



# taiga-news

newsletter  
on boreal  
forests

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## *Significant steps in the right direction*

*The Nordic forestry giant Stora Enso has stopped herbicide spraying in Nova Scotia.*

In September 1999, Stora Enso's (SE) Russ Waycott met with Swedish and Canadian non-governmental organisations (NGOs) to confirm that SE has stopped using herbicides in its Nova Scotia operations. He also explained that SE has completed significant changes in its forest management approach and has adopted an ecological landscape management system.

SE is implementing new ways of dealing with the 'problem' of deciduous trees and brush by modifying harvesting methods and planting larger spruce seedlings (50-60 centimetres) in areas with heavy competition. Ultimately, it can be expected that harvesting will become less dependant on clearcutting and rely on more selective harvesting, particularly in mixed woods and shade tolerant softwoods such as red spruce.

Over 100,000 hectares (20%) of SE's crown land holdings in Nova Scotia have been set aside for biological protection, including the establishment of permanent ecological reserve areas. Much of this area consists of important mature hardwood and mixed forest habitat on steep slopes surrounding the Cape Breton Highlands. SE has also established an annual cut level roughly 25% below the current annual growth on its holdings.

SE was formed by the merger of Swedish company STORA with Finnish Enso late in 1998. SE has consistently resisted public pressure from NGOs to reform its forestry practices. In Sweden, where the use of herbicides in forestry is banned, SE is considered an environmentally friendly company. Environmental groups have long argued that there was no excuse for STORA, and hence now no excuse for SE, to act differently in Canada compared to Scandinavia. When spraying ended in Sweden, Swedish NGOs greatly increased their pressure on STORA to stop spraying in Nova Scotia. In spite of this the company continued to claim for years that conditions in Nova Scotia were

impossible to manage without spraying.

The policy to bring its forest management standards in Nova Scotia into line with those in Sweden coincided with its interest in Forest Stewardship Council (FSC) certification in 1996. SE has since made rapid progress in adopting 'FSC style' management in Nova Scotia and has recently expressed interest in going for certification 'sometime in the future'.

Unfortunately SE still does not have any policies against buying timber from ecologically significant areas on private lands in Canada and no comprehensive inventory of significant sites has been carried out in Nova Scotia. Some management improvements must also still be made, especially on private lands which supply the SE mill with over 70% of its fibre.

SE's adoption of more ecologically balanced management policies could not have come at a more crucial time, and may have an important effect on less progressive companies in this region. The first to feel this pressure could well be the region's largest forest holder J.D.Irving Ltd which controls over 2.4 million hectares in New Brunswick, Maine and Nova Scotia.

Why has SE made this turnaround? A lot has to do with public attitudes. SE's Ake Granqvist acknowledged in an article in the US Journal of Forestry that 'The environmental NGOs are honest; they won't say we are behaving well if in their eyes we aren't. They are the only ones, really, who can reach the end consumers.'

Whatever the cause, what matters is that SE has taken significant steps toward sustainable forestry, steps other forestry companies should follow rapidly.

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**Inside: more significant steps for the boreal region's forests**

## Contents

News	2-3
Significant Steps	4
Olof Johansson interview	4-5
Lessons from Karelia	6
First Nations Court Victories	7
Saving the Woodpecker	8
Forest Policy Dialogue	9
After the Seattle Battle	10
Book reviews	11
Tell us your story	11

## Bye from Sue & Nigel

For the last two years we have greatly enjoyed editing Taiga News and working more closely with TRN. However as our travel commitments for 2000 would have made producing four issues difficult we decided it was time to hand on the newsletter to new editors. We were thrilled by the number of people who expressed an interest in taking over the newsletter and hope Mandy and Bill have as much pleasure working with TRN as we did. We look forward to continuing to work with TRN in the future, on specific projects.

Sue Stolton and Nigel Dudley  
Equilibrium Consultants

## Thanks Sue & Nigel!

For two years Sue Stolton and Nigel Dudley have been editing the newsletter and helping us to keep Taiga News at the forefront of the debate on boreal forest and peoples issues. They are now leaving Taiga News but will continue to be involved in forest issues at the international level, and in the TRN network, particularly with publications such as the taiga book (see page 11).

On behalf of the whole network, I would like to thank warmly Sue and Nigel for their wonderful contributions, enthusiasm and dedication.

I'd also like to welcome the new team onboard: Mandy Haggith and Bill Ritchie. We hope you'll like the new face of Taiga News!

Elisa Peter  
TRN International Coordinator

## Global

### IFF4

As we go to press, the fourth meeting of the Intergovernmental Forum on Forests (IFF4) is being held at the UN in New York. Indigenous Peoples' Organizations (IPOs) and NGOs have been preparing statements and reports for this crucial meeting, in which the future of the global dialogue on forest policy will be decided (See Carole Saint-Laurent's article on page 9).

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### How much?

A recent report from the Falls Brook Centre estimates the total financial cost of the IPF and the IFF combined to be 19 million Canadian dollars, and its cost to the earth as over 10,000 tonnes of carbon dioxide.

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### Do they keep their promises?

IPOs and NGOs have been monitoring the progress of governments in implementing the proposals for action of the Intergovernmental Panel on Forests (IPF). The first version of the report of the review will be released for comment at IFF4.

#### Contact:

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## Russia

### New decree on illegal logging in Primorye

At first sight two new decrees suggest a crackdown by the governor of Primorsky Krai on illegal logging. However, one of the decrees excludes the federal Environmental Protection Committee from any share of revenues from sales of confiscated timber. Such revenues currently form an 'eco-fund' which supports environmental NGOs and educational projects. Local NGOs are also worried that the new division of funds could encourage corrupt activities in local administrations who could now stand to gain from illegal logging.

#### Contact:

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### Rimbunan Hijau breach logging regulations in Sukpai

Controversy continues to rage over Malaysian timber company Rimbunan Hijau's activities. Their industrial use of the Upper Sukpay forests is in breach of local logging regulations, according to information from the Sukpay Leskhoz (the Forest Service

local branch). In October, Rimbunan Hijau's activities were halted after inspectors found unsatisfactory practices. A special state commission obliged the company to modify their logging practices, which they have subsequently done. This was one of the most controversial issues discussed at a conference on public participation in forest conservation, organised in Khabarovsk in October by Taiga's Rangers and the Pacific Environment Resource Center.

