

Europe and North Asia FLEG: the next steps for civil society

July 2005

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A FERN/TRN Briefing Note

1. Introduction

'Countries in the northern Eurasia region have put issues pertaining to sustainable forest management – for which forest governance is the foundation – on the agenda for over a decade', according to a circular by the Europe and North Asia Forest Law Enforcement and Governance (ENA-FLEG) International Steering Committee.¹ That may be so, but now is the time for sustainable forest governance to move from the agenda into effective action. It is imperative that if such sentiments to enshrine sustainable governance at the centre of forest management are to be realised, then the ENA-FLEG Ministerial meeting, to be held in St Petersburg on 22–25 November 2005, must result in a Declaration and Indicative Action Plan with concrete timetabled steps for action.

This Briefing Paper follows on from the joint publication by FERN and Taiga Rescue Network (TRN) of ENA-FLEG: A Key Task for Civil Society in December 2004.² The aim of this second paper is to provide an update on the ENA-FLEG process and propose actions for environmental and social NGOs to take to ensure an effective Ministerial meeting and workable Declaration and Indicative Action Plan (DIAP).

2. A unique opportunity

The ENA-FLEG process encompasses a vast geographic region (see Box 1). The process presents us with a unique opportunity for a multi-stakeholder process to tackle forest governance in an area covered with mainly boreal forests. With the collapse of the fifth session of the United Nations Forum on Forests (UNFF) in New York in May 2005, the urgency for effective regional processes to realise concrete solutions to illegal and destructive forest activities is even greater.³ It is civil society's responsibility to contribute to these efforts; and government's responsibility to ensure that these contributions can be made effectively by providing information, funding participation and preparatory work, and by listening to civil society's contributions and incorporating their comments.

So far the results from the two previous FLEG meetings – the Africa FLEG process and the Asia FLEG process – have been disappointing to many who were involved, especially civil society and indigenous peoples' representatives, and neither of the processes has led to concrete action as yet. However, the ENA-FLEG Ministerial meeting can learn from preceding mistakes, which included a lack of funding to implement proposed actions following the Ministerial meeting, and a lack of co-ordination and communication between forest and trade-related government departments within and between participating countries. So how can the ENA-FLEG process become

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a better and more effective process – one which will lead to controlling illegal logging and improved forest governance and will contribute to improved forest management? Social and environmental NGO participants of the Preparatory Conference, held in Moscow in June 2005, agreed that for the ENA-FLEG to be more than a talking-shop the process must:

- a. Ensure the proactive involvement of civil society in the preparation, work and follow-up of the Ministerial Conference;
- b. Provide open access to information and ensure transparency and mechanisms of accountability, especially regarding decisions on the allocation and use of funding after the Ministerial process;
- c. From the outset consider environmental, economic and social factors equally in all policy reviews and changes;
- d. Make the Indicative Action Plan a time-bound agreement with targets that can be reviewed by an independent body that includes social and environmental NGO representatives;
- e. Establish an independent body to oversee the implementation of the Indicative Action Plan;
- f. Commit sufficient funds to implement the DIAP – and this should include funding for civil society's ongoing input;
- g. Stress the need for government departments to cooperate with each other as regards their strategic input to the DIAP and also to support collaboration between environmental and social organisations on the one hand and trade justice groups on the other as regards ENA-FLEG issues;

3. Steps taken

Experience shows that the outcome of any FLEG Ministerial meeting and the quality of the ongoing work depends on the preparatory process. The impetus for ENA-FLEG initiative came from the Russian government and was presented at UNFF 4 on 3 May 2004 in Geneva. Since that time governments, civil

