

# EU Forest Watch

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

Issue 148 April 2010

## The FLEGT process continues to give a voice to civil society

From 22 - 26 March 2010, NGO representatives from Cameroon, Central African Republic, Congo, the Democratic Republic of Congo, Gabon, Ghana and Liberia came to Brussels to discuss progress made concerning the Forest Law Enforcement, Governance and Trade (FLEGT) process and the legally binding Voluntary Partnership Agreements (VPAs) their governments aim to sign with the EU to control illegal logging. Cameroon, Congo and Ghana have signed such VPA agreements already; for the other countries, negotiations are ongoing. All meeting participants are part of the newly formed Africa Community Rights Network, which counts campaigning for effective implementation of VPAs among its core activities.

The main aim of the meeting was catch up with developments in the region and come up with joint strategies. The NGOs also met with the European Commission and European NGOs involved in getting legislation in place in Europe to control imports of illegally logged timber.

The meeting concluded that in all countries present, the VPA process itself has significantly strengthened civil society participation in national level decision-making. In these countries, civil society now plays an active role in defining legal forest use. Civil society's demands for forest law reform which ensures the rights of local peoples has been recognised, and in some cases enshrined, in VPAs. This indicates that FLEGT is a good tool to ensure national governments listen to NGOs.

Yet it also became clear that, once concluded, it is difficult for NGOs to participate actively in the implementation phase of a VPA. The development of new strategies to improve this will now therefore be a focus of NGOs in those countries that have signed VPAs. One of the key steps will be improving independent monitoring of national VPAs and their impacts on strengthening tenure rights and addressing corruption.

NGOs broadly support EU attempts to control imports of illegally sourced timber as long as they do not undermine the political will to continue negotiating VPAs; they feel strongly that the VPA process has opened a dialogue in which their voices are heard and their arguments taken on board – often for the first time.

## Time to end subsidies that harm biodiversity

There was some positive news on 15 March 2010 when EU environment ministers backed the most ambitious of four European Commission-proposed options to protect biodiversity after 2010<sup>1</sup> (FW 146). The ministerial resolution on biodiversity calls for a halt to biodiversity loss and to the degradation of ecosystem services in the EU by 2020, and for their restoration “in so far as feasible.”

The Council conclusions include interesting statements about subsidies and REDD+, notably that: “public and private finance ... should specifically

support conservation and sustainable use of biodiversity within REDD plus” and “biodiversity-supportive financial means should be considered through the reform, elimination and reorientation of those subsidies harmful to biodiversity.”

The definition of “harmful subsidies” remains unclear, however; biodiversity-harming agrofuels are subsidised by binding European targets and preferential tax rates. If biodiversity is to be protected, these subsidies must be abolished.

Another issue that will affect biodiversity is Spain's attempts to revive discussions

about soil protection. Although talks remain stalled,<sup>2</sup> Spanish environment minister Elena Espinosa Mangana said she would continue working on the “bottlenecks” despite clear opposition from Germany, the UK, the Netherlands, France and Austria. It is to be hoped that talks move forward soon and do not result in the same nonbinding recommendations that have bedevilled biomass discussions (FW 147).

1. [www.countdown2010.net/2010/wp-content/uploads/Council-Conclusions-new-biodiversity-target.pdf](http://www.countdown2010.net/2010/wp-content/uploads/Council-Conclusions-new-biodiversity-target.pdf)  
2. <http://www.endseurope.com/23519?referrer=search>



## NEWS IN BRIEF

**European Parliament rapporteur Caroline Lucas has re-tabled a proposed European ban on illegal timber.**<sup>1</sup> The ban was backed by the European Parliament last year, but later rejected by the Council. Lucas criticised the ministers “shameful” weakening of proposals but conceded that it would be unrealistic to require small operators to set up due diligence systems - one of the main reasons given for weakening the proposal.

1. [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/envi/pr/808/808813/808813en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/envi/pr/808/808813/808813en.pdf)

**Bolivia is to host a Peoples’ World Conference on Climate Change** from 19 - 22 April 2010 in Cochabamba. The conference was announced by President Evo Morales after the failed UN Climate Change Conference in Copenhagen in December 2009. Focusing on the structural causes of climate change and on developing specific proposals and actions to address these, the discussions can also be joined via the internet. Agenda priorities include climate debt, climate change migrants and refugees, and how to implement and finance both the required emission cuts and ‘adaptation’ to the climate change already locked into the climate system due to past emissions. More information about the conference and the different workshops is available at <http://pwccc.wordpress.com/>.