#### Contact:

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### SEU launch forest programme

The Socio-Ecological Union are starting a new programme, focusing on helping forest activists to combine their efforts. The programmes aims include developing the civil movement for forest conservation and sustainable use; creating an information system to collect and distribute forest campaign updates; enhancing co-operation between Russian, CIS and foreign NGOs; fundraising, education and raising public awareness of forest conservation issues.

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### Novgorod certification meeting

An international conference on certification in forest management was organised by WWF and the Novgorod Center for Certification in October. Novgorod region is one of the pioneers of FSC certification in Russia. According to the new Russian Forest Code, certification of forest management should be introduced everywhere in Russia, and the State Forest Service is currently working out the process guidelines. One of the main problems is to agree on mechanisms and standards. NGOs are concerned that the new standards will not meet their expectations and that they will be excluded from the national process. Delegates to the conference recommended that the Government should create a co-ordination body on the federal level to manage the certification process. The Republic of Karelia, Archangelsky Oblast, and Khabarovsk Krai are among the regions of Russia which are willing to participate in certification processes.

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[Thanks to Forest News for this item]

## Europe

### Finnish campaign against summer logging

A coalition of Finnish NGOs are initiating a campaign against forest logging in summer. Summer logging damages and

disturbs forests, destroying nests and young of birds and other animals. The campaign's goal is a moratorium on logging during the key period of reproduction in northern Europe, 15 April - 31 July. Citizens are encouraged to sign an appeal on behalf of the campaign up to the end of April.

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### New Netherlands buyersgroup

A new independent Dutch buyersgroup, Foundation Good Wood! (Stichting Goed Hout!) was launched in October. It was initiated by the Heart for Wood campaigners (WWF, FOE and Oxfam) and 17 companies, active in timber and paper industry. The objective of Goed Hout! is to promote good forest management by increasing the market share of certified timber and timber products in the Netherlands to a minimum of 25% this year and at least 50% in 2006.

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### European Forest Scorecards

WWF have produced forest scorecards for all European countries based on international and regional agreements. They are made up of 99 separate elements covering a wide range of issues including timber and other production, environmental care and quality, social and cultural aspects of forest care, protected areas and pollution. They thus provide comparable information on how Europe treats its forests.

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## North America

### Stunning victory for the Crees

The James Bay Crees have won an important victory in their fight against forestry activities in their territory. On 20 December 20 1999, the Quebec Superior Court concluded that the constitutional rights of the Crees have been openly and continuously violated by the Government of Quebec and the forestry companies. The Court concluded that the forestry regime in the James Bay territory is unconstitutional and inoperative. Furthermore, the Court stipulated that the province has until 1 July 2000 to bring its forestry system in conformity with the terms of the James Bay and Northern Quebec Agreement; including full social and environmental review of forestry management plans. If the regime is not profoundly changed by this time, the Court has reserved the right to stop forestry activities in the James Bay territory. It

determined that forest management plans submitted by the forestry companies must be subject to full and complete assessments and evaluations of their environmental and social impacts on the Crees and must fully take into account the hunting, fishing and trapping rights of the Crees.

However the provincial government of Quebec has since appealed, arguing that the decision, if implemented, would cut some 30,000 jobs linked to the forestry sector. As a result of the appeal, forest companies can maintain the status quo for however long the case lasts, which could be years.

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### End to Alaskan road rage

The campaign to halt the planned road to Juneau, Alaska, has been successful. Governor Tony Knowles announced a decision to purchase a new high speed ferry connecting Juneau (Auke Bay), Haines and Skagway. According to the governor's staff, Knowles received many emails, faxes, and calls against the road and this definitely influenced him to do the right thing.

This news follows the recent court ruling by a US federal judge which upheld the US Forest Service's 18-month moratorium on road building and reconstruction on inventoried but undeveloped forest areas. The court also ruled that the timber industry lacked the authority to raise arguments against such a moratorium. In March 1999, the Forest Service imposed the moratorium to re-evaluate its approach to managing more than 380,000 miles of roads that criss-cross national forest land. The service has used the time to consider the evidence that its road system is the biggest cause of environmental damage to national forests and to study the impact of a permanent ban on road construction.

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### JD Irving chemicals row

The Sierra Club of Canada has renewed its call for a public review of the certification of J.D.Irving Ltd's Black Brook Management District in northern New Brunswick after a recent FSC investigation of J. D. Irving's use of chemicals raises serious questions about the certification process. The FSC report confirmed that SCS, of Oakland California, certified the Black Brook District even though J. D. Irving Ltd was using six chemicals prohibited under FSC guidelines. J.D.Irving Ltd claims it was only using one of the chemicals, the herbicide Garlon, 'on an experimental basis'. However, New Brunswick government records obtained by

the Sierra Club show J. D. Irving Ltd's use of Garlon had increased 500% since 1996. Garlon was being used to kill hardwood tree species in plantations in Black Brook. The company also claimed that it has reduced herbicide spraying over the past three years. However, reports from the New Brunswick Department of Environment show the company's spraying in 1999 was actually 12% higher than in either 1995 or 1996.

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### Manitoba Hydro boycott

An Alliance of Crees and environmental NGOs are urging US electricity consumers to boycott power from Manitoba, saying Manitoba Hydro's generation of cheap power from hydro megaprojects has devastated the environment and destroyed their communities. Minnesota Power, along with the Wisconsin Public Service Corporation, are proposing to build a new powerline to transmit cheap electricity from Manitoba Hydro. The Manitoba hydro megaprojects involve dramatically altering water flows (70% of the water that once flowed in Churchill River has been diverted to the Nelson River). The Crees say 1.2 million hectares have been affected, leaving them to deal with flooded land, shorelines of slumping mud, dead and rotting trees, ice that is unsafe because of changing water levels, and fish contaminated with methyl mercury. The claims are hotly disputed by Manitoba Hydro, which is negotiating with Crees over compensation for the disruption.

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## Looking ahead...

### TRN CONFERENCE

**LIVING  
WITH  
THE  
TAIGA**

**MOSCOW  
17-22  
SEPT  
2000**



The fifth international TRN conference will take place in Moscow on 17-22 September. The public part of the conference will have multiple use forestry as its main theme and will run for three days (18-20 September).

