

EU Forest Watch

Informing NGOs, MEPs, Member States, the European Commission and the media

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Congo VPA process launched

On 24 June 2008, the Republic of Congo and the EU launched a process that should see the signing of an EU Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreement (FLEGT VPA). Both sides hope that by March 2009, six technical meetings and three formal negotiation sessions will have taken place and that they will be ready to sign an agreement that covers both the internal and external market for all timber products.

In recent months, both parties have spoken of ensuring that the agreement's definition of legal timber and its governance reforms are pro-poor. This backs up the EU's commitment to ensure that VPAs "strengthen [...] tenure rights especially for [...] indigenous peoples."¹ Unfortunately though, the Joint Declaration presented at the launch does not recognise the importance of forests for indigenous peoples and local communities.²

More worrying still is that the Government of Congo is currently only accompanied in the negotiations by a private sector contingent. The negotiation schedule is short and ambitious so it is essential to get the process right now by ensuring all stakeholders are equally represented and the rights of local communities are upheld.

1. Council Conclusions 13 October 2003, 2534 Council meeting
2. http://www.loggingoff.info/media/articles/article_630.pdf

Forest funding questioned

FERN has released a synthesis report of its research into the extent to which programmes funded by the European Commission's rural development fund are fulfilling the EU's aim to halt biodiversity loss by 2010.

Reports covering Bulgaria, Czech Republic, Finland, Hungary, Ireland, Portugal and Romania reveal that individual countries' policies and spending are rarely in line with EU aims. The synthesis shows that unless funding for rural development is used to protect biodiversity, the EU will miss its targets for protecting areas of importance and Europe's biodiversity. All reports are available at www.fern.org/publication.html?id=156 and paper copies of the synthesis from julie@fern.org.

MEPs vote for reduced agrofuel target

It has been a bad month for the agrofuel lobby. ForestWatch has detailed how over the last few months more and more scientists, politicians and NGOs have come out against the EU's target to have ten per cent of all fossil fuel in the transport sector replaced by agrofuels by 2020 (see FW 128). Fuel was added to the fire when the UK government accepted the conclusions of the Gallagher Review¹ which looked into the indirect effects of agrofuels production and called for the target to be lowered substantially. France too used the opportunity of its taking over the EU presidency to call the target into question.

This all happened in the run up to the 7 July 2008 Environment Committee of the European Parliament vote on the proposed Renewable Energy Directive. This Directive establishes an EU wide binding target of 20 per cent of all energy consumption in the EU coming from renewable sources, including a ten per cent agrofuels target for all transport fuel.

MEPs Marie Anne Isler Béguin and Claude Turmes had tabled an amendment to drop the ten per cent target but this was not agreed. Instead the Environment Committee opted to reduce it to four per cent by 2015 of which one fifth would

consist of energy coming from green electricity, hydrogen and second generation agro and biofuels. The MEPs also proposed a target of at least eight to ten per cent by 2020, but this will only be decided after a major review in 2015. It was suggested that up to half of this target would have to be met from sources other than first generation agrofuels.

The Parliament's Industry Committee will vote on the draft Directive in September 2008 and the plenary vote is expected later this year.

1. <http://www.renewablefuelsagency.org/reportsandpublications/reviewoftheindirecteffectsofbiofuels.cfm>



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Photo: Jutta Kill

NEWS IN BRIEF

Two EC online consultations are presently taking place. One on deforestation opened on 25 June 2008 and will close on 22 August 2008. To provide your input go to http://ec.europa.eu/yourvoice/consultations/index_en.htm. The other is on a sustainability scheme for energy uses of biomass. It opened on 16 July 2008 and will close on 30 September 2008. To provide your input go to: http://ec.europa.eu/energy/res/consultation/uses_biomass_en.htm

The Congo Basin Forest Fund (CBFF) is a multi donor fund that was launched on 17 June 2008. The Fund will be managed by the African Development Bank and will pay for projects that slow the rate of deforestation in the area. The initial capital is €136 million and comes from Britain and Norway.

SCA continues to violate FSC standards. The Swedish Society for Nature Conservation (SSNC) and Greenpeace Nordic filed a new joint formal complaint against paper manufacturer SCA's clear-cutting of northern Swedish forests. The environmental organisations listed more than one hundred violations and noted a large number of species on the red-list in each of the two sites. You can read the full press release here: <http://www.naturskyddsforeningen.se/In-english/Forest/swedish-company-sca-again-violates-forest-certification-standards/>

The CO2 Alibi is a documentary showing that while Dutch company FACE claims to save the climate with its Ugandan tree planting offset project, in fact it achieves nothing but problems for local people (see FW 127.) A DVD of the documentary is now freely available from FERN in Dutch with either Portuguese or English subtitles, please order a copy from julie@fern.org.

Is EC aid ready to fulfil its sustainability promises?

The European Commission is expected to release a communication soon to finally take forward commitments it made in the 2005 European Consensus on Development. A draft issues paper¹ recognises the failures to date and focuses on the need for the EC to increase its capacity, resources, training and accountability. The communication will address general themes, with specific approaches to cross-cutting issues such as democracy, governance, human (including indigenous peoples') rights and environmental sustainability outlined in annexed working papers.

Over the last few years, many environmental NGOs have been asking the Commission to ensure that tools such as environmental impact assessments

are used effectively and civil society is provided with timely information during the development and implementation of aid programmes.² It is to be hoped that this communication and its annexes will be the answer to these demands because it is only through the active participation of civil society, local communities and indigenous groups that sustainable development can truly proceed. FERN and others expect that the communication will be a first step to a revised and comprehensive environmental strategy that recognises the needs raised in the draft issues paper.

1. Available from iola@fern.org

2. See http://www.fern.org/media/documents/document_3750_3751.pdf and http://www.fern.org/media/documents/document_3879_3880.pdf.

US Bans Illegal Timber

The Lacey Act is a US law which works to stop the illegal transport of wildlife caught illegally in foreign countries. In June 2008, the US congress passed a much-anticipated amendment which, for the first time makes commerce in products made from illegally harvested or traded wood a federal crime.

This amendment was championed by Congressman Blumenauer and Senator Wyden and had the support of a broad coalition of environmental groups, industry associations, and labour unions. The law makes it much easier for the US government to prosecute illegal timber traffickers and also adds transparency to the timber trade by requiring importers to declare the species and country of harvest of all wood products entering the country.

Concern has been raised that companies and individuals can only be prosecuted under the Lacey Act if the government can prove they *knowingly* traded in illegal wood, or were negligent in not knowing their supply was illegal, as this puts

to burden of proof on the government. However, a proveably illegal shipment of wood can be seized regardless of the owner's knowledge. This "strict liability" forfeiture aspect is expected to create the most significant deterrent effect.

The prohibitions came into effect on 22 May 2008 and the declaration requirements will go in effect 180 days later, on 18 November 2008.¹

There has been some discussion about replicating the Lacey Act at the EU level. European NGOs, however, hope that the EU proposal to control illegal timber imports, expected in September 2008, will be more far reaching than the US Lacey Act and put the onus on the trade to prove their timber is legally sourced. The US Lacey Act puts the burden of proof on the government, which will make prosecution very costly. Nonetheless, if the EU proposal falls short of NGO's or Member States' expectations, different Member States could individually adopt a Lacey style Act, as is already being proposed by UK MP Barry Gardiner.

1. For more information see http://www.eia-global.org/forests_for_the_world/