Box 1: The ENA-FLEG region

- *Political* – over 55 countries are involved in the ENA-FLEG process. The countries span the entire European region, Central Asia, the Caucasus, Russia, China and the US. The EU, Russia, Japan, Korea, the US and China are important to any process attempting to establish the agreed collective aim of combating the illegal global trade in timber and forest products. Most G8 countries are involved in the ENA-FLEG process. Russia will host the G8 Summit in 2006. Illegal logging is as yet only provisionally an agenda item for the Summit.
- *Ecological* – the ENA-FLEG Ministerial meeting is the first opportunity in the FLEG process to raise the issue of illegal forest activity in the boreal forest regions. Very fragile boreal forests make up the greater part of the region; other areas further south are temperate forest zones, such as Turkey. Threatened species include the Siberian tiger, the Amur leopard, pandas, bears and bison, which inhabit these ecosystems.
- *Social* – given the size of the ENA-FLEG region there are numerous ethnic groups, indigenous peoples and nationals who are forest dependent. Indigenous peoples – including the Shortsy, Kety and the Udege, amongst the 45 recognised groups in Russia – are more vulnerable to forest loss because of the economic pressures they are under and the lack of enforcement of their rights. Understanding the complex social and local-economic aspects of forest use is vital to creating just solutions within the ENA-FLEG process.

- h. Ensure that all stakeholders communicate outside their own expertise, creating intra-departmental, cross-border and inter-disciplinary links, so as to increase understanding of the complexity of forest governance and realising just and sustainable solutions.

society and industry have undertaken various steps in the process. These include:

- The **Russian Ministry of Natural Resources** has prepared its vision of the Ministerial meeting, and the **ENA-FLEG International Steering Committee (ISC)**, consisting of country representatives

from Bulgaria, Canada, Finland, Germany, Japan, Kazakhstan, Poland, Russia, Turkey, USA, UK, the European Commission and the World Bank has met on four occasions.⁴ On two occasions – in Moscow on 21–22 February 2005, and on 20–27 May 2005 at the UNFF in New York – NGO representatives were given very limited access for participation in the discussions.

- The **international NGO** community initially discussed the ENA-FLEG at the TRN Biennial meeting in Vladivostok, in the Russian Far East, on 20–24 September 2004. This meeting resulted in the establishment of the TRN ENA-FLEG e-list, FERN-TRN's first ENA-FLEG Briefing Paper and participation in awareness-raising and strategy development with other NGOs.
- The **Russian NGO** meeting resulted in a comprehensive position paper that called on the Russian government to reassess the current Forest Code that stands before the Duma (the Russian parliament) to ensure that it will not undermine recommended actions following on from the ENA-FLEG process.⁵ A second reading of the Forest Code is taking place in September 2005. In addition, the Russian NGOs questioned the Ministry of Natural Resources' 'reforms' – in reality reduced funding – in the area of forest governance.⁶
- In February and March 2005, the IUCN (The World Conservation Union), funded by the UK Foreign and Commonwealth Office (FAO), Department for International Development (DFID) and the German government, ran a project to survey key messages on forest governance from two regions in Russia: St Petersburg and Khabarovsk. The results demonstrated the need for increased co-ordination and effective information exchange amongst all ENA-FLEG stakeholders. In addition, the project showed that there is a need to develop 'terminology and criteria on illegal forest use, products and trade'. Not to do so will severely hinder the ENA-FLEG process and resulting DIAP.⁷ The IUCN is currently co-ordinating an opinion poll of civil society across Russia on forest governance.
- A **Preparatory Conference** was held on 6–8 June 2005 in Moscow.⁸ A civil society meeting took place on 5 June 2005 with 15 NGO representatives from Azerbaijan, Canada, China, UK, Japan, Kyrgyzstan, Lithuania, Moldova, Mongolia, Russia and Sweden to update each other and form a strategy for effective participation in the thematic and regional breakout groups as well as the plenary. This meeting enabled the representatives to focus on the thematic areas (information and technology; institutions, legislation and law enforcement; forest industry and forest management; forest governance and livelihoods) and regional areas (North-east Asia: Central Asia, Caucasus, and South-east Europe; enlarged EU; North-east Europe) as prescribed by the ISC. As a result the effectiveness of the participation of these groups in the Preparatory Conference was greatly increased. A civil society statement in conjunction with industry was presented at the end of the conference.⁹ It was noted that 'legal does not always mean sustainable and sustainable does not always mean legal'. It is the task of all stakeholders to understand this observation in relation to ENA-FLEG issues and to act upon it in a way that will result in the just and sustainable governance of the region's forests.