**Contact**

ICC ([taiga@ajtte.com](mailto:taiga@ajtte.com))  
Local Russian organizers ([picea@glasnet.ru](mailto:picea@glasnet.ru))

1992	<i>Taiga Rescue Network established UNCED Earth Summit at Rio</i>
1993	<i>FSC Founding Assembly Helsinki C&amp;I process begun Clayoquot Sound blockade</i>
1994	<i>Montreal C&amp;I process begun UN Climate Change Convention</i>
1995	<i>UN Intergovernmental Panel on Forests (IPF) established Pechoro-Ilych UNESCO site Murmansk oldgrowth maps</i>
1996	<i>FSC working group, Finland and Sweden Karelia logging moratorium New Russian Forest Code IPF Proposals for Action adopted at UNGASS UN Intergovernmental Forum on Forests established Delgamuukw ruling, Canada</i>
1997	<i>Underlying Causes initiative regional workshops Sweden doubles funding for Nature protection Marshall ruling, Canada</i>
1998	<i>Major US retailers commit to old-growth free US Forest Road moratorium WTO talks collapse</i>
1999	
	<h3>Significant steps</h3> <p>In the past few years many of us have been involved in taking significant steps locally and globally to tackle the issues surrounding the (mis)management of our boreal forests. In the next few pages we highlight and reflect on just a few of them.</p> <p>Mandy Haggith &amp; Bill Ritchie</p>

## *In the hot seat*

*The FSC was one of the most significant developments of the past decade. We interviewed Olof Johansson of AssiDomän to get an industry perspective.*

### *What is your involvement with the FSC?*

I have been personally involved right from the beginning. I took part in the Founding Assembly of FSC in 1993. I was part of the Swedish working group for a national FSC standard and I became a board member of FSC International in 1997. I've been the chair of the board since 1998 and my term on the board expires in early autumn this year.

### *Why did AssiDomän join the FSC?*

During the early 1990s, following Rio, the company developed a new set of environmental guidelines, trying to take into account all of the discussions that were going on in Sweden. When certification became an issue we thought it was a solution rather than a threat. We saw that FSC was a complex structure but due to this structure and shared ownership between different stakeholders we thought it was a credible way to move forward. FSC is a performance-based system and unlike other certification schemes such as ISO, it actually sets guidelines on how to manage the forest. We joined FSC in 1996 and were one of the first large forest companies to join.

### *Was market pressure important at that time?*

Yes, it was an important factor. Consumer demands, especially from the UK, played an important role. FSC provided the required credibility to show that we have a responsible forest management system. Initiatives taken by individual companies (producers, buyers and retailers) were a major driving force for this, which created a direct commercial interest for us.

### *What impact has FSC had on AssiDomän?*

To adapt to the certification demands we have to document things in a more structured way and to clarify responsibilities in different parts of the company. FSC certification also means more far reaching requirements for consultation and dialogue with stakeholder groups.

In terms of forest management practices, I wouldn't say FSC meant a revolution since we had already had the revolution in the years before certification. However, there are many difficult things that we are still struggling with, such as how to increase the use of fires in our forest management. This is a major task in southern Sweden where we haven't used fires for many years. Another challenge is the requirement to limit game populations to ensure regeneration of certain deciduous species, due to the obligation to plan for increased amount of hardwood species in both northern and southern Sweden. The FSC standard has also clarified the level that we need to reach for set-aside areas.

## *Do you feel those demands are valid?*

In general, yes, I think they are valid. For instance the grazing pressure from roe-deer and moose is an important nature conservation issue and something needs to be done about it. It's the same with fire. We have a target percentage of the area that should be burnt, however we need to look at how we actually use fire. Maybe it would be a better strategy to use fire where the forest is standing rather than on cut areas. There are many details we still need to develop but that's a natural evolution in this kind of work. We try, with our present knowledge, to define criteria which then need to be regularly revised in the light of new knowledge.

## *Are you able to sell products from certified forests for a higher price than would have been possible without certification?*

There have been such cases. Instead of focusing on the price, we might want to focus on the effect of market competitiveness and good relations to consumers, which has been in some cases easier to achieve by being FSC certified. But different markets have different demands. There's a high interest in UK, Holland, Belgium, Germany. In other markets, the interest is less.

## *Has FSC changed how AssiDomän relates to environmental NGOs, local communities and indigenous peoples?*

Yes, it has meant more incentive to keep up and intensify dialogue. There were already established relationships between AssiDomän and environmental NGOs before the start of certification, but certification meant that we needed to develop the dialogue further. The FSC has also introduced strengthened requirements for more dialogue with social stakeholders, for instance local Sami communities, to consider their needs for reindeer grazing. There is also more emphasis on developing relationships with local communities. For all stakeholder groups, certification has led to a new situation and we are all at different levels of development.

## *How widespread is the influence of FSC in the industry?*

It is growing. FSC has pushed the issue of certification forward considerably and led to other new certification initiatives. There is no doubt that FSC led the evolution of forest certification worldwide.

## *What are the main concerns of the forest industry – why isn't everybody joining?*

Uncertainty about the future is one of the reasons why more companies do not join, and some are just not familiar enough with the system. There's also a fear that the FSC is not well adapted to the needs of business, in terms of direct services and communication.

The common ownership of the whole process is another point of concern. It is different if the ownership belongs to one group which just consults with other stakeholders. Another concern is the issue of chain of custody, how to follow the flow of timber, how to make sure you have a valid label that explains the origin of the timber.



Photo: AssiDomän

Olof Johansson has worked as an ecologist at AssiDomän since 1990. AssiDomän is one of Europe's biggest forest companies, created in 1994 by the merger of the former Swedish State Forests (Domän) and the State owned forest industry company (Assi) into a new, privately owned, share-holder company. The company, with 2.4 million hectares of productive forest land, all of which is FSC-certified, is Sweden's largest private forest owner. It mainly manufactures paper packaging and sawn timber products. AssiDomän has 17 000 employees.

Because the industry structure is so complex (especially with small forest holdings) and dynamic, it is very hard within the industry to keep track of such things. FSC is still developing the policy for valid labeling.

It is inherent in the forest industry structure that you have a lot of individual and small forest holdings. For companies representing these small holdings (such as the associations of private forest owners in Sweden) it's much more difficult to move towards a decision that unites all these thousands of forest owners. It's easier for a big company such as AssiDomän.

Social issues can also be a factor. It is sometimes controversial, such as the rights of Sami people to use land as reindeer grazing land, which has been seen as an obstacle by some forest owners to joining FSC. There are similar issues in other countries with unclear situations in terms of customary rights and ownership that have not been properly solved. In the FSC process, we have had to take on conflicts that have their origins in previous unclear settlements of these issues, which make them difficult today.

## *Why has the FSC been successful?*

A combination of reasons: partly that the time was right and also its combination of unique properties, which make it complicated but more credible than any other alternatives. Also the appearance of pioneers in the business community.