**Another legal victory for communities in Sarawak.** The Miri High Court in Sarawak has found that the indigenous Long Teran Kanan community hold native customary rights and that the state government issued leases to Malaysian palm oil grower IOI Pelita unconstitutionally; it has declared them “null and void.” After a legal battle of 12 years, the court has ruled that IOI is liable for damages caused by the destruction to the Long Teran Kanan community’s lands ([http://news.mongabay.com/2010/0401-sarawak\\_miri\\_court\\_ruling.html](http://news.mongabay.com/2010/0401-sarawak_miri_court_ruling.html)). There are still over 170 court cases pending.

## Forest Agenda

**26-27 April:** NGO biomass and biofuels meeting, Brussels  
**27-29 April:** World Rainforest Movement meeting, Liberia

## Dutch NGOs lodge a complaint concerning MTCS

In early March 2010, the Dutch Timber Procurement Assessment Committee (TPAC) announced that the Malaysian Timber Certification Scheme (MTCS) conforms to the Dutch public procurement criteria (see FW 147). TPAC also cautioned however that the certified forest area in Malaysia is not secured against “politically initiated forest conversion” for (timber) plantations or infrastructure.<sup>1</sup> TPAC therefore stated that the Dutch Minister of Environment should judge such conversion, including possible consequences for the Dutch procurement policy.

In a letter to TPAC in October 2009, JOAS, the indigenous peoples’ network of Malaysia,<sup>2</sup> outlined its concerns about the Malaysian scheme’s failure to respect the rights of indigenous peoples and the

manner in which TPAC had conducted the evaluation of that certification scheme.

As TPAC apparently did not take these concerns into account, Dutch NGOs Greenpeace, ICCO and NCIV decided to conduct their own investigation into the discrepancy between the MTCS standard on paper and what occurs in practice. In the meantime, NCIV, Greenpeace, ICCO, Milieudefensie and WWF have filed a complaint against the decision of TPAC. The organisations have urged the minister to decide about MTCS only after the complaint and appeal procedures have concluded.<sup>3</sup>

1. <http://tinyurl.com/yhhoeew>

2. Jaringan Orang Asal Se-Malaysia <http://joasmalaysia.org/>

3. [www.nciv.net/site3/pages/actueel/NCIV.htm#duurBos](http://www.nciv.net/site3/pages/actueel/NCIV.htm#duurBos)

## EU Ecolabel – Not so green

A new FERN report<sup>1</sup> investigates the award of the EU Ecolabel to two photocopy paper brands, Golden Plus and Lucky Boss, manufactured by the Indonesian company Pindo Deli. Pindo Deli is part of Asia Pulp and Paper (APP), one of the most controversial pulp and paper companies. FERN’s research revealed that insufficient information is publicly available to consumers to verify the basis for awarding the Ecolabel.

The pulp used to manufacture Pindo Deli’s paper comes, in part, from two APP pulp mills in Sumatra;<sup>2</sup> APP has destroyed vast forest areas to feed these mills. Related companies also providing wood includes PT Wirakarya Sakti (PT WKS), whose operations are socially and environmentally destructive.

The report concludes that the EU Ecolabel criteria for sustainable forest management for copy and graphic paper – even as revised (draft version of December 2009) – are weak and inadequate to ensure the exclusion of the most egregious forest operations. In addition, the EU Ecolabel award process is nontransparent and the EU Ecolabel should be withdrawn for Pindo Deli’s brands of photocopy paper.

1. [www.fern.org](http://www.fern.org)

## Disingenuous biofuels numbers

The Renewable Energy Directive (Directive 2009/28/EC) requires the European Commission to report on the impact of indirect land-use change (ILUC) on greenhouse gas emissions due to biofuel production by the end of 2010. The Commission has commissioned four studies to examine issues related to ILUC. One of the studies, released in March 2010 has caused concern among NGOs as its starting premise was that first-generation land-using biofuels will make up only 5.6 per cent of the EU’s transport energy by 2020. At this level, the study finds that the environmental viability of biofuels is not threatened. Yet simulations for biofuel consumption above 5.6 per cent show that ILUC emissions can rapidly increase.<sup>1</sup> NGOs contend that the Commission chose 5.6 per cent because, at that modest level, biofuels still look environmentally reasonable,<sup>2</sup> and hope that subsequent studies will use a more realistic starting premise.

1. [http://ec.europa.eu/energy/renewables/studies/doc/land\\_use\\_change/iluc\\_completed\\_report.pdf](http://ec.europa.eu/energy/renewables/studies/doc/land_use_change/iluc_completed_report.pdf)

2. European Voice, Volume 16 Number 13, 1-7 April 2010