

**Terms of Reference**

**Legal advice: setting in place the legal and policy framework to enable the UK to reduce its production and consumption footprint 50% by 2030.**

**Background WWF-UK Strategy**

The environmental impact of human activity on both nature and climate is at a critical point.  Since 1970, we have seen a calamitous decline in vertebrate wildlife population sizes of, on average, 68%.  Over the next decade, we face a triple challenge; to meet the needs of a growing human population against a backdrop of a dramatically changing climate and a biodiversity crisis on land and at sea.

WWF’s strategic vision is that by 2030, we will have halted the decline of nature. WWF has three strategic pillars to this aim: 1) to maintain thriving habitats and species, 2) to support alignment to the Paris Agreement and limit global warming within 1.5 degrees Celsius, and 3) support the transition to sustainable, healthy global food systems. Agriculture, forestry and land use account for 23% of anthropic emissions[[1]](#footnote-2) and are key drivers of species loss[[2]](#footnote-3) including through deforestation and conversion of primary ecosystems[[3]](#footnote-4). It is therefore critical to raise the profile of these issues amongst key stakeholders, policymakers and financial institutions, and enable them to support the transformation to more sustainable, healthy and Paris-aligned food sector

**Driving a change shift in corporate governance**

The UK’s global overseas footprint in landscapes at risk of deforestation, conversion and human rights abuse has continued to grow over recent years. As shown by WWF and RSPB’s recent ‘[Riskier Business](https://www.wwf.org.uk/riskybusiness)’ report, the UK’s demand for just seven agricultural commodities (beef & leather, cocoa, palm oil, pulp & paper, rubber, soy and timber) requires an overseas land area of 21.3 million hectares, equivalent to 88% of the UK’s own land area. This represents an average increase of 15% between our 2011-15 and 2016-18 analyses.

Voluntary initiatives are not driving the scale or pace of change needed. Action has become urgent for many environmental impacts caused by the consumption patterns in developed countries. One of the most pressing issues is the failure to stop the growth in the supply of key commodities leading to deforestation. Despite global commitments from many businesses and governments to take action to end deforestation, voluntary efforts are not proving enough. Market incentives alone are not promoting sufficient action to address environmental damage across the breadth of the business sector.

Following a UK Government consultation an amendment has been made to the Environmental Bill to ensure that a mandatory due diligence requirement is in place for those engaged in commercial activities related to the above “forest risk” commodities.

WWF is advocating for the strengthening of this due diligence amendment, as well as for the inclusion of a broader target in the Environment Bill to halve the footprint of consumption and production by 2030, to secure in legislation the government’s commitment in the 25 Year Environment Plan to leave a lighter footprint on the environment overseas and least the UK environment in a better place for future generations.

A global footprint target would cover domestic production as well as that production overseas that is imported for UK consumption. Our departure from the European Union has provided a once in a lifetime opportunity to reform the way that land is managed in the UK. We have an opportunity through the new Environmental Land Management System and associated public payments for public goods, and development of Local Nature Recovery Strategies as part of a National Nature Recovery Network to support landscapes that meet the Triple Challenge – securing sustainable food production, whilst mitigating climate change and restoring nature. We need to use this opportunity to ensure we have our own house in order, giving us credibility to advocate for change globally.

There is also an important connection to be made to trade. As the UK begins to develop its own trade agreements post Brexit we must ensure that these do not undermine farming standards in the UK. Private sector due diligence should also work alongside sustainability criteria in trade deals to support more sustainable supply chains.