## *What are the main problems or challenges for the FSC in the next few years?*

The certified area is quite small but we have seen rapid growth and development – an increased number of members and national initiatives and increased use and knowledge of the FSC logo. This means an increasing need for institutional capacity of the FSC, which is still quite small, with a small budget. FSC's income needs to increase dramatically in the coming years to be able to develop the institution in parallel with its importance. We need to be very careful with quality and credibility and we need to develop our skills in consultation and conflict resolution.

## *What is your vision for the FSC?*

I would like to see the current trends of FSC expansion continue and to see FSC established as the norm for good forest practices in many more parts of the world, to also influence other systems outside FSC to move towards responsible forest management. I would like to see a breakthrough in the Southern hemisphere. If FSC can influence more regions and increasingly larger areas, it could significantly contribute to reducing deforestation and loss of valuable forest ecosystems. If we can measure such changes we'll realize that we have accomplished a lot.

# Lessons from Karelia

Dimitry Aksenov, Socio-Ecological Union (picea@glasnet.ru)

*After more than three years of the Karelian logging moratorium, Dimitry Aksenov reflects on its successes and failures, and analyses some lessons learned.*

The forest conflict in Karelia began in May 1995, with Russian Prime Minister Chernomyrdin's decree allowing logging in the Special Sub-Border Belt, the 2 km wide belt on the Russian side of the border with Finland and Norway. In the soviet period this area was almost completely closed, which somewhat protected the forests from logging. It soon became obvious to conservationists that the problems of Karelian forests were not limited to the Special Sub-Border Belt. At a Taiga Rescue Network seminar in October 1995 in the Karelian border town of Kostomuksha, forest activists demanded a moratorium on any logging in old-growth forests for all of European Russia.

In 1996 a group of Russian environmental NGOs launched a map of potential old-growth forest areas for the entire Russian Karelia and the Murmansk Oblast. This map became the basis of a broad public campaign. In October 1996 under consumer pressure Enso Oy (now Stora Enso) announced a logging moratorium for huge forest areas in Russian Karelia and Murmansk Oblast. Since then a number of other Finnish, Swedish and Norwegian companies have joined the moratorium.

### Lesson 1. Maps are a powerful campaign tool

One of the reasons for success was the availability of old-growth maps from the start of the public campaign against old-growth logging. For timber businesses it is problematic to take steps toward forest conservation without estimating possible losses. In the case of Russian Karelia, Stora Enso knew, at least preliminarily, what particular areas the NGOs were talking about and they could compare possible losses in the case of a moratorium and in the case of a consumer boycott.

The NGOs already had some forest survey and mapping experience and a forests map for the Murmansk Oblast had been completed in 1995. So, at the moment of announcing demands for old-growth conservation, Russian NGOs already had a preliminary old-growth map for Murmansk Oblast and experience which allowed them to compile the Karelian map in a very short time. The fact that the core of Russian conservation NGOs originate from the scientific community meant that we could do the research work to a good scientific level.

However, maps of old-growth or any other valuable forests, are a permanent target for all kind of criticism. We did not want each incorrectly mapped group of three pines to be a good reason for opponents to claim the whole map as 'incorrect'. In the case of Karelia all the old-growth maps were announced as preliminary maps of only potential old-growth forests. Russian NGOs appealed for joint surveys of these potential old-growth areas and for conserving them until the survey as a precautionary measure. This allowed us to avoid criticism, especially of small details. When we got criticism we just invited opponents to come and survey the forest jointly and make a joint decision after that. This tactic was very successful.

### Lesson 2. A focused consumer campaign is vital

Having a map is, however, not enough to protect old-growth forests. Stora Enso announced the moratorium only because of the threat of consumer pressure. So the information flow from producing areas to consumer countries is critically important. International NGO cooperation and broad NGO activities in consumer countries played

a key role in the Karelian moratorium. Two features of the Karelian campaign were particularly important.

First, the consumer campaign was very focused and targeted. NGOs did not appeal just to 'save old-growth forests' but specifically demanded protection of particular mapped areas in a particular Russian region against the logging of a particular company.

Second, a common and consolidated position of all environmental NGOs in the producer country is critically important. All main demands and positions should be negotiated inside the NGO community. Controversies between environmentalists will be immediately used by the forest industry saying 'these crazy greens do not know what they want and cannot even agree amongst themselves'. The Russian NGOs Forest Club was formed specifically as a negotiation body inside the Russian NGO community for this purpose.

### Lesson 3. Timber supplies can be traced

Another important lesson is that timber companies can establish effective systems controlling the origin of the timber they supply. Forest companies often still claim that it is completely impossible to trace timber from the logging site to the factory, especially in countries like Russia. We are told how it is problematic (especially for a large company) to control many small suppliers, trace endless chains of middlemen, handle corrupt Russian authorities and Russian mafia.

The example of Stora Enso and UPM-Kymmene in Karelia shows otherwise. When it became necessary both companies established rather effective controlling mechanisms, which make clear the origin of each particular truck with logs transported from Karelia. We are far from thinking that this system is 100% credible and it definitely requires very careful independent control. However, during three years of the Karelian moratorium we have not caught either company with misinformation. So today we know that even in countries like Russia it is possible to trace the whole chain of custody for timber.

### Lesson 4. Surveys are hard work

The next important lesson is that this work puts a lot of responsibility on NGOs in producing countries. Because Russian NGOs appealed for joint surveys this made us responsible for responding to the numerous requests from local loggers and authorities. During the moratorium we have had to work simultaneously with many local requests from different parts of Karelia to meet, negotiate, and organize joint field surveys. Greenpeace Russia, as the most publicly known organization, was overloaded with this kind of work.

Huge work has been done in 1998-99 and the bulk of the area has now been more or less surveyed. We also thank our Finnish colleagues who helped us a lot with survey work. However, the survey is still not complete even for Karelia and will require more resources in coming years. Clear priorities should be set in order that we are not snowed under by this work.

### Lesson 5. Moratoriums are not forever

The moratorium cannot be continued indefinitely. It requires permanent attention from NGOs to control it and to keep up consumer pressure. Forest companies are continuously watching NGO activities and could stop the moratorium at any moment if they feel a drop in the level of consumer pressure. We have to regard the moratorium not as a final result but as a step towards permanent protection. In Russian conditions this means first of all establishing official protected areas, which is another very time-consuming issue. A lot of work is still ahead.

