

Written by civil society representatives from VPA countries – compiled and edited by Fern

Forest Watch Special

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LOGGINGOFF

Deepening and expanding multi-stakeholder participation in VPAs to achieve greater impact

Evaluations and academic studies show that the Voluntary Partnership Agreements ([VPAs](#)) which form a key part of the EU's Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, have increased recognition of civil society's important role in developing and implementing national policies. This has led to more inclusive, accountable forest management.

One of the VPAs' [unique features](#) is that they allow a variety of actors – government, private sector, civil society and forest communities – to discuss how forests should be managed. They are the only trade agreements that champion such a bold and innovative approach, and they are therefore seen as a model of [multi-stakeholder governance](#).

In some countries, VPA negotiations mark the first time that civil society has been invited to participate in decision-making. And whilst all steps forward are positive, in some cases involvement is only tolerated by the government and would quickly disappear if it were not an essential component of a mutually beneficial trade agreement.

Although there have been some issues, [VPAs are generally more inclusive and transparent](#) than other reforms impacting forests, such as Reduced Emissions from Deforestation and Degradation (REDD+) and [Nationally Determined Contributions](#) (NDCs). The lesson is clear: forests and peoples are intrinsically linked, so the fate of the former cannot be discussed without the involvement of those who have protected and nurtured them for so long.

Many civil society actors have observed a “virtuous circle” regarding civil society and local communities' participation in VPAs: increased capacity has enabled them to participate more closely, while greater participation has enhanced their capacity to influence policy processes and decisions. Thanks to continued support and training, as well as targeted legislation, the role of communities has been particularly impressive in Liberia where direct representation of community members has improved benefit-sharing mechanisms, despite challenging circumstances.

At times (Honduras, Ghana and Indonesia) the success of multi-stakeholder involvement has led to broader political questions: why are stakeholders not included in decision-making in other sectors? In other countries, progress has been slower, but improvements are dramatic nevertheless; for instance, communities participated in the constitutional review in [Central African Republic](#), and are starting to obtain redress from logging companies when their rights have been violated.



Photo: Seyerano Community, Ghana,
by Alexandra Benjamin

Civil society has a specific role in the Republic of Congo and Cameroon where they are also [independent forest monitors](#). Local specialised NGOs have published dozens of reports and [their findings](#) have improved understanding of the causes, nature and magnitude of illegalities in the domestic and industrial sectors. They are now looking at what can be done to tackle challenges including systemic corruption, weak law enforcement, under-resourced oversight bodies and poorly informed communities.

In many countries, the VPA process is at a crossroads. At this critical time, those moving towards FLEGT licensing should focus on [sustaining effective civil society participation](#). This could include strengthening their capacity to engage in technical discussions on the Timber Legality Assurance System (TLAS), exploring synergies with other segments of civil society to ensure a greater diversity of voices, emphasising respect for Free Prior and Informed Consent (FPIC) of local communities, and offering genuine policy space for civil society organisations (CSOs) to speak freely on sensitive governance issues. This will be crucial to overcome [‘VPA fatigue’](#) and revive the momentum and enthusiasm from the days when VPAs were launched.

At the same time, efforts cannot be left to timber producing countries alone. The EU and Member States Competent Authorities could also help encourage CSO participation on the demand-side. Even though they may be aware of the Commission’s broader [environmental complaints mechanism](#), it is quite difficult for CSOs in countries implementing a VPA to see what information is used, and how information they give leads to enforcement action. To strengthen transparency and CSO monitoring of the EU Timber Regulation (EUTR), the EU could create a coordinated, easily accessible EUTR information system, complete with a tip line and complaint mechanism, indicating where specific enforcement actions are taken under the EUTR. This would show that information provided by CSOs – sometimes at some risk – is processed and acted upon.

The regular policy tours that Fern hosts for its partners are a step in the right direction. They enable direct dialogue with EU officials, representatives from EU Member States, timber federations and Competent Authorities. In March 2018, [EU officials](#) met with representatives from Central and West Africa, and Vietnam. The participants visited Bonn, Paris and The Hague, reminding the EU of the importance that multi-stakeholder participation plays in shaping and monitoring just and far-reaching reforms.



Cameroon



VPA Status: Entered into force 1 December 2011

A joint EU-Cameroon [stock-taking and planning exercise](#) has been the main focus of the VPA process for the past six months. This initiative (announced May 2018, began February 2019) aims to assess the agreement and its implementation, re-dynamise the VPA process, and guide the next phase.

Until now VPA negotiations centred around the development of a traceability and legality assurance system, leading to frictions between actors, especially concerning the traceability system's efficiency. There has not been substantial progress in recent years, despite [various evaluations](#) intended to identify and address deficiencies. Civil society therefore welcomes the stock-take, but warns that it should look forward and ensure that political will exists to implement sustainable forest management; and tackle **corruption**, even at the highest level. This is one of the root causes of illegal logging. Finding concrete, practical avenues to end impunity, and involving a wider range of public administrations in forest management should be the recurrent theme of this exercise.

A team of four consultants has been appointed to lead and guide this participatory exercise,

including a well-respected former higher education minister who has also been nominated as a national mediator.

In the first phase of stock-take, key stakeholders, including civil society, were consulted. Three field missions were undertaken, allowing the consultants to exchange directly with community representatives. The results were discussed at an April workshop in Mfou (Yaoundé) that brought together about 50 stakeholders. Civil society believes this is an acceptable **level of participation**, but greater access to information and more time to develop a response would make participation more effective. Civil society nevertheless contributed to the draft of the roadmap, which is expected in July.

There has also been progress on **transparency**. The [official VPA website](#) managed by the Ministry of Forest is a goldmine of information in line with the transparency annexe of the VPA. It is operational again, after months of being 'down', and now includes updated information about the [validity of titles](#), among other things. There are still problems though as, for example, information on the volume of timber production and annual joint reports remain inaccessible, despite the fact that EU Competent Authorities need this information to enforce the EU Timber Regulation correctly.



Photo: Baka women, Cameroon,
by Indra Van Gisbergen



Central African Republic



VPA Status: Entered into force in July 2012

Building a brighter, more resilient future for the Central African Republic (CAR) and its citizens – a future that includes equitable and sustainable management of its natural resources – will be key to delivering the promise of the recently signed peace agreement between the government and fourteen armed groups. Under the [Accord for Peace and Reconciliation in the CAR of 6 February 2019](#), the parties committed, among other things, to putting an end to violence, ensuring peace and security throughout the region and resolving grievances peacefully. This Agreement represents an important step, but NGOs remain cautious: signing off on peace does not wipe away all crimes committed by the warring factions. True reconciliation can only be achieved through fighting impunity and promoting justice. In addition, continued insecurity, the fragmentation of armed groups and decimated public services mean that the majority of the population still acutely needs humanitarian assistance.

