

Some comments on the draft Guidelines from Asia, Africa and International CSOs

Introduced by James Mayers, IIED

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Comments have come from...

Asia

- China international CSO WWF (3 sets of comments)
- China university
- Myanmar government

Africa

- Cameroon regional CSO
- Gabon international CSO WWF
- Madagascar CSO
- Mozambique CSO
- Tanzania CSO
- East and Southern Africa office of international CSO WWF

International CSOs

- International CSO (UK-based) Global Witness
- International CSO (Europe policy office) WWF
- International CSO (US-based) Forest Trends
- International CSO (UK-based) IIED

General comments

- ALL welcome the Guidelines as a very promising initiative
- Diverse comments yet consistent in main elements
- Summing up what Guidelines say: ‘Be legal – and go a bit further’
- Main elements are included - need to be more ambitious and more specific (avoid ‘etc’!)
- What do we learn from experience with existing Guidelines?
- How to ‘shape’ the Guidelines with respect to complementary actions, e.g.
 - Developing more best practice guidance
 - Imperative to act on illegal trade from e.g. Madagascar and Congo Basin

Introduce the Guidelines

- Clarify aspirations – balance of fostering incentive versus requiring compliance - Guidelines as specific practical advice
- Guidelines as steps to stronger measures – notably:
 - Requirement that Chinese importers and manufacturers ensure they do not buy illegal timber products and move towards sustainable sources
 - Detailed guidance for Chinese companies on how to meet these responsibilities
 - Monitoring and reporting on these new, and existing forest management, Guidelines
- Integration with existing forest management Guidelines
- Recognition of complexity of trade - proving legality and good practice where traders do not own the forests

Basic principles

- Add principle of public engagement and transparency

Legal

- Introduce context where laws may be unclear, contradictory, perverse or non-existent
- Include regional protocols e.g. East Africa Community
- Include sub-national legislation e.g. local government by-laws

Trade

- All terms – like ‘accurate cargo declaration’ need very specific clarity – challenge of proving legality in the supply chain
- Include situation where import for processing and then re-export (where other laws would apply)?

Investment

- Investment section before Trade? Signal ‘no trade without investment’?
- Investment can take many forms (e.g. providing financial incentives , obtaining concessions, building up companies) - specify different means of engagement
- Corporate social responsibility – is not self-evident – need to describe what this means
- This section exemplifies need for other actions – HOW can investors be fully informed of policies and how to select and develop locally beneficial and sustainable investments

Environment

- More needed on sustainability and conservation of ecosystem services – not just avoidance of accidents and CITES
- More clarity on CITES specifics
- More integration with forest management practice – reduced impact logging, certification

Community development

- Social and environmental impact assessment essential
- Recognition of statutory and customary rights – and of Free, Prior and Informed Consent - of communities essential
- Participatory consultation mechanisms
- Comprehensive training – not just local laws
- More emphasis on joint ventures and local processing

Annexes

- Clarify how these will be introduced and ‘delivered’
- Others to add include:
 - ILO 169
 - UNDRIP
 - RAMSAR
 - International Organization on Standardization (ISO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO 2012)
 - Investment Policy Framework for Sustainable Development (UNCTAD 2012)

Possible further ingredients of guidance

- The case for investing in sustainable forestry – benefits for each stakeholder group
- Understanding investment – enabling and asset investment – and how investment decisions are made
- Ingredients of success – engaging with external conditions, forming partnerships
- The process of investment - from first proposition to negotiation and performance management
- Case studies – example material
- Sources of further information and inspiration

Examples of detailed guidance on investments in sustainable land use

