

Briefing Note

Local Civil Society Organisations Join EU Battle Against Illegal Logging



Liberia is the only country where communities were directly represented in VPA negotiations
Image: FERN

Deforestation and illegal logging, particularly in rain forest regions, threatens large scale biodiversity loss and serious adverse impacts on the global climate. Illegal logging also causes serious financial hardship both to local people and to the economies of timber exporting countries: the World Bank estimates at least 10 per cent of the world timber trade is illegal, resulting in a loss of US\$ 15bn to developing countries each year. Funds raised from illegal logging have also been used to fuel national and regional conflicts – in the Democratic Republic of Congo, Liberia and Cambodia.

While no exact figures are available, it is estimated illegally sourced timber accounts for about half of overall tropical timber imports into the EU. For more than 10 years Brussels has been working on a comprehensive plan to tackle the problem. Achieving progress is not easy: there is often collusion between governments and the timber industry with widespread corruption. Defining exactly what constitutes illegal trading is often difficult while exposing it can be dangerous. There are issues of tenure rights: who owns what land and the trees that stand on it are ever present problems. The EU Action Plan for Forest Law Enforcement, Governance and Trade or FLEGT aims to improve forest management and governance in exporting countries and, at the same time, assure EU consumers on the legality of timber imports. Central to the workings of FLEGT is what is called the Voluntary Partnership Agreement or VPA – a legally binding trade agreement negotiated between the EU on behalf of its Member States and the governments of the timber exporting countries. Forestry issues in many timber exporting countries have tended to be dealt with in a top down fashion, with governments – often allied with timber industry interests – making decisions and implementing policies. Groups concerned about the forest environment or the many millions of people whose lives are dependent on the forest have usually been excluded from such policy making discussions.

To make real progress on illegal logging and key issues of forest governance it is recognised by both the EU and many governments in timber exporting countries that other groups have to be involved – not only the timber industry but, most importantly, civil society groups and NGOs, forest dependent communities and indigenous peoples. FERN, a Europe based NGO, has worked to ensure such broad scale involvement in the FLEGT VPA negotiating process: it has now produced a report¹ examining negotiations which have taken place in seven timber exporting countries – Cameroon, the Central African Republic (CAR), Congo Brazzaville (or the Republic of Congo), Gabon, Ghana, Liberia and Malaysia. This report of which this briefing is a summary, finds that FLEGT VPA discussions have radically altered the negotiating and policy making landscape. For the first time local groups in most of the countries concerned have a say in decisions which vitally affect the environment and their livelihoods and future. Never before has there been such an inclusive process.

Country by Country Analysis

Cameroon: The VPA negotiations in Cameroon were first developed in 2005 but the VPA was not ratified till 2011. Such a lengthy process reflects the country's role as a pilot project for what was then a new concept.

At first, things did not go well. In 2003 the EC Forest Platform (ECFP) had been formed to monitor spending of EU aid in the forest sector. This group had been initiated by FERN and by the local NGO, Centre pour l'Environnement et le Développement (CED). Community based organisations had also been active in gathering information on illegal logging and human rights violations.

Relations between government, the forestry industry and these organisations were not good, with offices frequently raided and staff harassed. Initially the Government sought to sideline civil society. Eventually, after considerable pressure from both international and local NGOs, civil society groups were allowed two seats in negotiations, alongside four timber industry representatives and 12 government officials.

Over time relations visibly improved: the Government realised civil society representatives had access to valuable information through their partnerships with FERN and other NGOs. Maintaining a cheerful and helpful approach did much to allay initial government suspicion. Civil society

representatives expressed satisfaction with the VPA process, saying their involvement had been unprecedented.

"Throughout the negotiations, Cameroon has brought together a constructive and continuous consultative process with stakeholders, including industry and civil society" said a joint EU/Cameroon press release at the end of negotiations. "The Agreement enshrines this vision for active stakeholder engagement."

