

EU Forest Watch

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

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Copenhagen's missing ingredients: legal standing and political will

One outcome of the Copenhagen climate conference – the controversial Copenhagen Accord – called on industrialised countries to submit their reduction pledges and for developing countries to submit details of their intended emissions reductions to the UNFCCC secretariat by 31 January 2010. The EU submitted its long-held target of 20 per cent emission reductions on 1990 levels¹ – widely regarded by NGOs as inadequate to achieve the EU's goal to limit global temperature rise to a maximum of 2°C.

The UNFCCC secretariat confirmed that, as the Conference of Parties neither adopted nor endorsed the Accord, its provisions have no legal standing within the UNFCCC process² – it is a political statement to which countries may ascribe if they wish. Statements from developing countries indicate they accept this interpretation, with only four developing countries associating with the Accord so far. The EU, however,

seems intent to turn the Accord into a legally binding agreement, actively encouraging countries to endorse it, despite recognising that it is unlikely to deliver the objectives of the climate convention: pledges so far put the world on course for a temperature rise of 4°C.³

For a meaningful outcome to the climate conference in Mexico later this year, it is imperative that parties return to the UNFCCC negotiating process and adopt a decision on the Kyoto Protocol's second commitment period and on the fulfilment of the Bali Action Plan. With most countries, including the EU, pledging commitments at the bottom end of their 'offers,' the Accord highlights that the missing ingredient in the climate negotiations is the political will of rich nations.

1. http://unfccc.int/files/meetings/application/pdf/europeanunioncphaccord_app1.pdf
2. http://unfccc.int/files/parties_and_observers/notifications/application/pdf/100125_noti_clarification.pdf
3. www.climateactiontracker.org

Sarawak cases, VPA lessons

Sarawak's indigenous peoples have again won important court cases concerning land rights brought against the Sarawak State government and an oil palm company. In both, the High Court Judge declared that the local communities (Iban and Malay respectively) held customary rights over land unlawfully claimed by the government. Lawyers for the peoples called the decisions "a great victory for the people."

The victories re-confirm that disputes over land – more than 100 exist in Sarawak – must be settled prior to logging or other developments and that timber harvested in disputed areas should be considered illegal. These are among the pre-conditions that Malaysian NGOs and indigenous peoples' organisations are asking the EU and Malaysian governments to meet before signing a FLEGT agreement. Recognition of Native Customary Rights is a main outstanding issue in VPA negotiations. Ignoring these demands and judicial decisions would risk the legitimacy of the VPA.

Moving goal posts: stanching EU biodiversity loss

On 19 January 2010 the European Commission presented "Options for an EU vision and target for biodiversity beyond 2010."¹ Acknowledging "that the EU will not achieve its target" of halting biodiversity loss within the Union by 2010, the Communication sets out four options for a "post-2010 EU vision and target." These range from: scaling back the goal to halt biodiversity loss, aiming instead to "significantly reduce the rate

of loss" by 2020; to recognising, assessing and addressing the EU's responsibility for biodiversity loss at home and beyond its borders. This is clearly the more desirable option as it would look at EU consumption patterns and thus contribute to averting EU and global biodiversity loss by 2020.

The Commission intends to present an "EU biodiversity strategy" by late 2010. FERN calls on the incoming Environment Commissioner to rise to the challenge by delivering an

ambitious strategy, including measures to "reduc[e] the impact of EU consumption patterns on biodiversity elsewhere in the world," as these are essential to halt not only biodiversity loss, but also deforestation. Critically, the new Commissioner must also demonstrate the political will to compel Member States to implement that strategy during his/her term in office.

1. http://ec.europa.eu/environment/nature/biodiversity/policy/index_en.htm



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NEWS IN BRIEF

The new Commission should reconsider biomass report. The last biomass Barometer (www.eurobserv-er.org/pdf/baro194.pdf) produced by EU Observ'ER shows the growth of primary energy production from solid biomass was 2.3 per cent between 2007 and 2008; this growth was particularly marked in electricity production, which increased output by 10.8 per cent over 2007. Projections suggest that biomass use will double by 2020; therefore, legally binding criteria are needed in the short term to assess environmental and social impacts of (woody) biomass. As the biomass report planned for December 2009 has again been delayed, the new Commission should reconsider the very unambitious and voluntary recommendations currently on the table, lest they start a race to the cheapest and most destructive forms of biomass.

