

EU Forest Watch

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

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VPA processes see slow progression

In recent news regarding the Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) process, progress has been mixed. The Liberian agreement is going full steam ahead; signature of a VPA is expected before summer. Although issues are still outstanding, local NGOs and community representatives are hopeful that an agreement they can support can be negotiated. They are certainly well included as Liberia is the first country to allow direct participation of communities in the VPA process.¹

The VPA between the Central African Republic and the EU was initialled on 21 December 2010,² although the various

national stakeholders' lack of capacity will be a great challenge to implementing the systems and commitments outlined in the text. Another key challenge concerns the revision of laws affecting the forest sector: broad discussions among the different stakeholders and rights-holders about far-reaching governance problems and appropriate revision of the rules are crucial to successful implementation of this fourth finalised VPA.

Less positive is Ghana's situation: in the first country to sign a VPA, implementation has been slow. Although it is hoped that FLEGT-licensed timber will be able to leave Ghana by year's end, there are serious concerns that, until the

forest law reform process now underway is finalised, these 'legal' exports will increase existing problems of overproduction and therefore do nothing to address the forest crisis Ghana faces. All Ghanaian parties recognise that addressing the current overproduction and providing equitable benefit-sharing as part of the forest law reform process are key to ensuring that the VPA will have positive impacts on forests and communities; much is still needed to iron out details.

1. For more information www.loggingoff.info

2. For information on the processes that leads to operational VPA agreements see <http://www.fern.org/ratification>

Paralysis by Analysis

Inaction seems to be DG Energy's approach to addressing emissions from Indirect Land Use Change (ILUC) - emissions caused from shifting food production to lands elsewhere to make way for agrofuel production, destroying rainforests, grasslands and peatlands.

On 22 December 2010, the European Commission published a report¹ on ILUC emissions linked to agrofuel production. Reams of studies were produced in 2010, as part of a Commission investigation into ILUC,² and by NGOs, advisory bodies, academic institutions and research projects funded through, among others, the EU's Environment and Natural Resources Thematic Programme. Yet Energy Commissioner Oettinger has said,

"We need more time to come up with the best proposal."³

Clearly, in this case, better is the enemy of good: While questions remain about the exact extent of ILUC emissions and methodology to address these, all conclude that significant ILUC emissions are associated with agrofuel production – emissions not taken into account when calculating greenhouse gas savings from agrofuels under the EU's Renewable Energy Directive (RED). The result of this omission, compounded over time, will seriously affect climate change.

And while the Commission states that, if need be, it will "recommend to address this issue under a precautionary approach,"⁴ it chose not to apply an ILUC factor to

all high-risk biofuels as a precautionary measure, as proposed by certain Member States and the Danish Energy Agency.⁵ Instead, it opts to continue ignoring the emissions it knows are caused by its RED policy. Does the Commission hope that, in the face of inaction, the laws of nature will also wait before unleashing consequences?

1. Com(2010)811

2. <http://tiny.cc/0orbu>; <http://tinyurl.com/6bdcnvw> e.g., the Renewable Fuels Agency, the Germany Advisory Council on Global Change; e.g., the Oeko-Institut; www.cifar.cgiar.org/online-library/browse/globalized-trade-and-investment.html

3. <http://af.reuters.com/article/energyOilNews/idAFLDE6BE12H20101215?sp=true>

4. http://ec.europa.eu/energy/renewables/biofuels/land_use_change_en.htm

5. www.endseurope.com/25318



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United Kingdom: 1C Fosseyway Business Centre, Stratford Road, Moreton-in-Marsh, Gloucestershire, GL56 9NQ, UK; T +44 (0) 1608 652 895; F +44 (0) 1608 652 878. Belgium: Rue d'Edimbourg 26, B-1050 Brussels, Belgium; T +32 (0)2 894 46 90; F +32 (0)2 894 46 10.

