

Wednesday 19 January 2011

FLEGT voluntary partnership agreements

P7_TA(2011)0008

European Parliament resolution of 19 January 2011 on FLEGT Voluntary Partnership Agreements

(2012/C 136 E/03)

The European Parliament,

- having regard to the draft Council decision (10028/2010) (Republic of the Congo) and to the proposal for a Council decision (12796/2010) (Cameroon),
- having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (07636/2010),
- having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (13187/2010),
- having regard to the request for consent submitted by the Council in accordance with Article 207(3), first subparagraph, Article 207(4), first subparagraph, Article 218(6), second subparagraph (a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0170/2010 and C7-0339/2010),
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (adopted by General Assembly Resolution 61/295 on 13 September 2007),
- having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market ⁽¹⁾,
- having regard to the Cancún Agreement,
- having regard to its positions of 19 January 2011 on the draft Council decisions on the conclusion of Voluntary Partnership Agreements on FLEGT with the Republic of Congo ⁽²⁾ and the Republic of Cameroon ⁽³⁾,
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

1. Welcomes the Voluntary Partnership Agreements (VPAs) with the Republic of Cameroon and the Republic of Congo; believes that guidelines for good practice could be drawn from the negotiation of these VPAs to set a precedent for other ongoing VPA negotiations with timber producing countries;

2. Underlines the shared responsibility of both the EU and countries supplying tropical wood products to the EU market for eradicating illegal logging, and for related trade and strengthening efforts for the conservation and sustainable use of forest resources globally;

3. Welcomes in this regard the commitments of the parties involved to improve forest governance and reform existing legislation where necessary so as to ensure that activities in the forestry sector are transparent, respectful of indigenous peoples' rights, and do not contribute to adverse environmental impacts; also welcomes the commitment of the EU to provide support for capacity building, including in particular the setting-up in timber producing countries of traceability and legality verification systems for timber and timber products;

⁽¹⁾ OJ L 295, 12.11.2010, p. 23.

⁽²⁾ Texts Adopted, P7_TA(2011)0010.

⁽³⁾ Texts Adopted, P7_TA(2011)0009.

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Forest biodiversity, climate and sustainable human development

4. Recalls that VPAs are motivated by the idea of jointly stopping the trade in illegally harvested timber and products made from such timber and contributing to efforts to stop deforestation and forest degradation, related carbon emissions and biodiversity loss globally while promoting sustainable economic growth, sustainable human development, sustainable food sources and respect for indigenous and local peoples;

5. Recalls that the expansion of large-scale exploitation of tropical forests and other forests with high biodiversity and carbon stock values is unsustainable and may result in further deforestation and forest degradation, contributing to the destruction of the global environment; notes the inherent tension within VPAs, in that, while encouraging the trade in timber products from countries with large areas of natural forests, the EU could undermine its objectives of combating climate change, support for the conservation and sustainable use of biodiversity, reduction of poverty and stopping deforestation worldwide; therefore calls on the Commission to ensure that the EU policy is coherent and that actions supported by the VPAs will make an effective contribution to the international commitments of all parties to a VPA; urges the Commission and the Council to detail which additional initiatives to the VPAs are foreseen in order to combat deforestation and degradation of natural forests and to promote their protection;

6. Recalls that whilst the forests are the sovereign possessions of the state where they are located, the forest environment is a common heritage of humankind and must be protected, preserved and, where practicable, restored with the ultimate aim of maintaining global biodiversity and ecosystem functions, protecting the climate system, and safeguarding the rights of indigenous peoples and forest-dependent communities; therefore invites partner governments in Africa and third countries to develop land-use and resource management plans that will achieve these objectives, and to identify where and how much support would be needed from foreign partners and international organisations to move those objectives forward;

7. Calls on the Commission, against this background, to pay the utmost attention to ensuring that VPAs do not encourage the expansion of industrial logging activities into intact forest landscapes, and to work with the governments of the Republic of Cameroon and the Republic of the Congo and all governments signing up to VPAs in the future to monitor and take steps to eliminate the negative effects, both direct and indirect, of commercial logging on wildlife;

Process of negotiation

8. Welcomes the voluntary, transparent, participatory and consensus-oriented approach through which the agreements were reached; recommends that this approach should become the norm for the negotiation of VPAs with other timber producing partner countries;

9. Underlines the essential role of independent national civil society organisations and of independent external observers in monitoring proper implementation of agreements by all parties involved, including via a commitment to national stakeholder involvement in the joint committees to be set up to oversee the implementation process; stresses that local civil society organisations need to be empowered to carry out independent monitoring of law enforcement as well as the implementation of governance reforms in the forestry sector;

10. Asks the Commission to establish a mechanism to ensure that the VPAs are enforced effectively and in a timely manner through the different stages of the implementation phase, guaranteeing in particular the reinforcement of the capacities of local stakeholders and the direct involvement of local communities and indigenous populations during the implementation phase, in order to ensure wider acceptance of the reforms that will be implemented upstream of the VPAs as well as full verification of imports into the EU;

FLEGT licenses and legal frameworks

11. Recalls that a review of the legislative and regulatory framework governing the forestry sector is necessary in order to have a VPA which conforms with the objectives of the FLEGT action plan and to ensure that implementation of the VPA contributes to the environmental and social conventions and international agreements to which parties to a VPA are held;

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12. Recalls that the VPAs also aim at improving social justice and respecting the rights of local and indigenous communities, thus including the principles of transparency and participation on an equal footing;

13. Recalls that these legislative improvements have to be completed before the FLEGT licences are issued;

Implementation and rights of local population

14. Asks the Commission to present, within six months of the entry into force of any VPA, a report on the measures undertaken to ensure that the dialogue between the stakeholders and civil society, including the local and indigenous population, continues and is maintained during the implementation phase; takes the view that this report should include an assessment of the implications and real contributions of the content of the VPA in terms of the EU's international commitments and those of the signatory country regarding the environment and sustainable development, including the conservation and sustainable management of biodiversity resources;

15. Asks both parties to a VPA to ensure that civil society, local populations and indigenous peoples are able to contribute freely and confidently to the implementation and enforcement of the VPAs; is of the opinion that the Joint Agreement Implementation Committee should provide civil society, local populations and indigenous peoples' organisations with a right of complaint and then a right of appeal if unsuccessful;

16. Requests the Commission to ensure it has a good understanding of the current human rights situation in any potential VPA partner country and recommends that the Commission not engage with any country where there is no legal framework in place to protect basic human and social rights; reaffirms the need to have an open dialogue, freedom of speech – including freedom of religious belief – and freedom of the press in any country concerned by a VPAs, so that any potential complaints are heard;

17. Asks the Commission to produce and present to the Parliament, on a regular basis, a progress report on the implementation of the various provisions of all current and future VPAs;

18. Expects more VPAs to be signed in the coming years needing specific and additional funding for the development of technical and human resources; asks the Commission and the EU Member States to specify which funds will be used to support the negotiation and implementation of these agreements;

Role of the European Parliament

19. Calls on the Commission to report to Parliament on progress in negotiating and implementing current and future VPAs and to keep Parliament informed in good time about the work of the Joint Agreement Implementation Committee, the mission and audit reports of the agreement's independent auditor, the reports assessing the implementation of the agreement – including the studies of its social, economic and environmental impact – and listings of names of companies to whom concessions are granted;

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20. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and any government concerned by a VPA.