The Central African Republic (CAR): A VPA was signed in late 2011 though the agreement has yet to be ratified by the Government. While negotiations were completed relatively quickly, concerns remain about the level and quality of civil society participation in the overall process.

One major handicap was a general lack of local NGO involvement in the forestry sector. A government backed grouping of NGOs – referred to as 'GONGOS' – existed but was weak: there was almost no contact with other regional NGOs. Civil society organisations were generally ineffective while local communities and indigenous people were not organised. Early on in negotiations various international NGOs, including FERN, organised a meeting on FLEGT, encouraging civil society organisations to participate. Those who came forward tended to function as individuals rather than representatives of a wider group. Infighting between various groups and individuals did not help.

Talks were rushed: the Government was anxious to conclude negotiations prior to national elections, resulting in little time to ensure wider participation. Meanwhile there was little feedback either to communities or to NGOs about the negotiations.

Despite these problems, some progress was made. It's clear that in the course of the process, trust between the various groups involved increased with civil society representatives developing important parts of the VPA.

Republic of Congo: Though there was no history of civil society participation in forestry matters and relations between these groups and the Government and timber industry were tense, the VPA text signed in early 2009 is considered to be of high quality.

At the beginning of negotiations, FERN organised a workshop encouraging civil society participation. In addition, FLEGT orientated schemes funded by the EU and others have been instrumental in bringing together a network of organisations. Tensions between civil society groups and the timber industry eased over time, though this related mainly to companies

¹ Report available from September on www.fern.org



The launch of the VPA's civil society independent monitoring programme in Liberia
Image: Andrew Inglis

affiliated with EU timber importers. Congolese companies and those from Asia – highly active in the country – did not participate in the VPA negotiations.

Generally, it's felt that the experience of the VPA process has helped civil society organisations gain greater confidence and be able to make its voice heard within government.

"There is much work that remains to be done but we believe a framework has been established with the potential to give local communities in Republic of Congo unprecedented influence over what happens to the forests that are so critical to their survival and their culture" says Roch Euloge N'Zobo, Programme Director of Observatoire Congolais de Droits de l'Homme (OCDH), an NGO involved in the VPA discussions.

Gabon: Negotiations on a FLEGT VPA are still ongoing in Gabon, having formally started in late 2010. So far, involvement of civil society groups has been fraught with difficulties, with relations with the forestry sector described as "tense and nasty." The Government has also been reluctant to be seen to appease or involve local communities as this is perceived as a threat to the power of local government.

The EU has successfully pressed for civil society representation. FERN helped with information and building up negotiating skills: civil society groups say such assistance has been vital. Slowly, the process has evolved and civil society has been allowed to play a role, developing something of a rapprochement with the timber industry and government. *"At least now there is the possibility to talk"* say NGOs. *"At first it was not even possible to meet, now there is some acceptance at the same table."*

Civil Society groups say their involvement in FLEGT is the first time they have been allowed to actively participate in any meaningful negotiations: not only that, but they have proved themselves to be more familiar with FLEGT issues than the Government.

However the growth of civil society is still at a very early stage: it needs careful nurturing so a mature NGO network can be developed. If not, it may collapse.

Ghana: There has been a dramatic loss of forest in Ghana - from 8.2m ha in 1900 to 1.5m ha in 1990. Before the FLEGT process began, Ghana already had in place an extensive coalition of NGOs focused on the forestry sector, grouped under Forest Watch Ghana (FWG).

Initially the Government had no real intention to create an inclusive process: there had been little contact with either civil society organisations or the timber industry. Only through threatening court cases and the use of media were civil society groups able to participate in talks which, in the event, proved highly successful.

Formal negotiations started in 2007, with a VPA signed in 2009. In the course of discussions relations between local and regional and international NGOs improved considerably. The VPA negotiations also spurred greater interest and involvement in other related forestry issues.

