

Statement to the 16th Working Group of the parties to the Aarhus Convention, 20th June 2013,

by Gita Parihar, Head of Legal, Friends of the Earth

I am speaking to raise concerns on behalf of Friends of the Earth Switzerland (Pro Natura) and FoE Europe relating to a Pan-European Forests Agreement. The formal name of this agreement is currently under negotiation, but it derives from a 1990 ministerial conference on the protection of forests (Forests Europe) that agreed on a path towards a legally binding agreement. NGOs have expressed strong concerns about the current draft text. Indeed, it has been rejected by a coalition of 30 organisations such as FERN, FoE Europe, Greenpeace, the EEB and Client Earth.

The purpose of my intervention is to flag particular concerns relating to the public participation process in the negotiations on the agreement.

First of all, we were extremely pleased to hear yesterday that Switzerland is close to ratifying the Aarhus Convention. We welcome this news. However, in the light of this information, we are disappointed at Swiss resistance to language proposed by Norway that NGOs “shall be entitled” to participate in the proceedings of the forestry agreement. The Swiss view appears to be that participation could be dealt with in the rules of procedure, but this does not preclude strong language in the Convention text. In order to meet their obligations under Article 3.7 of the Aarhus Convention, the EU and other Aarhus parties should support Norway in its wish to include the language it proposes.

Secondly, while NGOs have been present at the forest agreement negotiations, none of their suggested changes from the last four sessions have been taken up by parties. This has meant that their presence has been largely tokenistic. Their concerns that the text is not meaningful and does not improve forests protection have ultimately led them to reject the text.

Thirdly, written inputs by forestry owners and industry have been readily published and distributed, but this has not been the case for NGOs. For example, 3 statements from the wood industry were made available online but the NGO statement was not.

Finally, in relation to their own participation, NGO’s proposed that they should at minimum be able to submit information to the compliance mechanism of the agreement. However, no state took up this suggestion, despite their obligations under Article 3.7 of the Aarhus Convention and the Almaty guidelines.

Conclusions & Recommendations

Recommendations to parties concerning Pan-European forests agreement

- We are very concerned about the current state of play in negotiations on the forests agreement. We urge states to bear in mind their Aarhus obligations when negotiating in this arena and ask them to take steps to address the concerns set out above.

Broader recommendations for the future work of the PPIF session

1. As discussed in the previous UNEP session, we are of the view that it would be extremely helpful for the Aarhus Secretariat to prepare a short explanatory leaflet introducing the Almaty guidelines, for distribution to colleagues involved in international negotiation processes. NGOs could also assist with distributing the document.
2. We would like to see a rolling agenda item on MEAs at Aarhus PPIF sessions. This would enable NGOs to raise concerns that have arisen in the course of their work in this area.

ANNEX: STATEMENT BY FRIEDRICH WULF OF PRO NATURA AT THE FOREST AGREEMENT NEGOTIATIONS, WARSAW, 10TH JUNE 2013

INC-4 NGO Opening Statement

Warsaw, June 10, 2013

Distinguished delegates,

Good morning. My name is Friedrich Wulf of Pro Natura – Friends of the Earth Switzerland. I am also Biodiversity Campaigner for our European Network, FoE Europe. Before the final round of negotiations on the LBA on forests begins today, I would like to make a few remarks on behalf of FoE Europe, its members and a large number of European Environmental NGOs and NGO networks: Bird Life Europe, FERN, IFAW, CEEweb, PlantLife, BatLife Europe, Client Earth, Greenpeace, Wetlands International, Robin Wood, ARA, Quercus, Swedish Society for Nature Conservation, Pro Regenwald, Friends of the Siberian Forests, Rainforest Foundation Norway, TERRA, Global Witness and others who met at the Forest Movement Europe meeting this weekend in Uppsala, Sweden.

As the text is nearing finalization, we would like to voice our **disappointment** with the text of the convention. We have the following four key points of concern:

I. Forests in Europe are under threat; the draft text does not recognise this

- Forests within Europe are under threat from overharvesting, forest fires, climate change and biodiversity loss. Forest biodiversity is seriously under threat in Europe. According to the EEA the conservation status of most **forest habitats** in Europe is unfavourable¹. In many regions forests are already overused, degraded and have lost much of their biodiversity; and the forest's carbon carrying capacity is in need of restoration towards more natural levels.
- While there would be scope for a European Forest Convention to address these issues, this draft does not. The draft text we will discuss this week will not increase incentives to halt biodiversity loss, improving forest management or conserving and restoring carbon carrying capacity of forests in order to combat climate change. It presents the lowest common denominator.

¹ Over 60% according to BD Baseline, as opposed to ca. 20% in FCS.

II. The Text fails to acknowledge the decisions of the Ministerial Conference on the Protection of Forests (MCPFE) achieved in the last 20 years, such as the Helsinki Resolutions and the Vienna improved indicators

- The Chance is missed to finally define forests, sustainable forest management, integrate the concept of resource efficiency or to demand management standards for forests. It also makes no distinction between monoculture plantations consisting of exotics and real indigenous mixed forests.

III. This legally binding agreement fails to build on, and help to operationalize, existing legally binding agreements;

- this draft text does not contain any concrete, measurable and enforceable targets.
- it does not sufficiently **recognise previous legal agreements**. Outside of the preamble, the operative part of the draft agreement does not adequately reflect and build upon these agreements, notably the Aichi Targets reached under the CBD in Nagoya, and in some cases this draft agreement appears even to contradict these. This is of great concern.

IV. Participation:

Any legally binding agreement should be negotiated in good faith and in an inclusive process with all stakeholders in civil society and government in a consensus based process; but the upcoming agreement mainly represents the vision of the forestry sector

- Although the process was not a truly multi-stakeholder process from the start, some of us have nonetheless presented comments in good faith to improve the text. Notably in a letter in January 2013 sent by over 30 NGOs we made **clear proposals** for text changes, following a similar letter already September 2010. We gave **comments** at INC-2 and INC-3 and will do so here as well. All these comments have been ignored. Nonetheless the process claims to have had NGO representation. We would like to state that we environmental NGOs are no part of this.
- Furthermore inviting NGOs for a stakeholder consultation meeting in Brussels on May 23 this year with one day notice also shows the consultation process was not done in good faith and without the environmental community.
- NGO participation is still in brackets in the text, and the role NGOs can play in the COPs and in the compliance Committee are still unclear. We miss any reflection of the Aarhus convention, which many of your governments have signed and ratified, in the text.
- Ladies and gentlemen, a true benefit of a European forest convention could be to streamline forester's and the forest industry's interests with those of the rest of society, and set out mechanisms how this can happen in future. This has not happened.

Conclusion: A legally binding agreement based on the current text will be rejected by European environmental organisations and we will make no secret of this fact. Thank you for your kind attention.