Using policy to influence business practices

A BioBiz Exchange webinar
26 March 2020

Host: Nadine McCormick
IUCN’s Business and Biodiversity Programme

Panorama Solutions: Tubbataha Reefs Natural Park Act by Angelique M. Songco from the Tubbataha Reefs Natural Park management office
Photo credit: Tet Lara
Sharing and scaling up solutions

• PANORAMA is a partnership promoting examples of inspiring, replicable solutions across a range of conservation and development topics, to enable cross-sectoral learning and upscaling of successes.

• To learn more or contribute your own solution on PANORAMA, please visit the business engagement thematic community here.

• View previous business engagement webinars here.
Agenda

1. Welcome and introduction with Nadine McCormick, IUCN’s Business and Biodiversity Programme
2. Introduction on the role of legal frameworks for engaging private actors in conservation with Lorena Martínez Hernández from IUCN Environmental Law Centre
3. Q&A with presenters and participants
4. Case study: Supporting the integration of legal domestic lumber supply through Voluntary Partnership Agreements with Mercy Owusu Ansah from Tropenbos Ghana
5. Case study: Protecting rivers through effective cooperation and collective governance with Mike McCormack from Policy Forum Guyana
6. Q&A with presenters and participants
7. Closing remarks and feedback
Our Speakers

Nadine McCormick
Lorena Martínez Hernández
Mercy Owusu Ansah
Evans Sampene
Mike McCormack

IUCN @IUCN_business
IUCN Environmental Law Centre
Tropenbos Ghana @TropenbosGhana
Tropenbos Ghana @TropenbosGhana
Policy Guyana Forum
Poll #1: Who are you?

- Which type of organisation are you with?
  - Civil society organisation (CSO)
  - Non-governmental organisation (NGO)
  - Government
  - Academia
  - Other
Poll #2: What about your experience?

What is your experience with using policy to influence business practices?

Linking conservation and ecotourism in North America’s most biodiverse wilderness area - The Muskwa-Kechika Management Area (M-KMA)
Questions or comments?

Please ask your questions using the question box in the control panel on the right hand side of the screen.
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Engaging private actors in conservation: The role of public policy

Lorena Martínez Hernández
IUCN Environmental Law Centre (ELC)
Public policy = a series of governmental decisions best described as a set of processes, activities and public actions.
Types of policies

- Mandate
- Facilitate
- Endorse
Policy mechanisms and regulatory tools

- Command and control
- Economic mechanism
- New policy tools

Higher regulatory strength
Lower regulatory strength
Command and control

- Obligations: Don’t do or Do + specific conditions

- Example: Environmental Permits = mitigation measures

  - Set minimums
  - Arguably, most effective for conservation
  - Dependent on political will
  - No incentives to go beyond compliance with existing regulations
Economic mechanisms

• Objective: Discourage environmentally harmful activities or to encourage and reward businesses for going beyond what is required.

• 2 types:
  1. Broad-based economic instruments (e.g. environmental taxes)
  2. Supply side incentives (e.g. subsidies)
Economic mechanisms II

• Example: Fishing licence in Ireland

(Salmon fishing license) → (Funding conservation projects) → (Positive impacts on biodiversity and habitats)

(Source: European Environmental Bureau, *The 5 Most Successful Environmental Taxes in Europe*)
New policy tools

- International/global standards
- Financial institutions policies
- Multinational enterprises guidelines
- Sector specific standards
- National certificates or standards
New policy tools II

• Example: Forest Stewardship Council

- FSC certification ensures that products come from responsibly managed forests that provide environmental, social and economic benefits.

- Sets standards for responsible forest management
- Certifying Bodies assess forest management
- Chain-of-Custody certification traces the path of products from forests through the supply chain.
- All organizations need to be licensed or certified in order to use the FSC trademarks
- Stakeholder participation
- Stakeholder reporting
The need for a policy mix

- Direct regulation
- Standards
- Incentives
Changing actors’ roles

- a “definer” in setting goals, norms and milestones;
- a “regulator” in establishing and enforcing the ‘rules of the game’;
- a “funder” in providing funding for investments;
- an “enabler” in encouraging and facilitating processes for voluntary action

- “citizen/rule-maker” through increased participation
- “agent of change/consumer”
- a “watchdog” through demanding information and denouncing illegal activities;
- a ‘partner’ in collaborative projects (PPP)
Series of webinar enable civil society organisations (CSOs) with improved understanding and capacity to lobby, advice and interact with businesses and governments on transparency and compliance with environmental standards and laws.

https://www.iucn.org/theme/environmental-law/resources/shared-resources-joint-solutions-srjs
Conclusions

• There is a wide array of public policies that can scale up private engagement in conservation (not only direct regulation!)
• These policies can bring many benefits (environmental, social and economic)
• An appropriate policy mix should be carefully designed and monitored
• There is need to enhance transparency mechanisms and local communities empowerment
  • State: Strengthen and guarantee participatory environmental rights
    Establish quasi-judicial or alternative oversight mechanisms
  • Civil society: know and use your rights, choose dialogue
  • Private actors: embrace these opportunities and build stronger networks with local communities
Questions or comments?