"We are cautiously hopeful" says Kyeretwie Opoku of FWG. *"The agreement provides a reasonable platform for strengthening community rights and resolving our biodiversity sustainability, rural livelihoods, official corruption and national revenue objectives. Now we must gear up for the real struggle – to move from print to practice."*

Liberia: Liberia is an exceptional case in that VPA negotiations included representatives not only of civil society organisations but also of local forest community groups. A local grouping of NGOs – The NGO Coalition for Liberia – had fostered relations with these communities and successfully lobbied for their inclusion at the talks – never accomplished before in Liberia or in any other VPA country.

Discussions went well though it was clear there were issues of

trust between the Government and forestry industry on one side and NGOs and community groups on the other. As in other countries, the VPA process helped NGOs and communities become much more organised: it also encouraged contact with other NGOs outside Liberia. A VPA was initialled in early 2011 but as yet has not been ratified. At the conclusion of discussions the NGOs issued a press release:

“The NGO Coalition for Liberia including Community Forestry Development Committees and local communities affected by logging operations have all expressed satisfaction over the open and participatory manner in which the VPA process was articulated with particular emphasis on the participation of civil society organisations and local communities.”

Malaysia: Though by far the most economically developed of the countries concerned, the FLEGT process has been the least successful with negotiations now stalled, having formally begun in 2006. Before the process began, Malaysia had been making moves to gain certification for its timber exports. To this end the Government had engaged with the JOANGOHutan NGO network, a grouping of 11 social NGOs focusing on community tenure rights issues. Historically, relations between the government and NGOs have been antagonistic, particularly in the state of Sarawak in East Malaysia where some NGOs have been blacklisted and community members regularly imprisoned for protests over land rights and other issues.

Informal talks between the EU and the Government, started in 2003, did not formally include any civil society organisations. As discussions moved on the Government limited NGO involvement to a series of consultation meetings but did not allow any direct participation. JOANGOHutan and the indigenous peoples’ network JOAS withdrew from the process, issuing a statement:

“We will not allow our participation to be used to give validity to a process that is highly flawed and pays little regard to the rights of the indigenous communities and their sufferings. We also cannot allow our participation to give validity to a process that claims to stand for good governance but clearly does not express itself as so.”

No VPA between the EU and Malaysia has yet been initiated and there are a number of serious stumbling blocks to be addressed before progress can be made, including the creation of a participatory process for NGOs and indigenous peoples.

Overview

The EU has played a central role in ensuring various civil society groups are involved in the FLEGT VPA negotiating process. Without EU pressure on governments and officials, civil society groups would not have been able to participate.

In most cases the VPA process worked well. Negotiations have seen a level of involvement of civil society organisations – local environmental, social and human rights groups – never seen before in the forestry sector in the countries concerned, with the exception of Malaysia where government actions have made such involvement difficult. The generally inclusive nature of talks contrasts with Reduced Emissions from Deforestation and Forest Degradation or REDD+ negotiations, which tend to either sideline local groups or, in some cases, act against civil society involvement.

European NGOs, including FERN, have played an important role in securing civil society participation in the VPA process, providing training and back up and fostering contacts with regional and international NGOs. FERN was also instrumental in facilitating the creation of the Africa Community Rights Network (ACRN), a regional grouping of NGOs in Africa, created by African NGOs involved in VPA processes to share information and learn from each other.

The VPA process has, to a large extent, been instrumental in increasing understanding and tackling suspicions and divisions between governments, the timber industry and local civil society groups. Old antagonisms have in most cases been broken down: the role of certain individuals in discussions has been vital in building up good will and trust. Moreover, VPA discussions have acted as a ‘tool’ – giving the groups involved respect and nurturing confidence to tackle other issues of legal and policy reform.

“...This gives us hope that local forest peoples will be heard, their rights respected and their concerns addressed.”

Roch Euloge N’Zobo, Observatoire Congolais de Droits de l’Homme (OCDH)

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