4. China marching ahead?

At the ENA-FLEG Preparatory Conference, China's representative Ms Lei Zhang claimed that sustainable forest management should be the goal of the ENA-FLEG, and that although her country was committed to 'making a joint effort to stop illegal logging' this was only part of the problem. China's participation in the ENA-FLEG process is welcomed, especially given its crucial role in today's international timber and wood products trade. It builds on China's experience of

involvement in the East Asia FLEG in 2001, after which it signed a Memorandum of Understanding with Indonesia. The position expressed by Ms Lei Zhang needs to be acted upon, as research covering China's impact on the global timber trade and its effects on neighbouring countries from which illegal timber and forest products are exported – especially the Russian Far East – reveal increasingly unsustainable scenarios.¹⁰

Box 2: Steps for change in China – an outline

China being ‘a big country with a strong sense of responsibility’, as remarked by Chinese Vice-Premier Zeng Peiyan to the China Council in November 2003, [it] should push towards the goal of being a responsible user of forest resources by cracking down on illegal logging domestically and promoting sustainable logging abroad. Despite the rapid increase in its overall forest product imports, China is a modest user of forest products on a per capita basis. A WWF report indicates that the average Chinese citizen uses 17 times less wood than its US counterpart. However, the huge population base of the country and its fast-growing export-oriented economy has driven up its demand for timber. Chinese civil society should join with international organisations to help the Chinese government develop measures to promote inter-sectoral, bilateral and multilateral collaboration to combat illegal logging and realise sustainable forest management at home and abroad.

While China is, in most cases, regarded as a market for illegally produced timber, the country has also had severe problems within its own borders. According to China’s National Timber Distribution Association, in 2002, 157 million m³ of raw wood material were produced in China, of which 44.6 million m³ was produced by ‘cutting in plan’, another 50–60 million m³ was ‘cutting outside of plan,’ with the remainder (around 50 million m³) produced by ‘cutting by country peasants’. Therefore, [the Global Environment Institute] propose[s], instead of weakening government role on monitoring and supervising the use of forest resources, unbiased governance towards the goal of sustainable management is much needed. To achieve this end, a mechanism should be built to manage information transparency and provide access to multi-stakeholders to engage in the process of sustainable forest management. [The Global Environment Institute] propose[s] that the government should use innovative finance mechanisms to fund transparency and multi-stakeholder involvement. Conservation concession could be one of the mechanisms [by which] a contractual partnership [is] built between the national government and professional conservation organizations (or a non-government actor including an institution, a private corporation, or a community), whereby the non-government actor manages state-owned lands for purposes of sustainable development and biodiversity conservation. All the management activities are bound by the contract. Relevant government agencies are overseeing the process as a neutral supervisor who guards the management activities in the contracted area are within the pre-identified sustainable levels.

To effectively apply the tool of conservation concession, which provides direct funding to sustainable management, there are several prerequisites. Firstly, an inter-sectoral collaboration is needed among different government agencies to cope with the issue of information transparency and multi-stakeholder involvement. Secondly, the standard procedures should be built to allow the interested conservation organizations (or a non-government actor including an institution, a private corporation, or a community) to take part and follow through. Thirdly, the concept of conservation concession should be incorporated into the related law, namely, the Natural Reserve Law of China which is in the stage of developing and drafting at the moment.

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5. Steps to be taken

In the run up to the Ministerial meeting in St Petersburg on 22–25 November 2005 it is essential that civil society internationally and across the ENA-FLEG region actively participates in the process to draft a DIAP. We need to ensure that the DIAP represents the needs of all economic and social groups who engage in sustainable forest-based activities across the ENA-FLEG region.