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Supporting the integration of legal and legitimate domestic lumber supply through Voluntary Partnership Agreements

Mercy Owusu Ansah - Director Tropenbos International – Ghana (TBG)
Evans Mensah Sampene - Project Coordinator TBG
The issue

• In the region, illegal chainsaw milling was causing deforestation and forest degradation.
• Chainsaw operators benefited from illegal logging but risked government sanctions if caught, or getting killed.

The Challenges:

• Weak law enforcement (laws not punitive enough)
• High unemployment rate
• Poor domestic lumber supply standards
• Uncoordinated sector policies

The Solution:

• Develop viable and alternative options to illegal logging through the implementation of the multi-stakeholder dialogue (MSD)
• Equip forest communities to undertake these alternative activities
What were the impacts?

• Loggers and chainsaw operators were able to supply their lumber into the Voluntary Partnership Agreement (VPA) with the European Union.

• Former illegal loggers have invested in reforestation of degraded forests through legal arrangements facilitated by TBG with the Forestry Commission.

• The MSD contributed to the development of the domestic Timber Policy and a revised set of legal instruments that dictate how artisanal milling can be integrated into the formal economy.
What were the building blocks of success?

• An awareness-raising strategy that provided strong incentives for engagement, supported by empirical data about the country’s economic and environmental situation.

• A dynamic multi-stakeholder dialogue process that provided a platform to co-develop alternative logging options, resolve conflicts, and bring about enabling policy change for sustainability.

• Raising awareness provided information on stakeholders’ interests, which allowed them to form tighter and more effective bonds in the MSD, for greater systemic transformation.
Lessons and Recommendations

Lessons:
• Greater recognition of MSD as a participatory mechanism in policy processes in the forestry sector
• A domestic market policy in place that supports the supply of legal lumber
• Stakeholders on the domestic market are better organized to represent themselves
• Domestic market issues well recognized within FLEGT VPA and REDD+ discussions

Recommendations:
• Utilize MSD’s to make policy decisions
• Continue with the awareness creations
• Strictly enforce the ban on illegal CSM activities
• Pursue the development of alternative livelihoods for those who cannot be absorbed into artisanal milling.
The End
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POLICY FORUM GUYANA
PROTECTING RIVERS THROUGH EFFECTIVE COOPERATION AND COLLECTIVE GOVERNANCE

BUILD TRUST THROUGH MOMENTUM: JUST GET ON WITH IT
IMPACTS FROM GOLD MINING

GOLD MINING RIVER DREDGE

FORMATION OF SAND-BANKS
WHAT HAPPENED

- In 2017 the Guyana Human Rights Association (GHRA) issued a strong press release.
- The Ministry of Natural Resources stated its “appreciation for the vigilance of agencies such as the GHRA”.
- The Ministry commissioned a Rapid Assessment of a controversial proposal.
DECISIONS TAKEN AFTER RAPID ASSESSMENT

- Ban all new mining licenses below the 4th parallel of latitude
- Rendered all previous licenses null and void
- Prevented the illegal sale of licenses
- Enforced compliance through the use of dredge tracking technology and drones.
- Proactive initiatives for monitoring of water quality.
- Created a Committee to ensure all new licenses are compliant with conservation and protection of the environment.
- Committee to contain civic members.
ACTIONS IMPLEMENTED BY NEW COMMITTEE

- Creation of 3 Patrol stations in three sites where river mining is intensive, namely Bartica, Omai and Aranka.
- Patrol officer trained in forestry, wildlife and policing, exercise police powers.
- Liaising with indigenous community on compliance-related issues.
- Harmonise compliance activities of Agencies with responsibilities for mining.
The new committee does not include civil society. This is less important than the fact that it is moving in the right direction.

Timing is critical to the success of advocacy projects. (The Press Release had been timed to influence the new GGMC Commission.)

Collective efforts are more likely to be sustainable if each stakeholder has a sense of a win.

Focus on the possible when collaborating with other sectors, the meaningful can come later.

The rights people will come if the right issues are being discussed.
THANK YOU
FOR YOUR ATTENTION
Questions or comments?

Please ask your questions using the question box in the control panel on the right hand side of the screen.
Discussion

Which of the lessons mentioned today are most relevant in your context, and why?

You can “raise your hand” using the Control Panel so we can unmute your microphone.
Other relevant case studies

• Environmental Rehabilitation: Learnings from Artisanal Miners in Mongolia, Jonathan Stacey, the Asia Foundation

• Au Burkina Faso, la mobilisation des OSC incite les entreprises au respect strict du nouveau code minier, Mamadou Karama, AGEREF

• Ensuring responsible natural resource extraction through community participation and business engagement at Peusangan watershed, Munawaratul Makhya, WWF Indonesia
Wrap up and next steps

1. Please complete the post-webinar survey

2. Submit your solutions
   • especially on using collaboration networks with business

3. Next webinar (Thursday 25 June - TBC)

Thank you!
African Forum on Green Economy
Investing in Natural Capital for a Resilient Africa

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https://www.africanforumongreeneconomy.com/
Thank you!

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