Concerned with advancing forest governance, CSOs continue to lead efforts to keep the VPA process alive. Although official structures (*Comité Nationale de Mise en Œuvre et de Suivi et le Comité Conjoint de Mise en Œuvre*) have not met since late 2018, the government recently launched a consultation to update the **forest policy document** that had been dormant for years. Members of the [Gestion Durable des Ressources Naturelles et de l'Environnement](#) (GDRNE) platform advocated for CSOs to be adequately represented. Thanks to their efforts, the Forest Minister agreed to include five members on the validation committee. The final document is not yet published, but GDRNE is confident that its [recommendations](#) on having a more gender-friendly policy, revising the Forest Code and fully implementing community forestry will be reflected in it.

With Fern support, GDRNE was also able to explore the opportunities and challenges of developing a legality grid for community forests. A [recent briefing](#) commissioned by local CSOs, with inputs from all stakeholders, concludes that CAR is now in a position to develop the **legality grid**, and that the government should do so to meet its VPA commitments and strengthen the legal basis for



Photo: Baka child, Central Africa Republic, by Lewis Davies

community forestry. This is particularly timely as of the [two pilot community forests requested](#), one has been awarded to local communities in the southwest region, and the other is in the process of being granted – thanks to relentless efforts by local CSOs and international NGOs.

Illegalities remain rampant in the forest sector, and local CSOs point to illegal timber being increasingly smuggled into Congo. Members of GDRNE are investigating the issue to present a strong case to VPA authorities. The EU must be more proactive in ensuring that the CAR government fully implements the VPA and respects its obligations. In this respect, the [Békou Trust Fund](#) could play a role in strengthening forest community resilience, including by supporting community forestry.

The process in CAR, although imperfect, has significant potential to achieve positive outcomes for all, and to generate lessons and best practice for other countries, particularly regarding civil society and community participation.

CAR can be seen as a regional model when it comes to **CSO participation** in forest governance and climate initiatives. Collaboration with the government's VPA structures has been strong from the outset, despite numerous misunderstandings. GDRNE's tenacity paid off: they were able to



ensure strong CSO participation in the land reform process (the framework law on land tenure), to take the lead on community forestry development and, more recently, to make changes to the forest policy document.

Inclusion in decision-making needs to continue and include communities more directly. Although local communities and indigenous groups have now been granted two seats in the VPA structures, lack of resources hampers more active participation. Representatives from groups that attended a workshop on community forestry in Bangui, March 2019, commented that participation must be consistent and include elected representatives from remote areas, such as Sangha Mbaéré and Mambéré Kadeï.

With financial and technical support from *Centre pour l'Information Environnementale et le Développement Durable* (CIEDD), CSOs signed a memorandum of understanding with the forest administration to lead the independent observation that will help ensure forest managers comply with the Forest Code and the VPA. At present, five independent observation mission reports are available.

CSOs also actively support artisanal loggers' compliance with the Forest Code and the VPA. [*Initiative du Centre de Recherche et d'Appui au Développement*](#) (CRAD), for instance, is working to

improve artisanal loggers' understanding of artisanal permits and is consulting them on the development of a dedicated legality grid.

Consultation mechanisms set up within the VPA framework have had a positive knock-on effect: the same level of participation is now expected in the REDD+ process. Recently, the government asked GDRNE to lead awareness-raising activities targeting forest communities, and support from the Global Environment Facility (GEF) has been allocated to community-based restoration in degraded forest areas near Bangui. Progress will be important as the country is set to receive support from [CAFI](#) to develop its national REDD+ strategy and move forward with implementing its [NDCs](#).

At its outset, the VPA had given communities and indigenous peoples hope that their rights would be taken into account – a hope that faded as implementation slowed. Given the international attention on climate change, REDD+ overshadows the VPA, which remains lethargic. The VPA's impacts are visible only through the few CSO projects carried out with funding from the EU and its partners. Renewed awareness and respect for its commitments will allow the VPA to rise from the ashes. As a Central African proverb points out: "It is better to preserve the ember in the ashes than to let it go out definitively."



Photo: Centrafrican village community on the riverbank,
by Bienvenu Gbelo



Côte d'Ivoire



VPA Status: Negotiations began in February 2013

The [FLEGT-VPA process in Côte d'Ivoire](#) had been on stand-by since 2017, in recognition of the vast legal and political governance reforms needed. During this time of reflexion about whether the FLEGT process should continue, a **joint** review was carried out; leading to the Ivorian government deciding to continue the process, adapting it to Ivorian circumstances. An EU mission to Côte d'Ivoire in early 2019 led to programme being relaunched. They hope to sign a VPA by 2022.

As part of this relaunch, a draft strategy to implement the **new forest policy** of conservation, rehabilitation and extension of forests (*Politique de préservation, de réhabilitation et d'extension des forêts*) has been adopted. A national programme intended to advance the application of this policy is being elaborated; stakeholders are currently reviewing and adding their contributions to the draft and have until the end of June to submit comments. The Ministry of Water and Forests (MINEF) will then host a general stakeholder meeting in order to validate the final draft, which will hopefully be published [online at the Ministry's site](#).

Several connected processes are simultaneously getting underway in the forest sector, each vast in scope. In addition to FLEGT, the **application decrees for the timber legality grid** are being developed.

The process began in 2016 but was suspended in 2018, in anticipation of the **new Forest Code**, which was deemed necessary in order to account for the destruction caused by the cocoa and rubber industries (forests that were more than 75 per cent destroyed may be reclassified as agro-forest lands to accommodate the reality on the ground). This Code was adopted unanimously on 20 June 2019 and will be sent to plenary in the coming weeks.

The quality of the FLEGT process also benefitted the Ministry of Agriculture's **ongoing land tenure reform**. Stakeholders are asking for FLEGT to take into account concerns surrounding tenure security.

Prior to the VPA process, a culture of **stakeholder participation** did not exist in Côte d'Ivoire. Now there is more agreement that effective processes must include representatives of government, private sector, civil society and the traditional chieftains (*chefferie traditionnelle*). Across the processes mentioned, the fact that consultations take place at all is a significant step forward, although quality is still variable.

Within VPA negotiations, stakeholder consultations are going smoothly. The National Negotiating Committee has created working groups that represent all stakeholders. Documents are given in time to permit an adequate response, and civil society representatives feel that their observations are considered; whether they are acted on is a matter of debate.