The following are a few suggestions for environmental and social NGOs in working towards effective participation in the process:

1. The ISC has agreed to civil society representation at the ENA-FLEG Ministerial meeting on the following terms: there will be 25 national slots (Russia 5; Central Asia and Caucasus 3; China 4; Mongolia 1; Japan 2; Central and Eastern Europe 4; Western and Southern Europe 3; indigenous peoples and ethnic minorities 3) and 10 international ones. The IUCN was tasked by the ISC to design and manage the self-selection process. The application period runs from 1 August to 9 September 2005. Details of the application criteria and procedure are available as

follows: for national representation contact regional IUCN offices;¹¹ and for international NGO applicants contact Carole Saint Laurent of the IUCN at carsaintl@bellnet.ca. NGOs should apply for the self-selection process in order to help co-ordinate efforts to lobby and campaign on ENA-FLEG issues.

2. When the New Draft Declaration opens for public review on 5 August 2005, environmental and social NGOs should actively pursue multi-stakeholder consultations with all relevant groups in civil society, including businesses (especially medium and small-scale community-based enterprises) and government departments. Demands could include issues such as a sustainable timber public procurement policy in consumer countries, or implementation of a chain-of-custody tracking system in producer countries.
3. Draft a civil society national or group position paper commenting on the 5 August 2005 Draft Declaration. Get other groups from various fora to sign onto it. Send it to your national and regional government representatives; also send it to the ENA-FLEG ISC and Secretariat before 9 September 2005.¹² To keep other civil society organisations informed of your position, also send it to the ENA-FLEG e-list.¹³
4. Communicate with national and international forest and trade networks, e.g. WWF Global Forest Trade Network, Asian Forest Partnership or the Russian Forest Trade Network, about their work and position on ENA-FLEG issues.
5. Communicate about ENA-FLEG with other national organisations outside the forestry sector. Many social issues in forestry are relevant to human rights and development groups, for instance.
6. Contribute to the TRN e-list¹⁴ to inform other civil society groups across the ENA-FLEG region about actions you are engaged in, research you may have undertaken or come across, and ideas for future collaboration on thematic issues. Information-sharing and transparency must be part of the practice of civil society as much as of any government we demand it of.
7. Inform the media about the forthcoming ENA-FLEG and the thematic areas being covered. Circulate this several weeks before the Ministerial meeting, and again just prior to it. On returning to your country, update the media about the outcome of the meeting, and future opportunities for action, e.g. the G8 Summit in Russia in 2006.
8. Remind governments, directly and via the media, of their international commitments as spelled out in legally binding treaties such as the Convention on Biological Diversity and the main Human Rights Conventions and in 'good faith' declarations, such as the Millennium Development Goals (MDG) – for example, to 'integrate the principles of sustainable development into country policies and programmes to reverse the losses of environmental resources' (MDG 7) – and the G8 Ministerial Statement on Illegal Logging 8 July 2005.
9. Demand that your government commits funding for the ENA-FLEG process, and in particular ongoing funding to implement the DIAP.

With such a diversity of social and environmental NGOs involved in the ENA-FLEG region it is impossible to outline all the actions that are necessary or possible for each area. What is important is proper co-ordination and information-sharing between those that are involved. It is crucial that each region draws on the skills and capacities that are available, with bigger NGOs assisting the smaller ones who may be undertaking localised studies or educational activities, and that the results are then distributed to everyone via the existing TRN e-list. In this way the self-selected group of 35 social and environmental NGO representatives can, in the two months prior to the Ministerial meeting, begin to amass a comprehensive resource base of materials, position papers, case studies, etc. that can demonstrate the action that is required to tackle illegal logging, without criminalising the poor or innocent.

Depending upon funding, prior to the Ministerial meeting there will be a two-day meeting in St Petersburg of the self-selected NGO representatives to discuss and develop strategies for the Ministerial itself.

6. Conclusion

The aim of this briefing paper is to provide the NGO community with an update on the ENA-FLEG process and to offer suggestions for action that could be undertaken to prepare for the Ministerial meeting, and ensure that civil society's many diverse voices are heard throughout the ENA-FLEG region. In the coming months it is expected that there will be a great deal of activity. To make this information available, TRN is dedicating a webpage to ENA-FLEG and its civil society input; this is available from early August 2005 at www.taigaescue.org The ENA-FLEG presents civil society with a great opportunity to raise awareness about the complex problems and potential solutions to both illegal and destructive forest activities and trade. We MUST use this opportunity.