# Aboriginal rights upheld

Chanda Meek, Boreal Forest Network (belukha@hotmail.com)

During colonization of Canada, both France and Britain competed for trade and military alliances with the indigenous nations and peoples. The French did not enter into treaties, this was a tradition that Britain started, building upon the indigenous traditions of inter-tribal agreements. These treaties usually held promises of continued indigenous use of the land in exchange for peaceful coexistence. However, as soon as treaties were signed, settlers began staking claims to 'property', pushing First Nations further and further from settlements or onto reserves, and eventually breaking treaties. Today, many non-native Canadians regard the treaties as historical relics, not enforceable by law. However, the Constitution Act 1982 states, 'the existing aboriginal and treaty rights of aboriginal peoples are hereby recognized and affirmed'. Hence the treaties do have the force of law and all across the land, a near-renaissance is taking place as First Nations are asserting their rights and the courts are beginning to uphold them. This article describes two of the most important court decisions and discusses their implications for resource management in Canada.

## The Delgamuukw ruling

In 1997, the Supreme Court ruled on an aboriginal rights case submitted by the Hereditary Chiefs of the Gitksan and Wet'suwet'en Nations of British Columbia. These nations had never signed treaties with the Crown and so argued that they retained a legal right to their traditional lands and government structures. In its ruling, the court held that the rights of First Nations '...fall along a spectrum with respect to their degree of connection to the land.' These rights are tested through court challenges where a nation must prove that they exclusively occupied a particular region at the time of European contact.

One distinguishing feature of this decision is the finding that a lower court was wrong in dismissing oral history as proof of occupancy. If the lower court ruling had been maintained, First Nations would have to rely upon documentation of the colonizers in their cases since most indigenous peoples did not rely on paper documentation to govern their affairs prior to colonization.

The court also ruled that where a First Nation has aboriginal title, it may use land for any purpose not incompatible with traditional uses. It is conceivable, then, that the court may rule that 'modern' forestry, utilizing techniques such as clearcutting, is not consistent with those sets of rights.

The *Delgamuukw* ruling has wide-ranging implications for First Nations that did not sign treaties, including title to some of the most productive forest lands in BC. It also provides strict guidelines for consultation about resource development, which affects all indigenous peoples in Canada.

## The Marshall ruling

On the other side of the country, a recent ruling involving indigenous rights to commercially harvest resources created chaotic conditions in Nova Scotia, New Brunswick, PEI, Newfoundland and Labrador. In 1996, Donald Marshall Jr, a Nova Scotia Mi'kmaq, was convicted of catching and selling eels out of season and without a licence. Marshall argued that the Crown's 1760 treaty with the Mi'kmaq Nations affirmed his right to earn a reasonable living off fisheries in his people's territory. The Supreme Court agreed and the treaty was



upheld. The treaty guaranteed Mi'kmaq, Maliseet and Passamaquody Indians in most of the Maritime provinces rights to provide for themselves through hunting, fishing and other 'gathering' activities. The situation became chaotic when the federal Department of Fisheries and Oceans, ridiculously unprepared for the eventual ruling, essentially let native and non-native fishermen fight out their differences on the streets after several Mi'kmaq fishermen began fishing for lobster after the official season was closed and non-native fishermen retaliated by threatening and attacking native people.

## Asserting treaty and aboriginal rights

Based on the *Marshall* ruling, many First Nations peoples have argued that the 'gathering' rights extend to forestry and have begun logging on Crown land in New Brunswick and Nova Scotia. Even the federal minister for aboriginal affairs has said on record that he believes the *Marshall* ruling could relate to logging and other resource use, and that treaties involve not only cultural, but also economic rights. An ongoing trial in New Brunswick will test whether or not Mi'kmaq peoples have a right to commercial forestry on their traditional lands, as interpreted through their treaties.

Back in BC, many First Nations who did not sign treaties are asserting their aboriginal rights to their resource base and have also begun logging. Members of the Westbank First Nation attempted to go through provincial channels in applying for a timber licence, but the province refused to offer them more than a few weeks' work so the community issued its own licence. The BC government condemned their actions and asked a court for an injunction to make the loggers stop immediately. The court refused. The BC Supreme Court has recently ruled that First Nations in the BC interior have the legal right to sell the timber.

Despite the successes of aboriginal groups in asserting their traditional rights, the provinces and industrial interests are continually infringing aboriginal and treaty rights. Some First Nations have begun to assert their rights to fair consultation on projects which affect their lands. Mi'kmaq of Nova Scotia claimed that the developer of the massive Sable Island pipeline did not properly consult them about environmental effects, economic benefits and traditional land use; the plan was sent back to the National Energy Board for review. In December 1999 the Grand Council of the Crees won a similar ruling (see news story). Across Canada, the implications of *Delgamuukw* and *Marshall* are being felt at various levels of government, in corporate boardrooms, and in First Nations communities.

## Significant steps

*The Swedish Society for Nature Conservation is leading an ambitious project to rescue the white-backed woodpecker from extinction in Sweden*

# Saving the Woodpeckers

Kristoffer Stighäll, Swedish Society for Nature Conservation (kristoffer.stighall@snf.se)

The white-backed woodpecker (*Dendrocopos leucotos*) is one of the most endangered forest-living species in Sweden where their breeding range has decreased more than 90% during this century. An inhabitant of deciduous or mixed forests with a high proportion of dying and dead trees, the white-backed woodpecker is an important umbrella species for other species sharing the same habitat. Suitable habitats with high numbers of wood-boring and bark-living insects, have decreased dramatically during the modern forestry-period. This has been linked to the changes in forest management practices and fragmentation of habitats.

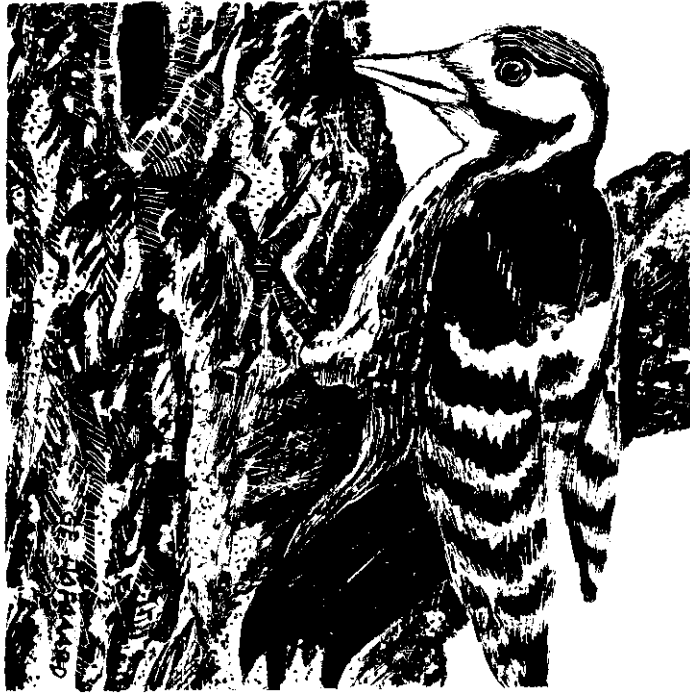
A rescue-project has been organized and run by the Swedish Society for Nature Conservation for the past twelve years. It is focused on monitoring population trends, distribution and habitats; active conservation and restoration of habitats; winter-feeding; and population reinforcement. Important issues are information and consulting for landowners, authorities and public; collecting facts about the species' habitat demands; collecting facts about the habitats' importance for other red-listed species; developing contacts with neighbour countries; and co-operating with logging companies in implementation of the action plans. Increasingly the work of the project is concentrating on habitat protection and restoration.