**Objectives of this Terms of Reference**

* WWF-UK are looking to engage a roster of one to three consultants over a period of 12 months (with option to extend for a further 12 months, giving rise to a total contract term of 2 years, subject to satisfactory performance). The consultant/s shall be able to perform services as set out below: Provide advice on how a shift in corporate governance can work alongside trade deals to ensure that the British farming standards are not undermined and the UK makes the most of the legislative and regulatory opportunities post Brexit to transform the way that land in the UK is managed and be seen as a leader to be able to catalyse action globally.
* Providing technical legal advice and expertise to support WWF’s advocacy for the inclusion of a Global Footprint target in the Environment Bill.
* Advise WWF to ensure that we have a strong position on the detail of due diligence to be able to influence the governments secondary legislation and make the case for the broadening of UK due diligence to ensure business are assessing and responding to environmental risks and that the UK’s global footprint is reducing.
* Support WWF’s engagement with the European Policy Office ensuring that WWF-UK’s is able to learn from the European process to reform corporate governance and director duties, using this knowledge to strengthen the UK’s approach
* Engage in the Corporate Responsibility Coalition (CORE) corporate governance campaign and share learning from the coalitions ‘Failure to Prevent’ model of due diligence.
* Liaise with other external stakeholders who are also calling for the strengthening of the Due Diligence amendment in the Environment Bill including the Forest NGO Coalition, Greenpeace and Greener UK. Provide legal advice to ensure the alignment of positions where possible and expert advice on any differences between the models proposed.
* To support WWF-UK’s Legal Team on the strengthening of the UK government’s proposal for the Office of Environmental Performance that the enforcement of environmental law is effective once we leave the EU.
* To provide technical support inform WWF-UK’s position on the Government’s proposal for the reform of the planning system and underpinning Land Use Strategy.
* Supporting an exploration of potential claims against major UK financial institutions in relation to their failure to act on 1.5 degrees / nature risk.
* Provide legal advice on policy, regulatory and legal proposals from government following the UK’s departure from the European Union, particularly where these indicate a regression from EU Standards, such as the recent consultations on gene editing and neonicotinoids and on trade policy and strategy.

**Deliverables**

A number of position papers/technical evidence to provide weight to WWF’s advocacy on the Environment Bill, trade and planning.

**The Requirements of Consultant/s:**

The chosen consultant/s will be able to work with us in the following way:

1. Collaborate closely with WWF’s Environment Policy and Advocacy team, in particular those leading on the Environment Bill, UK Land Use, Sustainable Finance and Legal issues
2. Attend meetings with the client as required, sharing updates at pre-determined points in the project and incorporating feedback.
3. Provide technical advice to support WWF’s position and advocacy asks, communicating these effectively with external and internal stakeholders to ensure sector alignment where possible.
4. Have some legal expertise and an understanding of the UK/EU environmental & regulatory landscape.
5. Have knowledge and understanding of existing corporate governance frameworks for environmental risk, including the finance industry and strong links with other stakeholders working on this issue.

**Example Case**

**Due diligence for the finance sector**

The Government have included an amendment in the Environment Bill, requiring business to ensure that forest risk commodities imported to the UK are produced in line with producer country legislation. WWF’s view is that the proposed model of due diligence will not deliver deforestation and conversion free UK supply chains, for a number of reasons including the reliance on producer country legislation and as the finance sector is not currently in scope. Please set out how deforestation due diligence could apply in practice to the finance sector, possible amends to current amendment to bring finance in to scope and the likely push back from government and the finance sector and the arguments you would use to overcome these. A likely scenario will be participation in a planned workshop, or bilateral interview where the expertise of the consultant will be required, or a review and response to a short paper outlining recommendations to the sector.

**A global footprint target in the Environment Bill**

The Environment Bill does not currently address the impact that we are having on nature overseas. WWF are calling for a global footprint target to be included in the Bill to ensure that we reduce the impact of our domestic production, whilst not offshoring the environmental impact of our consumption. How do you think WWF could most effectively make the case for such a target with government? What do you think would be the main concerns on the inclusion of such a target? How do you think such a target could be included in the Environment Bill?

**Your proposal**

As part of your proposal, in no more than 5 pages, please provide information on your relevant experience, an outline of your approach and methodology that you would apply to the example cases, your hourly rate and any applicable charity discount and CVs (CVs can be additional to the 5 pages).

1. IPCC Special Report on Climate Change and Land: <https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf> [↑](#footnote-ref-2)
2. WWF, Living Planet Report, 2020: <https://f.hubspotusercontent20.net/hubfs/4783129/LPR/PDFs/ENGLISH-FULL.pdf> [↑](#footnote-ref-3)
3. WWF, Deforestation Fronts, 2020: <https://sites.google.com/wwf.panda.org/forests/communications/key-reports/deforestation-fronts-report> [↑](#footnote-ref-4)