NordicForests.org, a new website from the Taiga Rescue Network about the High Conservation Value Forests in Norway, Sweden and Finland that are currently under threat, was launched on 21 January 2010. The site provides information and news to producers, buyers, NGOs and the general public who are concerned about biologically and socially valuable forests; it presents reports, statistics and maps about forests in general and specific districts and countries.

The Rights and Resources Initiative's new publication, "**The End of the Hinterland: Forests, Conflict and Climate Change**" (www.rightsandresources.org/publication_details.php?publicationID=1400) takes stock of the current global status of forest rights and tenure, assesses the key issues and trends of 2009, and identifies challenges that we will face in 2010. As forests are now booming in value, it asks the critical question: on whose terms will the hinterland be integrated into global markets and politics?

Cameroon-EU VPA negotiations concluded in January 2010. Talks between the two parties had been re-opened over issues related to timber in transit since we announced the end of negotiations in June 2009 (See FW 139). Signature is expected in the coming weeks.

Bulgaria facing EU penalty over forest swaps

The Bulgarian administration's data¹ showing increased forest cover hide a more disturbing situation. Past afforestation with plantations and recent natural encroachment on abandoned agricultural lands have increased the 'forest' cover in Bulgaria by about 1.6 million hectares, yet forest diversity is severely diminished.

Recent case studies by BSPB² reveal the causes for the striking degradation. Illegal logging is often neither reported nor registered, it is comparable to legally harvested volumes, distorting estimates of available standing timber volumes and leading to overestimation of future harvesting potential. Also, the nine per cent of forests covered by the protected areas network are insufficient, while in productive forests, unsustainable practices such as clearcuts are still permitted.

Most disturbing, however, was the shady practice – halted after NGO

outcry – of 'consolidating' state-owned forests by swapping them with non-state forests, which allowed private developers to acquire attractive areas along the coast and mountain resorts with a market price many times higher than the exchange value. Thus the state lost between 500,000 million and 1 billion Euros in the last six years, including many outstanding natural areas converted into construction sites. This dubious practice may constitute 'unregulated aid' and market distortion in infringement of the EU Treaty and has rightly drawn the attention of the EU Commission.³ Bulgarian NGOs are pushing also for a halt to construction in swapped forests and an investigation into previous deals.

1. <http://nug.bg/files/drugi/Doclad.pdf>

2. www.bspb.org, under Activities-Projects

3. www.pari.bg/rss/a/2010/02/04/Bulgaria_facing_EU_penalt

Forest Inaction Plan

When the EU Forest Action Plan (FAP) was presented in 2006, FERN raised concerns (FW 106) that most action points were not new or so vaguely formulated as to render their effect negligible. As with the EU Forestry Strategy, the plan also had a problem with contradictory objectives (e.g. increasing harvesting or halting biodiversity loss).

Even against this backdrop, the European Commission's mid-term evaluation of FAP implementation disappoints. It ignores the concern that climate change will require forests in the EU to be more resilient and fails to mention that demand for both timber and biomass will increase, that forest resources across Europe are dwindling, and that there has been a lack of coherent monitoring of forests in the EU.

The evaluation does call for monitoring activities and a follow-up of the FAP after 2011. Let's hope this follow up will be inspired by how best to manage forests in Europe, reverse the biodiversity and climate crises and ensure Member States meet their already existing legal obligations under various conventions and EU laws.

'Sustainable' Biofuels?

In January 2010, the UK Renewable Fuels Agency (RFA) launched a report about biofuels supply under the UK's Renewable Transport Fuel Obligation (RTFO),¹ revealing that most of the feedstock was imported. Only four per cent of imported biofuels meet the environmental 'sustainability' standard of the RTFO, providing little assurance about the environmental and social impacts of the feedstock. Friends of the Earth also revealed a draft European Commission communication² setting out possible implementation of the 'sustainability' criteria for biofuels in the Renewable Energy Directive. The communication suggests that a change from a forest to a palm oil plantation "would not per se constitute a breach" of the criterion on continuously forested areas. In principle, no raw material (for biofuels) should be obtained from these areas if the land status changed from that which it held in January 2008. Our energy needs for transport are clearly at the expense of biodiversity and social concerns; therefore, agrofuel targets should be scrapped.

1. <http://tiny.cc/pgHW0>

2. <http://tiny.cc/KQUqW>