In several of the white-backed woodpecker regions, some old mixed forests have been protected as Nature Reserves. Five years ago a project called White-Backed Woodpecker and New Nature Reserves, partly financed by the EU's LIFE-fund, was set up and a final report was submitted to the EU in 1999. All the areas recommended for protection were selected, resulting in the protection of very important areas in Dalsland, Värmland and lower Dalälven valley.

### Civil right contracts and voluntary agreements

The Swedish Society for Nature Conservation has initiated several different types of agreements with private landowners to prevent white-backed woodpecker habitats from being logged. By paying a financial incentive to landowners under a civil right contract, many of the most important areas have been saved during the last ten years. In many cases the contract involves cutting of spruce trees, to favour deciduous trees. The Swedish forestry board nowadays also uses this model.

Under voluntary agreements the landowner agrees to a range of actions, such as contacting the woodpecker project leader some weeks before any cuttings are planned, without any financial incentive.



An important agreement was concluded during 1997 between the Swedish Society of Nature Conservation and Stora Enso, Rottneros, Västra Skogsägarna and all other big timber buyers in West Sweden. The agreement requires that the companies should not buy willow trees, aspen thicker than 50 cm, aspen-trunks that are more than a third rotten, any broadleaf trees from the monitored white-backed woodpecker areas, and it restricts buying of alders.

Stora Enso has also set aside around 100 areas, each of roughly 100 hectares, as white-backed woodpecker reserves. The management in these areas will be directed towards creating and maintaining broadleaf-dominated forests with a high

proportion of dead and dying wood.

### Habitat restoration

In addition to area protection, habitat restoration is undertaken involving cutting and removal of spruce trees in broadleaf forests and artificially creating dead and dying wood. One method used is to blast aspen and birch to leave standing high stumps. Between 1994-95 a couple of hundred large high stumps were created by blasting and as many birch trees were ring-barked. The development of wood-boring and bark-living insects in these high stumps has resulted in a very rich insect fauna.

As the Swedish population of white-backed woodpeckers is on a critically low level (approximately 20 pairs) we are also trying population reinforcement. With help from both Norwegian and Latvian biologists and authorities we have released 19 young white-backed woodpeckers in suitable habitats close to areas where there still are woodpeckers, using breeding great spotted woodpecker (*Dendrocopos major*) as foster birds. We believe that at least one-third have survived.

### Unsolved problems

Even though many positive actions have been taken we are still facing problems. As the Environmental Agency has not yet approved the national action-plan for the white-backed woodpecker, there is not enough pressure on regional authorities. As a result, area protection is going slowly and our aims in the broadleaf landscape plan have still not been fully achieved.

There is still a long, expensive way to go before we can be sure of the survival of the white-backed woodpecker in Sweden but we have the technical know-how and the support of many landowners. All we need is political will to ensure we do not lose this beautiful bird.

# Forest policy dialogue

*What have we achieved and where do we go from here?*

Carole Saint-Laurent, WWF/IUCN (CarSaintL@cs.com)

## The Rio turning point

The Rio Earth Summit in 1992 ushered in an unprecedented level of participation by non-governmental (NGO) and indigenous peoples' organizations (IPO) in policy-making on forests. Recognition of this new role was reflected in the agreements concluded in Rio. For example, the UNCED Statement of Forest Principles called for a participatory approach, 'Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development and implementation and planning of national forest policies.'

Such agreements reflected the new reality. The influence of IPO/NGOs and of civil society more generally, was suddenly felt much more strongly in the international forest policy arena, and this enhanced status at the international level trickled through to local, national and regional levels. In the early meetings of the Commission on Sustainable Development (CSD), IPO/NGOs were allocated slots to address plenary meetings and encouraged to distribute position papers. Physical access to delegates in conference rooms increased lobbying opportunities. At the national level, IPO/NGOs were invited to participate in the many new national committees and round tables on sustainable development that were established after Rio.

## Further developments

Further improvements were seen in the Intergovernmental Panel on Forests (IPF), established by the CSD in 1995. The Panel stressed the need, 'in implementing its proposals for action, to provide for effective partnership between, and collaboration among, all international parties and major groups'. This translated into IPO/NGOs having access to some informal negotiating sessions which previously had been closed to us. The United Nations General Assembly Special Session (UNGASS, known as Earth Summit 2), endorsed the outcomes of the IPF and noted that 'major groups have demonstrated what can be achieved by taking committed action, sharing resources and building consensus, reflecting grass-roots concern and involvement.' UNGASS established the Intergovernmental Forum on Forests (IFF). The IFF encouraged 'inputs from major groups in all the activities in its programme of work.' In practice, this meant that IPO/NGOs were invited to attend, observe, and make formal statements in international negotiations on forests.

## How successful have we been?

So, on paper the situation sounds positive. But is this enough? Has the full potential of IPO/NGO participation been fulfilled?

Undoubtedly, IPO/NGO participation in the international forest policy dialogue has been important. In general terms, our active participation gives the intergovernmental process added credibility and a higher political profile. The substantive expertise and experience we bring help to link policy to practice and to highlight practical solutions to real world problems.

There have been some notable successes for IPO/NGOs. One was in convincing governments to put conservation, including

protected areas, explicitly on the agenda for the IFF, resulting in some concrete proposals for action. Another highlight was the IPO/NGO-organized consultation process on Underlying Causes of Deforestation and Forest Degradation that led to a number of important recommendations (see Taiga News 26). Similarly, the more recent IPO/NGO monitoring initiative is helping to focus attention on implementation of and compliance with forest commitments.