Photo: Community in Côte d'Ivoire, by Ann Bollen



Photo: Logs imported from Africa to Antwerp Harbour, by Indra Van Gisbergen

The VPA process pressures other negotiations to be more inclusive, yet in VPA negotiations themselves, civil society is much more reserved. Stakeholder consultation is carried out, but the results are patchy. With regards to the development of the application decrees, for example, documents are not given in time to allow reflection and preparation of an in-depth response. As for taking concerns into account, the impact is still less visible. There is a general feeling that the form of consultation takes precedence over substance. Regarding the new draft Code, for example, civil society raised several concerns and, in May, requested a meeting with MINEF; at the time of writing, they have received no response.

As a result, civil society remains concerned about how much the VPA process will be able to deliver, as this depends heavily on the administration's commitment. It is one thing to arm oneself with adequate tools to battle deforestation, but using them remains a challenge. Many strong tools exist, a great deal of paper has been generated – about zero-deforestation, about forest-friendly cocoa, about sustainable agriculture – that could bring about meaningful change. All the elements that could truly improve forest management exist or are being developed. But a deeper commitment to changing behaviour is missing – beginning with the administration. Mindsets have not changed yet. For now, data relating to forest destruction is as alarming as ever.

Democratic Republic of the Congo



VPA status: under negotiation since 2010

The negotiation of a VPA between the Democratic Republic of the Congo (DRC), home to the world's second-largest tropical rainforest, and the EU has been ongoing for nearly a decade. The off-and-on exercise is determined by the highly volatile political context: in recent years 4.5 million people have been displaced from their homes, more than 130,000 refugees have fled to neighbouring countries and more than 140 armed groups remain active in the East. DRC's primary forest loss is rapidly increasing: [in 2018 it was 38 per cent higher than it was from 2011 - 17](#). The expansion of small-scale forest clearing for [agriculture](#) and [fuelwood](#) likely caused about three-quarters of this loss. Illegal logging remains an important driver of deforestation and, in the current political context, is of serious concern.

For the past six months the VPA process has remained frozen. In December 2018, projects funded by [AFD](#) and [FAO](#) that intended to test the legality grids for industrially harvested timber, came to an end; the FLEGT-VPA facilitator was sent home; and contested Presidential elections were held. To date, the DRC Government has still not been formed. As no new minister in charge of forests has been appointed, the interim minister, the forest administration and the FLEGT-VPA focal point (who has no resources with which to function), try to deal with the forest sector on a day-to-day basis.

In such a context, **participation of civil society** in a VPA process that has itself been put on hold, has also fallen by the wayside.

Logging companies continue to operate in this void – often in a very opaque way. According to independent monitors, illegal logging is on the rise in the DRC. In April 2019, the network of independent monitors, RENOI DRC, expressed concern about the violation of the 2002 law establishing a **moratorium on new logging concessions** as well as infringements of the Forest Code. Recent independent-monitoring field missions in the Province of Equateur noted that timber exploitation, essentially by Chinese companies, is in several cases carried out beyond the limits of logging concessions. Various Chinese companies that set up operations in DRC after



2015 obtained forest concessions in violation of the moratorium. The majority of this timber is exported to China. Research from NGO [Global Witness](#) revealed that elites close to power, namely the notorious Congolese general Amisi Kumba ([FW 245](#)), illegally traded timber licences in the run-up to disputed presidential elections at the end of 2018.

Despite some progress, artisanal forest exploitation, a sector that is largely informal because of legal loopholes and unclear procedures for granting small-scale logging permits, remains “[one of the most worrying causes of deforestation in DRC](#)”.

NGOs have urged the EU and [CAFI](#) to raise concerns about **lack of governance in the forest sector** with the new Congolese Government; the EU and CAFI should insist that the moratorium remains in place and is respected. Donor programs should be put on hold until these issues are investigated, and concessions allocated in breach of the moratorium are cancelled.

Despite the long list of governance and political challenges confronting the DRC, [the country signed an Emissions Reductions Payment Agreement \(ERPA\) with the World Bank in February 2019](#), providing financial incentives for communities to manage their forests. This agreement will unlock performance-based payments of up to US \$50 million for the country. Payments will come from the [Carbon Fund](#) of the [Forest Carbon Partnership Facility](#) (FCPF), a global partnership housed at



Photo by Alexandra Benjamin

the World Bank. The timing of this agreement is of considerable concern: as yet, no guarantees exist that the new government will respect the moratorium after the elections. Nor is it certain that a forest policy will be developed and the Forest Code revised in a participatory manner.

Ghana



VPA Status: Entered into force 1 December 2009

Ghana will be the second country to issue FLEGT licences. In January 2019, the Minister of Lands and Natural Resources and the Head of the EU Delegation to Ghana, Ambassador Diana Acconcia, [announced](#) that Ghana was embarking upon the final joint assessment of its [Legality Assurance System](#) (GhLAS), which focuses on [the themes described in Annex VII of the VPA](#). The final joint assessment is now half finished: the independent assessors will carry out another field mission in July, focussing on [underwater logging](#), plantations, salvage permits, secondary and tertiary processing of timber and rosewood logging.

Essentially, the joint assessment will determine Ghana's readiness to issue FLEGT licences. So far, it has noted Ghana's substantial progress since signing its VPA in 2009.

The findings from the joint assessment will classify noncompliance in two categories: minor and major. Those issues that do not significantly affect the operations of the GhLAS, and are unlikely to obstruct issuance of FLEGT licences, would be minor. Major issues would be those critical to the operability of the GhLAS and should be addressed prior to the launch of the FLEGT licensing scheme.

Halfway through the assessment, CSOs are still following up on issues including: Conversion of extant leases and ratification; Forest Management Plans; Social Responsibility Agreements (SRAs); testing transparency issues within [LI 2252](#); environmental, health and safety issues; and training and capacity-building for small-scale holders.

One of the most important issues that must be addressed before any decision on readiness for licensing is the **conversion of extant leases** into Timber Use Contracts (TUCs). This moved a step forward on 6 May when Ghana's Forestry Commission announced the publication of procedures



Photo: Mary Ama Kudom Agyemang,
Ghanaian Journalist
by Alexandra Benjamin

for how the conversion should happen. Timber companies had to submit applications to convert by 7 June. Those that fail to convert will no longer be able to operate. CSOs expect timber companies to convert without hesitation since the Forestry Commission has worked closely with industry members to ensure that conversion goes smoothly. CSOs have offered to support some of the small-scale industry members with the application process.

CSOs in the Legal Working Group have communicated their preparedness to support both the Forestry Commission and industry with the conversion process. For instance, CSOs are ready to assist timber companies with negotiating and completing SRAs, particularly for communities in converted concessions.