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NEWS IN BRIEF

‘Sustainable on Paper’

From 10-14 January 2010, the European Commission hosted what is known informally as ‘FLEGT Week,’ a slew of meetings aimed to train EU and Member State personnel regarding FLEGT VPAs and related issues, and to bring them in contact with stakeholders in related EU-funded projects. FLEGT project managers and experts have met together once a year for the last six years to coordinate strategies and activities.

In the dark re: agrofuels certification schemes: The European Commission is currently assessing a series of voluntary agrofuels certification schemes. Recognition by the Commission could be used by economic operators to show compliance with the sustainability criteria for agrofuels in the Renewable Energy Directive. The Commission has so far refused to release any details of this assessment. In October, CEO, ClientEarth, Friends of the Earth Europe and FERN submitted a request for access to documents, demanding full and ongoing disclosure of the names and content of the schemes. DG Energy denied the request; the NGOs challenged this denial and now await a reply due by 4 February 2011.

A seminar on the role of the domestic market in national VPA and REDD processes was organised by a host of research organisations including Tropenbos International and CIFOR in Brussels 17 and 18 January. The seminar was well attended and clearly highlighted that the domestic market plays a key role in any process to improve forest management. For more information: www.tropenbos.org/index.php/en/home

Forest Agenda

27-28 January: Illegal Logging Stakeholder Update Meeting. Chatham House, London.

28 January: The role of agriculture and forestry in achieving the EU’s climate change commitments. Berlaymont, Brussels

Despite some plantations in Brazil being Forest Stewardship Council (FSC) certified, they are nevertheless beset by problems. This is well-described in the film ‘Sustainable on Paper’ by freelance journalists Leo Broers and An-Katrien Lecluyse opening in Ghent, Belgium, 24 January 2011.¹

Using the example of Brazilian-Scandinavian transnational Veracel, the film documents why many FSC-certified tree plantations are controversial. Despite the FSC certificate attesting to a well-managed plantation, communities surrounded by thousands of hectares of eucalyptus speak of dropping water levels and water sources polluted by pesticides. They speak of biodiversity and the sustenance it provided replaced by a

monoculture offering little more than raw material for pulp and paper – 98 per cent of which is for export, including to the EU.

The film and recent articles in the Belgian media² also question how hundreds of pending cases regarding labour law violations escaped detection by the certifiers issuing the FSC label.

With such shortcomings persisting in what is considered the most stringent forest certification scheme globally, what lies behind the logo of the schemes where even the sustainability ‘on paper’ is in question?

1. The film will also be shown in Brussels (27 January) and Antwerp (31 January). It is available in Dutch, Portuguese and English.

2. www.mo.be/node/150516

Congo approves a law to protect indigenous peoples

On 30 December 2010, the Congolese Senate approved a bill for the promotion and respect of the rights of indigenous peoples. This law, which suffered several stages of set back and impasse since its initiation in 2004, had been pending adoption for over a year. Making the passage of this law a precondition for the implementation of the Congo-EU VPA¹ seems to have played a beneficial role in unblocking this process.

This text addresses the clear need to improve the marginalisation suffered by indigenous peoples. It provides for the establishment of a committee in the ministry responsible for human rights to monitor and evaluate the promotion and protection of these rights and to promote indigenous populations’ access to education, health, work and a healthy environment.

1. For information NGO counter-brief on the Congo-EU VPA see <http://www.fern.org/sites/fern.org/files/RoC%20VPA%20counter%20brief.pdf>

EEAS and DEVCO: the new EU external relations jargon

On 3 January 2011, the Commission Directorates General for Development (DG DEV) and aid delivery (DG EuropeAid) were formally merged into a single DG to deal both with the elaboration of development policy and the delivery of EU external aid. The new DG for Development and Cooperation (DG DEVCO) should be fully merged by April 2011.

Meanwhile, on 1 January 2011, the European External Action Service (EEAS), established by the Lisbon Treaty, entered a new phase, receiving transfers of staff from DG External Relations (RELEX) and DG Development (DEV), both of which will cease to exist, and from the EU Council Secretariat’s external affairs. EEAS will serve as an EU foreign ministry and diplomatic corps, maintaining diplomatic relations with most countries in the world and overseeing EU delegations across the globe.