On the other hand, there have been disappointments. Despite our efforts, negotiations at the UN have not led to the level of global implementation action that is needed. Very few IPO/NGOs from developing countries or Eastern Europe participate in international forest policy meetings. This is despite the valiant efforts of a few NGOs to raise funds for this purpose. Back home, IPO/NGOs find that they are not yet taken as seriously as they should be as key implementers of forest action.

Perversely, the predominance of 'Northern' IPO/NGOs in international forest meetings has not resulted in a clear understanding that we are talking about all of the world's forests. There is still a tropical mind-set in many forest discussions, including on illegal logging and trade.

## What are the prospects for the future?

Meaningful participation will not follow automatically from encouraging words written into the mandates of international forest institutions. Mechanisms must be put in place, including funding, to make broader and more effective participation possible. The role of IPO/NGOs must be expanded to include formal participation in monitoring and evaluation of progress and obstacles to progress. IPO/NGO networks need to be strengthened so that the views and perspectives of many can be brought to the negotiating table, even if not everyone can be physically present.

IPO/NGOs, governments and others are currently thinking through what new or strengthened international arrangements or mechanisms are needed on forests. There is a great opportunity to make a clean break from the disappointing IFF mould and to begin afresh. Without this, the international forest policy dialogue will not deliver what is needed to help the world's forests and will not serve anyone's interests in the long term. Tinkering with organizational modalities will not be enough.

Innovative mechanisms, such as Multistakeholder Dialogue Sessions (as in the CSD) or mechanisms for IPO/NGO Monitoring and Evaluation of Implementation and Compliance, are needed that will engage all stakeholders on a more equal footing. Arrangements are needed, inside or outside the intergovernmental arena, that will allow and encourage a majority of Governments and Major Groups from all sectors of society to move ahead with forest action in partnership, without being held back by one or a few more regressive actors. A number of precedents exist in the UN system that could help to address these needs. These should be fully explored as the next steps in the post-IFF international policy dialogue on forests are mapped out.

# So who won the Seattle Battle?

Anny Wong says we can thank Bill Clinton for the collapse of the WTO talks last December. Saskia Ozinga warns that the EU will push on regardless.

Anny Wong,  
Global Forest Policy Project  
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Forest activists well deserve a pat on their backs for helping to bring about the collapse of the World Trade Organization (WTO) meeting in Seattle on 3 December, 1999. Of particular importance to them was the defeat of the US-led Accelerated Tariff Liberalization (ATL) proposals, which would have increased logging around the world by reducing prices and increasing consumption. Their actions before and at Seattle greatly increased public awareness of the dangers of an indiscriminate push for free trade. However, credit for causing the collapse of the talks must also go to the Clinton administration and the US Trade Representative (USTR) office in particular.

First, the Clinton administration in its final year was too eager to claim credit for starting a new round of multilateral trade talks. However, it was not prepared to win an agreement at the cost of alienating labor and environmental groups, whose support are critical in the coming presidential election.

Second, the USTR needed the WTO meeting to be a success. US bilateral trade talks with China preceded the WTO meeting and there was no certainty that USTR chief Charlene Barshefsky would come home with an agreement. A face-saving victory was needed in Seattle, even if it was only incremental gains under the ATL initiatives for US industry, USTR's chief constituency. This helps to explain why USTR was blind to the fact that its aggressive push for the ATL became a uniting force for disparate groups in civil society.

Third, arrogance about US economic power made them forget the WTO is a multilateral organization. The selection of Mike Moore, a strong free trade advocate and the US choice, to head WTO further misled the White House and USTR about their influence at Seattle. Hence, the US invested little in sincere negotiations with the EU and Japan to gain their support for the ATL. This was a very short-sighted move considering Japan's staunch opposition to it.

It might therefore be foolhardy to exaggerate the power of civil society, the new green alliance among environmental NGOs, or the labor-environment coalition to influence where forest trade talks will go. The WTO will need several months to rebuild and make another go at launching a new round of trade talks. The US is not a likely force in the WTO's recovery as the Clinton administration enters its twilight and the country focuses on presidential elections. Since Japan has never been inclined towards proactive leadership, the EU, which has been eager to start new trade negotiations, may be the major force in reviving the WTO. Governments and industry will turn to bilateral trade talks since less transparency and openness mean less vulnerability to public scrutiny and criticism.

Saskia  
Ozinga,  
FERN  
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The battle of Seattle has been won but... I opened the paper this morning (26 January) to the headline: 'EU trade chief urges new round'. The EU Trade Commissioner, Pascal Lamy, announced bold plans to launch a new round of world trade talks this year, as 'the issue is too important to wait until after this year's US presidential elections'. European NGOs should therefore be ready to continue the battle.

At Seattle, amidst the biggest demonstrations in the US since the Vietnam War, the EU was the one who pushed hardest for a comprehensive new trade round which would have included issues like investment, government procurement, environmental standards and labour rights. The EU therefore lost out most when the party ended in tear gas. Almost all of the issues on the EU wish-list could have big, negative, implications for the world's forests. The battle of Seattle was therefore an important victory.

To give the EU some credit, the EU did stick to its promise not to support the US led proposal to eliminate all tariffs on forest products, the ATL proposal. The official 'party line' was that the ATL proposal was 'unbalanced'. Pascal Lamy, however, told MEPs the EU wanted forest products and fisheries excluded from the ATL package. Both major forestry industries as well as NGOs had expressed concern over the ATL agreement.

Despite their 'good' position on the ATL, a leaked document at Seattle provided more insight into the EU's and Japan's negotiating positions. The document stated clearly the EU's and Japan's wish to eliminate all tariffs and non-tariff measures in all product sectors. No mention was made about a sustainability impact assessment. This does not provide much hope for future trade negotiations.

Since Seattle the WTO has been in disarray. Despite Pascal Lamy's strong words it might be some time before the WTO can overcome the collapse in global trade talks. The WTO's DG Mike Moore is therefore much more cautious. Moore only wants to concentrate on the 'built-in' agenda (dealing with agriculture and services) as well as easing the concerns of the developing countries and WTO reform. How the WTO will reshape in the aftermath of Seattle remains therefore to be seen.

What is clear, however, is that bilateral trade negotiations are mushrooming. Both the EU and the US are negotiating 'free trade' agreements with among others Mexico, India and South Africa. Some of these trade agreements go much further than even the EU wanted for the WTO. For the moment the strategy for the EU and the US seems to be to 'get what you want' outside the WTO and outside the public eye. NGOs should therefore be ready to scrutinize these bilateral trade agreements. One wonders why the US and the EU still need the WTO.