While the conversion process may be relatively quick, ratification of the converted leases is Parliament's responsibility; no specific deadline has been fixed. CSOs are willing to work with the Forestry Commission and the Ministry of Land and Natural Resources to engage Parliament for speedy ratification: the longer ratification takes, the longer timber companies must wait before receiving FLEGT licences for timber from converted TUCs.

Finally, despite the **government ban**, illegal logging of rosewood remains a concern. Container loads are regularly caught in transit from northern Ghana to the Tema port. However, CSOs are concerned that these illegally logged rosewoods are bypassing the GhLAS. Once FLEGT licences are issued, any wood or wood product from Ghana that does not pass through the GhLAS will be declared illegal.

Beyond the joint assessment, one area of significant improvement throughout the entire VPA process is **participation** of stakeholders in decision-making. Before the VPA negotiations began in 2007, the government and CSOs had no tradition of working together. Since then, the government has collaborated with CSOs and coordinated meetings so that CSO members can attend. CSOs are now a key part of Ghana's forest governance, and the government and CSOs are cooperating to make sure any issues found in the second joint assessment are solved before licensing.

The Ghanaian Government, CSOs and industry are working together to ensure that Ghana will be ready to issue FLEGT licences at the end of their final joint assessment.



Liberia



VPA Status: Entered into force 1 December 2013

Over the past year, Liberia's economic crisis has intensified. In May 2019, [President George Maneeh Weah stated](#) that "[Liberia has lost significant revenue from the fall in the prices of iron ore and rubber, and \[its\] rubber farmers have lost their income and ability to spend in the economy.](#)" The President also acknowledged a decline in remittances and that the country "is no longer receiving emergency aid," as was the case following Liberia's civil war and during the Ebola crisis. These realities are crippling the economy, leading to the [devaluation of the Liberian dollar and sharp price increases.](#)

The crisis and accounts of government corruption and embezzlement have led to civil unrest. On 7 June thousands of [Liberians protested price hikes and corruption.](#) The situation is causing unease amongst residents as well as regional and international peace brokers. The EU, the [Economic Community of West African States](#) and the African Union have tried to bring both parties together but the government and the protesters have yet to negotiate a peaceful resolution.

Stakeholders are worried that the economic crisis could threaten the future stability of the forestry sector and the VPA process, yet amid these challenges, local and international actors continue to survey and help improve the forest sector. Donors are providing steady support to Liberia to implement the VPA and forestry-related policies and rules, such as the Land Rights Act, which offers communities hope that their traditional land rights will be protected.

In addition, forest stakeholders held consultations with the government, asking them to commit to allocating a portion of land rental arrears paid by logging companies into the National Budget. This consultation was started because the land rental arrears were omitted from last year's budget. Given that difficulties surround determining actual fees paid, and therefore portions owed to communities, stakeholders are concerned that, once more, little or no rental fees will be allocated to communities in this year's budget.

During this time of uncertainty, the Liberia Forest Sector Project (LFSP) has hired the



Photo: Gbonye Community Women, Liberia,
by Alexandra Benjamin

consultants SOFRECO to conduct a review of logging concessions, contracts and agreements. In May, SOFRECO began assessing the legality of concessions and agreements (Forest Management Contracts, Timber Sale Contracts, Private Use Permits and Community Forestry Management Agreements); the sustainability of the Liberian forests resource base; the financial and economic viability of the timber sector for the government and communities; and the sector's commercial attractiveness for investment. NGOs hope that this review will validate the findings of civil society monitoring and will result in government action.

Given the challenges, Liberia's forest sector has struggled with **participation**. At the recent Joint Implementation Committee meeting, participants created and selected a multi-stakeholder EU-Liberia committee to integrate "timber sourced from commercially oriented CFMAs [Community Forest Management Agreements] into the timber legality assurance system." CSOs hope that this multi-stakeholder cooperation between the EU and Liberia will pave the way for subsequent investigations into VPA violations (logging outside concession boundaries, taking trees below diameter, etc.) However, since its constitution at the beginning of March 2019, the committee has not met to plan and undertake activities in support of its mandate. It is hoped that the VPA support team will address any logistical issues associated with the committee's work.

Though all stakeholders remain committed, the FDA Managing Director Hon. C. Mike Doyen did not attend any **National Multi-Stakeholder Monitoring Committee (NMSMC)** meetings [in 2018](#) or 2019. The managing director's involvement is



vital to the VPA process, and CSOs hope that he will attend future NMSMC meetings. The Forestry Development Authority (FDA) has promised nevertheless to respond to CSOs' briefings. For example, during the May NMSMC meeting, the FDA stated that they would respond to [Sustainable Development Initiative's \(SDI\) brief on Sewakajua CFMA](#), published in March 2018. The FDA is currently verifying the findings of a December [2018 report by VOSIEDA](#), another CSO, highlighting compliance issues. Such FDA actions, though delayed, appear to demonstrate commitment to addressing CSOs' concerns regarding rule of law, due diligence and, more broadly, compliance in the forest sector. However, the FDA must be more proactive in dealing with issues that strengthen transparency and accountability within the forest sector, especially concerning community forestry processes.

While the FDA's participation and actions have been mixed, the government continues to collaborate with civil society to implement the **Land Rights Act**, signed last September. In February, the CSO Working Group on Land Reforms and the Liberia Land Authority (LLA) held a Conference to develop strategies and messages to implement the Land Rights Act at the community level. The LLA is also holding consultations with CSOs associated with the land sector to draft regulations and guidelines for implementation of the law.



Photo by Alexandra Benjamin

Despite these achievements, numerous challenges surround implementation of the Land Rights Act, including [gaps](#) and [contradictions](#) highlighted in [two briefs SDI published in March 2019](#). CSOs hope that over the next year, stakeholders will continue to participate in forest governance meetings to address these shortcomings.

Republic of Congo



VPA Status: Entry into force, 1 March 2013

The country currently faces a critical financial and economic situation caused largely by the fall in oil prices, which constitute 80 per cent of state revenues. The Congolese Government managed to negotiate a restructuring of its huge debt to China (US\$ 3.15 billion), making it eligible for assistance from the International Monetary Fund (IMF). However members of the [Publish What You Pay](#) Coalition (PWYP) coalition, including Fern's local partner [Rencontre pour la Paix et les Droits de l'Homme](#) (RPDH), denounced the opacity surrounding the deal with China, and question the outrageous level of state indebtedness – this, fewer than 10 years after Republic of Congo (RoC) benefitted from a reduction of its debt through the [Highly Indebted Poor Country \(HIPC\) programme](#).

Despite the difficult outlook, two important legal developments have marked the VPA process in the past months. First, the government finally signed the **draft new Forest Code**, by decision of the Council of Ministers, 27 February 2019. The Code now awaits formal parliamentary approval. The Plateforme pour la Gestion Durable des Forêts (PGDF), which led CSO contributions to the draft code, hope that their recommendations regarding proper integration of Free Prior and Informed Consent (FPIC) for communities, stronger benefit-sharing mechanisms, a clearer legal basis for dealing with conversion timber, and a wider definition of community forestry will feature in the final version.