Useful ENA-FLEG Web-based Resources

Russian Independent site – www.forest.ru

TRN – www.taigaescue.org

World Bank – <http://lnweb18.worldbank.org/ESSD/ardext.nsf/14ByDocName/ForestGovernanceProgramEuropeandNorthAsiaForestLawEnforcementandGovernance>

DFID FLEG Update – www.illegal-logging.info

IUCN – www.iucn.ru/eng

Box 3: ENA-FLEG provisional calendar 2005

- *July 22* – International Steering Committee review Draft Indicative Action Plan and send comments to Secretariat.
- *August 1 – September 9* – Application period for NGO representatives to participate in the ENA-FLEG Ministerial. Co-ordination by IUCN (see point 1 of Steps to be Taken above).
- *August 5* – New Draft Declaration for public review and to initiate consultative process. Opportunity to call on government to host multi-stakeholder consultations.
- *September 9* – Governments respond with suggestions. Secretariat consolidate document. Opportunity for civil society to send in position papers.
- *October 15* – ISC video conference.
- *November 15* – ISC meeting during the MCPFE (Ministerial Conference on the Protection of Forests in Europe) on Illegal Logging. Prior to the MCPFE, opportunity for civil society to lobby representatives on the importance of these 40 countries and EU contributing to sustainable forest governance in ENA-FLEG.
- *November 22–25* – Ministerial Meeting in St Petersburg. The World Bank charged IUCN with responsibility for co-ordinating the self-selection process of civil society representation (25 national/local and 10 international).

Notes

¹ ENA-FLEG International Steering Committee circular prior to the Moscow Preparatory Conference on 6–8 June 2005.

² Available in English and Russian at www.fern.org

³ L. Krul (July 2005) *Live or Let Die? An Evaluation of the Fifth Session of the UNFF*. FERN Special Report, July 2005. Available www.fern.org

⁴ See World Bank: <http://lnweb18.worldbank.org/ESSD/ardext.nsf/14ByDocName/ForestGovernanceProgramEuropeandNorthAsiaForestLawEnforcementandGovernance> for papers from ISC meetings.

⁵ See Box 2 Russian Forest Code and ENA-FLEG for details in I. Leal Riesco (December 2004) *ENA-FLEG: A Key Task for Civil Society*. FERN-TRN Briefing Note. Available www.fern.org

⁶ See <http://www.forest.ru/eng/bulletin/28/summary28.html> for Russian NGO position paper 14 February 2005.

⁷ IUCN Global Temperate and Boreal Forest Programme, *The Beginning of the ENA-FLEG Process in Russia: Civil Society Insights* (IUCN, 2005). Available from <http://iucn.ru/eng/> or www.iucn.org/places/canada/pro/TBFP/Current.htm

⁸ A CD of all the ENA-FLEG Preparatory Conference presentations and papers is available from the World Bank: ena-fleg@worldbank.org. In addition, IISD notes are available at: www.iisd.ca/sd/sdmos/

⁹ See: http://www.foejapan.org/forest/doc/enafleg_ngostate.pdf

¹⁰ See Forest Trends website for catalogue of publications on China www.forest-trends.org

¹¹ Russia, Central Asia and Caucasus – Victor Teplyakov (victor.teplyakov@iucn.ru); China – Seth Cook (seth@iucn.org); Mongolia and Japan – Guido Broekhoven (gbroekhoven@iucn.org); Central and Eastern Europe – Zenon Tederko (Zenon.tederko@iucn.org); Western and Southern Europe – Caroline Nienhuis (caroline.nienhuis@iucn.org). Indigenous peoples and ethnic minorities should contact the most relevant person from the above.

¹² Contact ena-fleg@worldbank.org for details of any ISC member.

¹³ To circulate information, or join the e-list contact info@taigaescue.org

¹⁴ Ibid.

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