## Partnerships for Protection: New Strategies for Planning and Management for Protected Areas

Sue Stolton and Nigel Dudley (editors), Earthscan, 1999.

Review by Sarah Lloyd

This new book, *Partnerships for Protection* highlights the challenges of ensuring that protected areas are well-managed and retain their integrity in overall land- and seascape planning today and in the future. The book brings together chapters from a range of authors giving input on new models for selecting and managing protected areas, building stronger alliances with people, and addressing a wider range of partners and values. The editors and contributors remind us that many protected areas are being degraded and destroyed despite their regional, national and/or international status as protected areas.

Specific to the boreal forest, Sue Stolton, Nigel Dudley, and Karin Beland-Lindahl provide a chapter looking at the role of large forest companies in forest protection in Sweden. This chapter gives a background and current status report on certification and voluntary protection measures taken by the large companies. Specific information on individual companies is provided in the chapter. The chapter illustrates that the private sector is taking a larger role in environmental protection, as the role of the state declines.

The book as a whole provides a number of interesting and useful case studies of new models and arrangements being developed and used in many different parts of the world to protect ecologically valuable areas. The examples emphasize the need for viewing the conservation framework in a holistic way incorporating the diverse ecological, social, spiritual, economic, and cultural aspects of land use.

## Forests for the Future: Local Strategies for Forest Protection, Economic Welfare and Social Justice

Paul Wolvekamp (editor), Zed Books, 1999.

Review by Elisa Peter, Taiga Rescue Network

Forests for the future is an anthology of community stories presenting experiences and recommendations on how to re-establish local control over forest lands and preserve them for the future. The editor draw on a wide range of contacts in forest communities around the world, including in the boreal forest. A chapter is devoted to the Udege's efforts to improve their economic situation by developing forest-related economic activities on their own (non timber forest products and ecotourism) in the Russian far East. A chapter on Canada gives a comprehensive overview of the Algonquins' seven year long struggle for implementing a sustainable forestry model on their traditional land. Another chapter on Canada describes New Brunswick' forest use and community history. What makes the publication are the vivid and inspiring accounts of local citizen initiatives to sustain the forest all over the world.

## Vanishing Halo: Saving the Boreal Forest

Daniel Gawthrop, Greystone Books, 1999.

Review by Chanda Meek, Boreal Forest Network

*Vanishing Halo* is a thoughtful, well-written account of threats to and possible solutions for the forests and peoples of the taiga. Daniel Gawthrop manages to weave together a story out of stark facts and personal narratives, through published research, interviews and personal observation, giving the casual reader a fair grounding in boreal ecology, geography and political studies before diving into the boreal headfirst. Gawthrop's best moments come from his personal forays into the boreal, when he is able to mentally transport the reader to the taiga, hear the animals, talk to the people, and reflect on urban responsibilities to boreal livelihoods.

The chapter on climate change data is particularly stunning. Gawthrop suggests that 'Much of the [Canadian] boreal forest will be replaced by grasslands, temperate forests, or tundra.' In short, climate trends across Canada will manifest themselves with biblical fervor: droughts and larger fires in the Prairies, increasing insect infestations, and severe storms in Eastern Canada. The chapter on co-management provides some positive examples of community alternatives to multinational corporate rule, though I would have liked to see some analysis of how these agreements have worked in addition to how they are constructed.

At times the reporting seems rushed. In the chapter 'The Forest People' Gawthrop does not always differentiate between the political regimes (and corresponding recognized rights) of Sami peoples in Norway, Sweden, Finland and Russia. The book also suffers a little from too many examples, and not enough personal experience in order to 'glue' the stories together.

I definitely recommend *Vanishing Halo* for the general public as well as veteran boreal activists. Though it draws heavily from Canadian examples, the book is a good survey of international trends and long-standing traditions in boreal activism, science, and life stories.

*Tell us  
your story*

*Bring international  
attention to your  
community - write  
a story for the  
taiga book!*

TRN is publishing a book on the taiga for a popular audience. The book will be a collection of short articles and essays written by citizen activists in the boreal region. Please be one of our writer-contributors or help us to find them!

Past TRN reports have successfully educated an audience of forestry specialists, environmentalists, and government policy-makers. Now the TRN would like to greatly expand its audience, to inspire new people in the boreal and the consumer countries to defend the taiga forest. The taiga book will be written in popular language, with photos, with this audience in mind.

Authors do not need to be specialists on boreal forests to contribute to the book. In fact, we encourage new writers who are not professional environmentalists. TRN is especially looking for citizen activists and indigenous peoples who live in small towns in the boreal and who have vivid stories to tell about their local struggles to save the forest and nature. The story may focus on a single town or it may focus on an entire province.

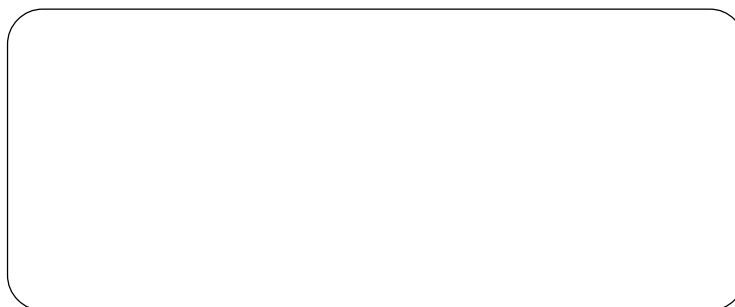
The book aims to paint the reality of what is happening in the boreal. We want to offer some inspiration and highlight some success stories in forest protection. Success stories, stories of desperation, and mixed experiences are all welcome.

TRN can offer no monetary compensation for contributed stories only the opportunity to tell your story to a wide popular audience.

Are you interested in writing for the taiga book, or can you recommend a potential writer? If so please contact Lisa Tracy.

### Contact

Email: [lisa\\_tracy@hotmail.com](mailto:lisa_tracy@hotmail.com)



If undelivered please return to: **Taiga Rescue Network**, Box 116, S-962 23, Jokkmokk, Sweden

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## Future issues

The focus of the spring issue of Taiga News (number 31) will be on Non-Timber Forest Products in the boreal region. The deadline for contributions is March 20th 2000 and the issue will be produced in April.

The summer issue (number 32) will be produced in August. The focus will be Russia, as a lead-up to the TRN conference in Moscow in September. We can arrange for translation of contributions in Russian if we receive them by the end of May. Please send contributions in English by July 15th.