Next, the government also adopted the **implementing decrees for the 2011 Law on Indigenous Peoples**, which had been in the pipeline for several years. Fern's local partner Observatoire congolais pour les droits de l'homme (OCDH) has been at the forefront of efforts to ensure that the decrees truly reflect Indigenous Peoples' needs and offer greater protection for their customary



rights over forests and traditional livelihoods. [OCDH recently published a guide](#) on FPIC to help government and company stakeholders better engage with Indigenous Peoples and communities. This message was loudly proclaimed at a meeting on land use reform ODCH hosted in December 2018: the new land law must not undermine gains and commitments made. On the contrary, it should strengthen local communities' control over their ancestral lands, an important step to minimise land use conflict and ensure that the new land use plan (plan national d'affectation des terres) also works for communities.

Within the VPA context, adequate space is provided for CSO **participation** and information-sharing. Three representatives from the PGDF sit on the Joint Implementation Committee (JIC) and their contribution to the legal reform and independent forest monitoring is valued. However, this is not true in the broader context: recurring intimidation of human rights and governance advocates affects their work and fuels self-censorship. CSOs also struggle to play their advocacy role effectively; they must improve internal synergies and collaboration to increase accountability and ensure that the VPA brings greater benefits to communities.

Additionally, representatives from forest communities are still not represented directly on the VPA structures and their capacity to engage on forest governance processes is limited. During a tour organised by OCDH in March, communities from the Cuvette, Lékoumou and Sangha department stressed their need to have regular, direct dialogue with forest authorities and relevant government agencies so that their legitimate demands can be addressed. This is not yet the [case](#). Little wonder then that community forestry, an important tool to strengthen livelihoods and secure land, is not yet a [reality](#). The fact that the Conseil départemental de la Sangha recently approved the creation of **pilot community forests in the IFO Ngombé concessions** is a major step forward, and OCDH is supporting communities to submit a formal proposition to the Ministry for Forest Economy.

The [JIC meets regularly](#) and provides a platform for CSOs to share outcomes of the independent forest monitor's activities. With support from Cameroonian experts, members of the PGDF are working to



Photo by the Forum pour la Gouvernance et les Droits de l'Homme (FGDH)

establish a [standardised system for external forest monitors to assess how well companies are carrying out their social obligations](#).

Negotiations for the letter of intent Congo is expecting to sign with [the Central African Forest Initiative \(CAFI\)](#) are progressing. CSOs were consulted via an enlarged task force to ensure all thematic platforms were included. The draft letter includes important references to FLEGT, ending conversion, and rights. It should also embed clear references to and mechanisms for free and effective CSO participation, and milestones regarding forest sector transparency and reducing illegalities.

Forest revenue transparency continues to be problematic. CSOs are concerned with timber companies' persistent refusal to publish payments made to the government. As a result, these companies are much more opaque than mining and oil companies, which at least regularly disclose financial information under the [Extractive Industries Transparency Initiative \(EITI\)](#). The data blackout sends a disastrous signal to investors and consumers, and undermines the capacity of the VPA to shed light on important information, which is both intended and mandated by the [2017 transparency code](#). The [February 2019 EITI report](#) failed again to include revenues from logging companies, with the exception of IFO. Civil society's objective is that all companies report and provide audited, accurate and comprehensive information.



Indonesia



VPA Status: 15 November 2016 began issuing FLEGT licences

As Indonesia gains experience with FLEGT licences, more loopholes come to light. Cases challenging FLEGT licences must be handled seriously, such as the cases of [Merbau and Sono Keling in East Java](#) and [Makassar](#), South Sulawesi, currently being processed in Indonesia's courts. The government should conduct further investigations to clarify whether the wood is intended for the EU market.

In March 2019, the Indonesian Government and the EU delegation held a Joint Expert Meeting (JEM) to discuss how FLEGT-VPA implementation was progressing. Matters addressed included the 2018 Action Plan's progress, and the planning of the **Periodical Evaluation (PE)** of implementation that got underway in late May 2019.

Profundo, the consulting group chosen to carry out the PE; the Ministry of Environment and Forestry (MoEF) and the PE team, composed of the government and the European Forest Institute, conducted a [public consultation](#) regarding the activities the PE should cover (May 2019). Several parties, including the Indonesian Independent Forest Monitoring Network (JPIK), provided input. JPIK has forwarded its comments regarding both technical

and substantive aspects of the evaluation to the PE team.

Generally, government performance has improved regarding implementation of the **Indonesian Timber Legality Assurance System (SVLK)**, although a number of problems must still be addressed, typically surrounding aspects of transparency and law enforcement. Here political will is lacking; the same issue affects independent monitoring activities, which can only be as effective as the government allows.

Increased pressure to strengthen [Independent Market Monitoring \(IMM\)](#), using actual trade patterns to assess the impacts of VPAs, as well as stricter application and enforcement of the EUTR provisions would help improve shortcomings with SVLK implementation. As part of this, the EU could develop **detailed information systems, including a "tip line"** where third-parties could leave information about illegal timber and timber products.

Problems surrounding enforcement and timber legality should not be Indonesia's alone: strengthening the SVLK and the EUTR must also entail robust monitoring and enforcement mechanisms within the EU and Member States, ensuring that tips from independent-monitoring organisations or other sources about illegal timber entering the EU are followed up.



Photo: FLEGT-VPA workshop and seminar, by the Indonesian Independent Forest Monitoring Network (JPIK)



Laos



Photo: Logs harvested in Central Kalimantan, by the Indonesian Independent Forest Monitoring Network (JPIK)

Stricter demand-side enforcement and standardisation of Member State Competent Authorities could help address ‘timber-laundering’ through third countries prior to placement on the EU market. **Information on EUTR law enforcement** across Member States could be consolidated in a way that it can be widely monitored – not just by authorities. Forest monitors need to be reassured that their personal investment in the process is worth the risks they may incur.

Indonesia and the EU must build a **more effective law enforcement framework** to combat the illegal timber trade, whether through legal assistance or by attempting to halt state losses due to forestry crimes or the illegal timber trade. The EU shares responsibility for continuous efforts to improve and strengthen good forest governance (and sustainability, as the EU mentioned in the last JEM) within Indonesia’s forestry sector.

