

EU Forest Watch

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

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New DG for Climate and Energy criticised

The creation of a new directorate-general (DG) focusing on energy and climate has been on the European Commission's agenda since summer 2008. The European Voice explains that this would mean shifting energy from DG Tren – transport and energy – and transferring some staff from DG Environment, currently in charge of climate change policy, to the new department.¹ At the end of April 2009 it started to take shape as a task force led by DG Personnel and Administration presented its first recommendations for the mandate of the new DG.

However, a group of European parliamentarians have published a letter² attacking the Commission's plans to bring climate change and energy together in a new DG. The MEP's letter explains, "Climate policies require ... looking at industrial emissions, transport, energy, buildings, agriculture, development and foreign policy. A DG responsible for energy and climate would not be best placed to deliver such a horizontal approach." MEPs also warn that such a move may in fact have the opposite of the desired effect because short-term economic interests would interfere with effective and sustainable climate policies. Specifically, the reorganisation required by a new DG could be highly damaging to the EU preparedness and performance ahead of the international climate change negotiations in Copenhagen in December 2009.

1. European Voice, 14 May 2009

2. <http://www.globe-europe.eu/index.php/other-news/4-other-news/399-globe-eu-members-raise-concerns-over-european-commission-plans-for-proposed-department-on-energy-and-climate>

GPP: Be heard!

In July 2008, the European Commission adopted a communication¹ regarding public procurement for a better environment, including a target of 50 per cent green public procurement (GPP) to be reached by Member States by 2010. The target is linked to a process for setting criteria recommended to be included in tender documents. A second round of public consultation is currently underway to establish GPP criteria for 10 product groups including timber products. The product sheets and background reports are available at http://ec.europa.eu/environment/gpp/index_en.htm. Comments should be sent no later than 31 August 2009 to ENV-GPP@ec.europa.eu.

1. COM(2008)400 final

R-Plans: Indigenous and local communities stand firm

Indigenous peoples' organisations and NGOs around the world are expressing grave concerns about the REDD Readiness Plans (R-Plans) and Idea Notes their governments are developing. These plans are key documents for countries to access funding under the World Bank's Forest Carbon Partnership Facility (FCPF) to reduce emissions from deforestation. In a letter to their governments,¹ copied to the World Bank, indigenous organisations in Surinam and Indonesia affirm that the plans are inconsistent with the Charter of the FCPF and Operational Policy 4.10 on Indigenous Peoples, a mandatory World Bank policy. This is because the R-Plans

fail to adequately respect indigenous and tribal peoples' rights.

The Surinamese groups elaborate: "We believe it necessary at this time to be clear that we will not accept any delinking of our territorial rights and our right to consent to activities that may affect us from the FCPF or any other REDD or related activities." Both the Surinamese and Indonesian groups cite international law to support their case and call upon government to establish an effective process of consultation and collaboration with indigenous peoples' organisations to enable their participation in decisions about the

development of REDD that will affect their lives significantly. In other countries, including Panama, Ghana and Liberia, indigenous peoples and NGOs are equally concerned about the development of these R-Plans without meaningful consultation. The Bank and other institutions cannot expect to push through plans without consent of indigenous and local communities; this would be in violation of both the letter and the spirit of a spectrum of instruments, and the communities concerned will not back down.

1. www.fern.org



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Photo: Jutta Kill

NEWS IN BRIEF

Despite the US Alternative Fuels Tax Credit being intended to encourage companies to use alternative fuels along with fossil fuels, a loophole has allowed paper manufacturers there to do the reverse: to profit by being less 'green,' and adding fossil fuels to their longstanding use of bioliquids. This sleight of hand could cost US taxpayers US \$6 billion a year. Representatives from Brazil, Canada, Chile and the European Commission addressed their concerns about the loophole in a letter to four US congressmen about the unintended effects which have seen fossil fuel use increasing along with the commercial viability of pulp producers in the US.

Market based schemes to reduce emissions from deforestation (REDD) should not be used as a means for polluters to offset their obligations, says Concord, the European NGO confederation for relief and development (www.concordeurope.org). They demand safeguards to ensure that REDD activities do not lead to violations of collective and individual human rights. They are also clear that free prior and informed consent of local communities and indigenous peoples are central to any future climate regime.

'Non-state actors' (NSAs), including NGOs, must play multiple roles in shaping and implementing development cooperation projects. The European Court of Auditors found that, despite considerable aid (Euro 915 million in 2007), Commission efforts to involve NSAs fall short: monitoring is insufficient, prospects for sustainability are poor, and capacity-development programmes vary significantly between African, Caribbean and Pacific groups of states (governed by strategies of the Cotonou Agreement) and Asian and Latin American recipients. First among ECA recommendations (www.eca.europa.eu, Special Report No 4/2009): the Commission should strengthen guidance for involving NSAs.

Not so fast, M. de Larosière!

In response to the financial crisis, the Commission has created a High Level Group, chaired by Jacques de Larosière, to explore increased European supervision of financial actors. The de Larosière report¹ recommends two new bodies to ensure an efficient European system of supervision. The Commission is outlining plans to be discussed during the Finance Ministers' meeting on 8-9 June 2009. The new European Systemic Risk Council (ESRC) and European System of Financial Supervision may be given binding authority over national supervisory bodies. The ESRC would supervise national regulators and could require certain measures in the banking, insurance and securities areas. Not surprisingly, objections concern the transfer of national powers to the new bodies; the strongest opponent is the UK.

1. http://ec.europa.eu/internal_market/finances/docs/de_larosiere_report_en.pdf.

Commission must sharpen development policy tools

ForestWatch 118 showed how European Commission tools to address environmental challenges in development usually kept internal and rarely suited to the problem. It was hoped that country environmental profiles, drawn up with the national governments after a consultation process with stakeholders would improve this and provide guidance during the development of country cooperation programmes. Yet, a FERN, Birdlife and WWF study of 21 geographically diverse environmental profiles¹ finds them weak in analysing legal and institutional systems, governance and corruption problems, and inadequate when assessing land tenure – issues that hugely affect natural resource use and environmental protection. The report includes recommendations to address the weaknesses.

1. www.fern.org

Cameroon VPA negotiation concludes

The 22 months of intensive FLEGT¹ negotiations between Cameroon and the EU have ended, with plans to sign the Voluntary Partnership Agreement (VPA) in June 2009. This could mean that the system to control forest operations, covering both domestic and external markets, could be operational by 2012.

The greatest strength of the at-times rocky process has been the unprecedented participation of civil society. Although outnumbered by their private-sector counterparts, having local groups in pre-negotiation and negotiation committees led to strong provisions regarding public access to documents and commitments to independent monitoring.

Weaknesses remain: the agreement is vague and does not yet live up to FLEGT objectives as defined by the EU Council,² and civil society groups in Cameroon fear that much work remains to ensure that objectives are implemented. For example,

despite commitments to ensure coherence of the legal framework, to improve social and environmental elements and to respect international obligations, no clear principles or processes are outlined. For civil society, this means that recognition of rights – free, prior and informed consent of communities, for instance – are still uncertain where they should be being clearly enshrined in national law.

Effective mechanisms to safeguard continued participation of local NGOs and communities are vital to the success of the agreement, particularly during the forest law reform process that must take place before the first FLEGT license is granted. VPA provisions to strengthen the capacity of stakeholders should form the basis of meaningful involvement of these groups.

1. Forest Law Enforcement, Governance and Trade.
2. European Council conclusions on FLEGT; OJ 2003 C-268/01