturally regenerated forest of native species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed.</p> <p>Explanatory note</p> <ol style="list-style-type: none"> 1. Some key characteristics of primary forests are: <ul style="list-style-type: none"> • they show natural forest dynamics, such as natural tree species composition, occurrence of dead wood, natural age structure and natural regeneration processes; • the area is large enough to maintain its natural characteristics; • there has been no known significant human intervention or the last significant human intervention was long enough ago to have allowed the natural species composition and processes to have become re-established. • <u>conversion of primary forest to plantations, regardless of the purpose for which the plantations have been established, should always be regarded as ‘deforestation’</u>
<p>Other naturally regenerated forest</p>	<p>Naturally regenerated forest where there are clearly visible indications of human activities.</p> <p>Explanatory notes</p> <ol style="list-style-type: none"> 1. Includes selectively logged-over areas, areas regenerating following agricultural land use, areas recovering from human-induced fires,

	<p>etc.</p> <ol style="list-style-type: none"> 2. Includes forests where it is not possible to distinguish whether planted or naturally regenerated. 3. Includes forests with a mix of naturally regenerated trees and planted/seeded trees, and where the naturally regenerated trees are expected to constitute more than 50% of the growing stock at stand maturity.
<p>Other naturally regenerated forest of introduced species <i>(sub-category)</i></p>	<p>Other naturally regenerated forest where the trees are predominantly of introduced species.</p> <p>Explanatory note</p> <ol style="list-style-type: none"> 1. In this context, predominantly means that the trees of introduced species are expected to constitute more than 50% of the growing stock at maturity.
<p>Planted forest Plantations</p>	<p>Forest predominantly composed of Trees established <u>predominantly</u> through planting and/or deliberate seeding.</p> <p>Explanatory notes</p> <ol style="list-style-type: none"> 1. In this context, predominantly means that the planted/seeded trees are expected to constitute more than 50% of the growing stock at maturity. 2. <u>conversion of primary forest to plantations, regardless of the purpose for which the plantations have been established, should always be regarded as ‘deforestation’</u> 3. Includes coppice from trees that were originally planted or seeded. 4. Excludes self-sown trees of introduced species.
<p>Planted forest Plantations of introduced species <i>(sub-category)</i></p>	<p>Planted forest Plantation, where the planted/seeded trees are predominantly of introduced species.</p> <p>Explanatory note</p> <ol style="list-style-type: none"> 1. In this context, predominantly means that the planted/seeded trees of introduced species are expected to constitute more than 50% of the growing stock at maturity.
<p>Rubber</p>	<p>Forest area with rubber tree plantations.</p>

plantations <i>(sub category)</i>	
Mangroves	Area of forest and other wooded land with mangrove vegetation.
Bamboo	Area of forest and other wooded land with predominant bamboo vegetation.

Importance of Consistency between UN Organs

In the Outcome document of the 2005 World Summit (resolution 60/1), the Heads of State and Government recognized the need to build on ongoing reforms aiming at a more effective, coherent and better performing United Nations country presence to strengthen the management and coordination of United Nations operational activities so that they can make a more effective contribution to the achievement of the internationally agreed development goals, including the Millennium Development Goals.

On around 9 November 2006 the United Nations released the report of the High-level Panel on United Nations System-wide Coherence in the areas of development, humanitarian assistance and the environment, entitled “Delivering as One”. The central concept of the report is that the United Nations needs to overcome its fragmentation and deliver as one through a stronger commitment to working together on the implementation of one strategy, in the pursuit of one set of goals. The report recognizes that:

“Environmental priorities have too often been compartmentalized in isolation from economic development priorities. However, global environmental degradation – including climate change – will have far-reaching economic and social implications that affect the world’s ability to meet the Millennium Development Goals. Because the impacts are global and felt disproportionately by the poor, coordinated multilateral action to promote environmental sustainability is urgently required.

We recommend that:

- *international environmental governance be strengthened and made more coherent in order to improve the effectiveness and targeted action of environmental activities in the United Nations system;*
- *as a basis for reforms to improve system-wide coherence, the Secretary-General*

commission an independent assessment of international environmental governance within the United Nations system and related reform.

- *the United Nations Environment Programme be upgraded and given real authority as the environmental policy pillar of the United Nations system.*

We submit that it is consistent with the policy for Delivery as One and as part of the commitment of the UN and States to meet the Millennium Development Goals, it is essential and timely that a review of the subject definitions is undertaken by the UNFCCC to ensure coherency and consistency between definitions as between the UNFCCC and the FAO.

Proposed Recommendations:

Having regard to the matters raised above we request that as a part of an outcome of the Forests Working Group at the World People's Conference on Climate Change and Mother Earth's Rights;

1. SBSTA is formally asked to revise and amend its use of forest-related terms, definitions and classifications to harmonise them with those categories set out in the FAO specifications for the 2010 FRA specifically to erect the distinctions between 'primary forest' and 'other naturally regenerated forest to be known as 'natural forest' and the remaining forest categories;
2. SBSTA is asked to note that FAO's inclusion of 'planted forest', being plantations managed for wood production, within a broader definition of 'forest' is inappropriate and that conversion of natural forest including organic peat soils to plantations, regardless of the purpose for which the plantations have been established, should always be regarded as 'deforestation'.
3. It is agreed that there cannot be a simple extension of the serious problems with LULUCF reporting into REDD and that the most appropriate way to avoid such problems is to undertake a review of the definitions and replace current use of activity based accounting by Annex 1 countries with land-based accounting for all countries; and
4. the AWG-LCA is asked to develop a list of 'prohibited activities' that should never be supported even indirectly with REDD money, and that this list should include: conversion of primary natural forest including organic peat soils; conversion of natural forest to wood, palm oil and other forms of plantation; industrial scale logging within natural forests; and *increases* in degradation, including all forms of deforestation.

ANNEX 1

This Submission is made on behalf of the following organizations

The Australian Orangutan Project

The Humane Society International

Rainforest Foundation UK

The Wilderness Society

Wetlands International

The Ape Alliance

Global Witness