Since the creation of the SVLK: Before the SVLK there was no culture of public involvement in decision-making, whereas now there is clear **public participation**. This offers an example for other initiatives. Although FLEGT processes have brought some element of change, the public and even independent forest monitors can only provide recommendations for improvements. Whether these recommendations are used, and how, remains entirely in the hands of government. It is still not possible for the public to access some types of information; data is frequently excluded or considered confidential, affecting the quality of CSO participation. This is especially true regarding the provision of data for monitoring purposes.

VPA Status: In formal negotiations since 2017

Laos and the EU just concluded their third round of VPA negotiations, which took place in Brussels from June 17 to 20.

In Laos, CSOs are not considered to be representatives of citizens’ interests; **public participation** in drafting policies and in decision-making does not exist. The establishment and formal registration of a Lao CSO is therefore a complex and necessarily political process that comes with many restrictions related to funding, approval of projects and permissible areas of activity. And although Lao CSOs may present carefully worded and nuanced criticisms of the Government of Laos’ governance style and development pathways, direct, public disapproval is not appropriate. CSOs are allowed to be independent organisations, but they are expected to support government development plans.

Lao CSOs that work on poverty reduction and rural development have long understood that forests are an integral part of rural villages’ community livelihoods. They also know that low participation and the lack of benefit-sharing reduces villagers’ opportunities to fully reap what should be their due. The VPA process offers the potential to address these issues and opens new spaces for multi-stakeholder engagement.

An early and promising signal from the Ministry of Agriculture and Forestry’s Department of Forest Inspection (DOFI) came in 2015, when they issued a list of VPA stakeholders that included CSOs. This was followed by a [document approving the formation of a permanent Lao CSO FLEGT Committee](#). With this opening, a small group of Lao CSOs researched how other countries’ CSOs had organised themselves and discussed options for Laos. They exchanged information with International NGOs (INGOs) that had helped other local CSOs in the VPA process and decided that an elected representative committee supported by a network would be most effective. Such a structure overcomes the initial difficulty of contacting, including and coordinating Laos CSOs from around the country and organising elections. The creation of a committee, secretariat and membership-based network was approved by the DOFI in 2015. Official government recognition of the **Lao CSO FLEGT Committee and Network** was an important milestone.



Photo: Lao women in traditional outfits,
by Anthony Guegen

A second challenge confronting the CSO FLEGT Committee and Network was their lack of experience and capacity, but this has now improved. They have organised themselves into a group with a clear vision and mission and are now accepted by other stakeholders (government, private sector, villages) as legitimate and trusted participants, based on the skills and knowledge that they brought to the process.

Acceptance of CSOs as legitimate stakeholders has been an uphill battle. CSOs feel that the VPA stakeholder process is imbalanced: the Lao Government leads and CSOs and the private sector must follow. For instance, government approval was required for the first elected CSO FLEGT Committee in 2015, as well as the new Committee elected in 2018. The central government must be informed about all CSO FLEGT-related activities, and village-level activities require the participation of provincial or district officials. Donor projects for CSOs must also have government approval and are thus delayed by many months. Completed CSO activities must be reported back to the DOFI every two to three months, and engagement with media and external

public communications must first be checked. Close monitoring of CSO activities demonstrates the government's intention to maintain some control over how and what inputs CSOs offer to the VPA process.

In addition, coordination between the Lao CSOs and the FLEGT Standing Office (FSO) is not always efficient. For example, FSO invitations for meetings are sometimes sent late and meeting minutes are not shared. FLEGT documents (e.g., Timber Legality Definitions) are not always available in Lao language or posted publicly; a GIZ-supported [website on the Laos-EU VPA](#) process exists but is outdated and lacks many documents. Internally, some network members who have collected useful field information have not transferred it to the CSO representatives who attend Technical Working Group meetings. Regardless of these shortcomings, as those involved have built trust and grown accustomed to a multi-stakeholder process, coordination has improved and reached a new level in the forest sector.

More information specifically about the [EU-Laos VPA](#) is available [here](#).



Myanmar



VPA Status: Informal preparatory phase

In the [last update](#), continuation of the informal VPA preparatory phase was uncertain, as the UK's Department for International Development (DFID) had halted funding in response to the crisis in Rakhine State. Since then, the UN Food and Agriculture Organisation's (FAO) EU FLEGT Programme has provided interim funding. Progress toward beginning VPA negotiations in Myanmar remains quite slow, although Myanmar's stakeholders remain committed to FLEGT.

FAO-EU FLEGT Programme support currently takes the form of conducting routine meetings of the national and state/regional **Multi-stakeholder Working Groups (MSG)** and funding the FLEGT Secretariat that organises these meetings. The MSG has defined an annual workplan focused on the achievement of milestones previously identified with DFID support, as part of a preparatory phase that may confirm whether Myanmar could engage in formal VPA negotiations with the EU. The first milestone they hope to begin work on is the development of a timber legality definition, but long-term funding support should be committed before concrete planning and dialogue begins.

The work to define chain of custody (CoC) of timber, carried out previously with DFID support, might constitute a first substantive step towards a timber legality definition. A **"dossier" outlining the CoC process in detail** had previously been developed, giving sample documents required at each of the 30 steps to facilitate verification of legal compliance by independent bodies and monitoring by CSOs. Training for those who would be responsible for implementation and verification was the necessary next step. In this regard, [Nature Economy and People Connected](#) (NEPcon) will begin conducting an assessment of the CoC Dossier in July 2019, with funding from the European Timber Trade Federation. FAO training on the CoC Dossier is planned after that, depending on the results of the assessment.

Clarification of land tenure remains necessary. The law on Virgin, Vacant and Fallow Land (VVFL) considers ungazetted land 'vacant' and had been amended in a way that likely weakens the position

of traditional occupants. It is unclear how the **Forest Law passed in 2018**, giving communities stronger rights to forest lands, interacts with broader land tenure issues. However, the implementing rules of the new Forest Law are a significant issue in Myanmar, and this is one area where it is hoped that the MSG could push reform and contribute to improved governance. This could be done by enabling national MSG members to provide inputs during the **consultation process** on implementing rules. The FAO-EU FLEGT Programme and a number of other international organisations and development partners have provided funding to conduct public consultations on the revised Forest Rules. This consultation process, organised by the Forestry Department, conducted meetings in each of Myanmar's 15 states/regions. Ideally, the input received from local stakeholders will be reflected in the final version.

Future FAO support to FLEGT work in Myanmar will depend on the development of a national FLEGT Roadmap, which will inform the allocation of grants or a possible national call for proposals to be issued during the second half of 2019. Meanwhile, the FAO is funding parallel FLEGT projects that provide useful inputs for the multi-stakeholder dialogue, such as awareness-raising on FLEGT and piloting of a legal timber harvest in community forests (see [here](#) and [here](#) for more).

The future of the VPA process in Myanmar is uncertain, and official VPA negotiations remain a distant possibility. The FAO has committed funds through the end of 2019 and could potentially fund FLEGT work in Myanmar until the end of 2021. This does not yet amount to a long-term solution.

Discouraged by past experiences, some view the attempt to reform the illegal timber trade through FLEGT with scepticism. A former CSO representative pointed out that [EIA's recent report](#) demonstrates continued corruption in Myanmar's timber trade. It was feared that CSOs would be prevented by the government from monitoring and verifying the CoC. There was also concern that although the FLEGT Secretariat looked viable, its effectiveness would depend on more accurate representation by the Myanmar Timber Enterprise, the state timber monopoly, "and there is little chance of that."



Vietnam



VPA Status: Signed 19 October 2018

As noted [previously](#), the VPA was signed in October 2018; since then, further preparations for its implementation have been underway. As the process has moved from international negotiation to the practical realities of Vietnam's obligations under the agreement, the focus has been on developing specific mechanisms for implementing and monitoring the VPA.

The key mechanism for engagement between the Vietnamese Government and other stakeholders is the Multi-stakeholder Core Group (MCG); its fifth meeting was held in March 2019. Participants represented a wide range of different interests: government departments, international donors and national CSOs. This was the first formalised meeting of these groups since the signing of the agreement, and therefore discussion centred largely on how the agreement would be put into place.

Currently, a key focus of the Vietnamese Forest Administration (VNFOREST) is on creating the legal framework for the implementation of the **Vietnam Timber Legality Assurance System (VNTLAS)**. The cornerstone of this framework will be a specific

decree issued by the Minister of Agriculture and Rural Development (MARD) on VNTLAS. However, the deadline for this is quite challenging: the final decree must be submitted by December 2019. In late May, MARD released the document for a period of consultation and feedback. This provides an opportunity for CSOs to work with the government as well as other stakeholders, such as timber associations, and small and medium enterprises (SMEs) to help shape legislation and identify any areas that should be strengthened.

The challenge of such consultation periods is the relatively short timeframe. This one closes at the end of August, so VNGO-FLEGT and its CSOs must be ready to coordinate a broad-based consultation and to provide high-quality feedback quickly. Although suggestions are not binding on the government, these consultations do provide an excellent 'entry point' for those interested in the topic to provide input, and also shows the government's inclination to engage with society on the topic.

A second major area of focus is the work to develop a **framework for monitoring and evaluation** of the VPA within Vietnam, which is somewhat in its infancy. An initial outline has been developed alongside terms of reference for the recruitment of consultants to take the work further. The framework



More than 50 per cent of labour in the Vietnamese timber industry is conducted by women.



will lay out the different areas that must be reviewed on an ongoing basis; the aim is to cover the various elements of VPA monitoring and evaluation and is broader and more ambitious in its scope than any previous work in Vietnam to tackle illegal logging.

The framework intends to set down in broad terms how stakeholders can avoid overlap and instead complement one another to ensure that the monitoring and evaluation is efficient and effective. It is hoped that mapping this out will improve understanding among parties. The framework's initial outline has been developed and a variety of different groups, including CSO representatives, were consulted. However, the framework is now quite broad, and it is not possible to know what the eventual level of CSO involvement will be. It could allow for further CSO engagement in monitoring and evaluation, or it could present some obstacles.

In recent months, VNFOREST has secured over US\$250,000 in funding from the UN FAO to support a **communication programme around VNTLAS**. Rather than a general public awareness campaign, this is designed to help VNFOREST fulfil its VPA public disclosure requirements. At the launch workshop, VNFOREST focused on communications rather than public disclosure of data and information concerning, for example, illegally imported timber, illegal logging, deforestation and forest degradation. In April, VNFOREST, the FAO and the International Tropical Timber Organization (ITTO) [organised a workshop in Danang](#) to help build capacity with

regard to forest statistics, which also helps to support public disclosure obligations.

CSOs are not recognised under Vietnamese law, and their participation in decision-making is limited. Non-profit organisations can register and operate under umbrella institutions such as the Vietnam Union for Science & Technology Associations. The VPA negotiation team did not have a CSO representative, although CSOs were invited to provide written comments on the legality definition and public information disclosure annexes that were then sent to the VPA Office.

Overall, because of the VPA and the EU's mandatory requirements, a mechanism for CSO participation exists. Since the establishment of the MCG, stakeholders have a platform to prepare for VPA implementation. CSO participation has gradually improved through the new, more open MCG leadership since mid-2018. It is unclear how effective CSO participation will prove to be given strict controls from a high political level.

The VPA process between the EU and Vietnam has endured for almost nine years now. However, the decisions made over the remainder of 2019 are likely to shape the implementation of the Vietnamese VPA completely and may ultimately define the VPA's long-term effects. CSOs will continue to seek to cooperate with the government to help shape policy, represent vulnerable groups within Vietnam and promote responsible forestry.



Guyana



VPA Status: Initialled 23 November 2018

After [initialling the VPA in November 2018](#), the Parties are working to ratify the Agreement. The EU Commission is scheduled to submit the VPA to the European Parliament for ratification sometime in the first half of 2020; after this, the Guyanese Ministry of Natural Resources will submit the text to its Parliament. If the proposed schedule is maintained, it should be ratified by the end of 2020.

At the same time, the Parties are focused on establishing structures for management, coordination and monitoring of the implementation. The initial implementation activities will be guided by a Pre-Joint Monitoring and Review Committee (Pre-JMRC) and will receive support from other implementing structures such as the Government Coordination Body (GCB) and the National Implementation Working Group (NIWG). While the Pre-JMRC will consist only of Guyanese and EU officials, the NIWG is a multi-stakeholder body (which held its inaugural meeting in March 2019) that has replaced the National Technical Working Group (NTWG) and will monitor VPA implementation.

A key activity in preparation for VPA implementation is the elaboration of a Joint Implementation Framework (JIF), which is being developed by consultants through steps to ensure broad stakeholder input and participation. As it stands, a fourth draft of the JIF will be presented to the NIWG for final comments in July 2019; after these have been incorporated the final JIF will be submitted to the Pre-JMRC for approval.

In terms of **stakeholder participation**, the NIWG represents an improvement on its predecessor as it has an indigenous organisation representative. Indigenous organisations in Guyana had long called for a seat at the table on the NTWG, however, only with the new body were they invited to choose one person to represent them. [Laura George](#) of the Amerindian Peoples Association (APA), the main NGO advocating for indigenous rights protection in Guyana, was elected to take the seat.

Some stakeholders feel that the FLEGT negotiation process, and the fact that the EU, indigenous communities and civil society insisted on stakeholder involvement, have contributed to a new acceptance of stakeholder participation where no such tradition existed before, and even a recognition that such representation is useful.

In terms of the **substantive VPA issues** that have been the source of [concern for indigenous communities](#) – e.g. the lack of secure ownership rights to the full extent of their customary land – it is too early to say how these will be dealt with during the implementation period. Although the legality assurance system, GTLAS (annex V), says that the procedures for forest concession allocation will be updated, there is no tangible promise that this will entail an obligation on the state or concession holders to obtain the FPIC of indigenous communities that do not have a title to their land. It is hoped that JIF activities will make the right to give or withhold FPIC explicit. This right is now arguably a part of the legality definition through the inclusion of both international human rights treaties ratified by Guyana and the national Constitution.

It is important to note that the VPA will not be implemented in a vacuum. The **Amerindian Act** is still being revised and the **Amerindian Land Titling Project** is underway. While the latter was set up to assist the process of securing Indigenous Peoples' land rights, its first years of operation were controversial as the project merely replicated the flawed state process for land-titling, which [frequently mislaid title applications or significantly reduced the areas that were applied for](#). Some communities even ended up getting title grants to completely different areas of lands than those for which they had applied. Several communities realised after the fact that their lands had instead been granted as concessions for extractive activities such as mining and logging. After persistent complaints from communities and solidarity organisations, the project board finally adopted strong [guidelines for land titling](#) in April 2017, which include an FPIC requirement before titling can go ahead, as well as a grievance mechanism.

The GTLAS (annex V) acknowledges the existence of the Amerindian Land Titling Project and states that if the project's recommendations for titling or extensions are endorsed by the Cabinet of Guyana, the GFC must adjust concession boundaries should they overlap with these areas. If this were adhered to, and if the concession allocation process developed during VPA implementation does not count as vacant those lands to which indigenous communities have strong occupation, use and spiritual ties, the VPA process could aid the protection of Indigenous Peoples' rights.



Honduras



VPA status: Agreed 14 June 2018

The VPA between Honduras and the EU was agreed one year ago, riding a great wave of enthusiasm. Since then, work toward eventual ratification and implementation has gotten underway to fill in the many details, implicating a multitude of actors, with fewer spectacular – or even visible – results. The complexity of aligning goals and creating VPA structures and systems, often from scratch, is setting in. Enthusiasm and commitment remain but with actual progress much more incremental, and after all the years of negotiation, motivation is currently at a low ebb.

In [the last update](#) the Honduran executive was working to identify areas where the Honduran and VPA regulatory frameworks needed to be adjusted, that was to be sent to Congress for debate. At its second meeting in March 2019, the pre-Joint Implementation Committee (**pre-CCA**; pre-Comité Conjunto de Aplicación) featuring Honduran and EU representatives, agreed to accelerate the process and sign the VPA in the coming months. VPA “buzz” is palpable: the VPA remains at the forefront of

political consciousness, and is mentioned frequently in broader discussions.

Work continues to prepare for implementation of the **Timber Legality Assurance System (TLAS)**. This involves not only developing criteria and procedures, but also at times creating the responsible institutions and structures; identifying actors who will be charged with the work, and the funding they will need; and defining the tasks they must carry out. Here again, as details multiply, fatigue is setting in.

This does not mean that successes are lacking, however: the five-year plan outlining broad VPA priorities has been completed. The Comité Técnico, a multi-stakeholder group that stands out for its remarkable cooperation, finalised a **roadmap**, which was approved at the [March meeting of the pre-CCA](#).

Another significant achievement is the creation of a **designated technical secretariat** to coordinate VPA implementation. Rather than tacking VPA-related tasks to the existing workloads of other administrators, the government has devoted specific resources to the Secretaría Técnica del AVA (SETAVA) a new entity with the exclusive focus of assisting and coordinating the various actors with implementation of the VPA.



Photo: Workers in a sawmill in Honduras, by the EU FLEGT Facility



Until recently, SETAVA were occupied with setting up shop; they are currently working with the support of an EU-funded consultant to prepare a draft communication strategy for the JIC. A strong basic version has been drawn up, to be discussed and approved by the parties. It will help SETAVA familiarise other public institutions that will be involved in implementing the VPA. These institutions will be instrumental in bringing the terms of the VPA from Tegucigalpa to the countryside and to far-flung municipalities. They will also be instituting a culture of legality there, affecting how the VPA will be enforced. At present, some municipalities fear that their power will diminish, and are therefore considering the VPA and its obligations with suspicion. People are eager to see how this will function.

Among the tasks featured on the roadmap, one of the most fundamental and challenging is to **clarify land tenure** where conflictual or confusing situations exist. Although determining ownership is extremely difficult, the multi-year plan sets a target to regularise 100,000 hectares of traditional lands over the next two years. So far this year, the [Institute of Forest Conservation \(ICF\)](#) has regularised 11,000 hectares.

The land tenure situation may illustrate one reason that motivation has drained: Even good news does not get out. For example, the ICF website has long been down, meaning that the news that 11,000 hectares of land had already been regularised was discovered only with insider knowledge and after considerable hunting. The fundamental difficulty is to create a new culture of **transparency** where no previous tradition exists. Failure to reveal information may not be due to bureaucratic unwillingness to publicise, but because no one has the reflex to make information known, or because the relevant data do not exist. Information that would be helpful in compiling records of ownership, for example, has not been sifted through or was never put in writing, and gathering such basic data is a daunting task.

Finally, **participation** and stakeholder cooperation remain one of the great successes of the VPA process. ICF continues to maintain exchanges with CSOs, which often have access to more accurate information than government institutions. Positive experiences with VPA stakeholder participation has caused others to raise the question of why such consultations do not yet exist in other sectors. Previously, **Indigenous Peoples** had expressed discontent with processes that treated them as a



Photo by the EU FLEGT Facility



homogenous bloc. After the initialling, in addition to the umbrella organisation CONPAH (Confederación de los Pueblos Autóctonos de Honduras), which participated from the second round of negotiations, other Indigenous Peoples organisations such as the Mesa de Unidad del Pueblo Lenca in Honduras (MUPILH) joined the VPA process.

Work continues, ant-like, on many fronts. It would be helpful to boost morale by better publicising even small successes, as pressure mounts to achieve results and work toward ratification and eventual FLEGT licensing. Nonetheless, CSOs are confident that, as successes build, enthusiasm, like the waves, will return with greater energy.



Photo: Field testing in Honduras, October 2016, by EU FLEGT Facility

These occasional Forest Watch Special - FLEGT VPA updates represent civil society perspectives of VPA processes around the world. They are curated by Fern, and are a collaborative effort of civil society representatives across numerous countries, including the co-managers of LoggingOff.info, the online resource for civil society perspectives on VPAs.

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